



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

COUNCIL MEETING

A meeting of W A V E R L E Y C O U N C I L will be held at Waverley Council Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, TUESDAY 23 NOVEMBER 2021

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

Emily Scott
General Manager

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Live Streaming of Meetings

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AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

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

The Mayor will read the following Acknowledgement of Indigenous Heritage:

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

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There are no matters proposed to be dealt with in closed session.

12. Meeting Closure

OBITUARIES CM/3/21.11

Subject: Obituaries
Author: Emily Scott, General Manager



Chrissy Sharp

The Mayor will ask Councillors for any obituaries.

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

CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/21.11



Subject: Confirmation of Minutes - Council Meeting - 26 October 2021

TRIM No: SF21/279

Author: Richard Coelho, Governance Officer

RECOMMENDATION:

That the minutes of the Council Meeting held on 26 October 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 committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

Attachments

1. Council Meeting Minutes - 26 October 2021



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 26 OCTOBER 2021**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemesh	Hunter Ward
Councillor 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
Rachel Hensman	Acting Director, Customer Service and Organisation Improvement
Evan Hutchings	Director, Finance and Governance
Tony Pavlovic	Director, Planning, Environment and Regulatory

At the commencement of proceedings at 7.01 pm, those present were as listed above, with the exception of Cr Burrill who arrived at 7.04 pm during declarations of interests and Cr Wakefield who arrived at 7.26 pm during addresses by members of the public.

At 11.32 pm, following the vote on item CM/8.1/21.10, the Chair adjourned the meeting due to the lateness of the hour, to reconvene at the Council Chambers on 2 November 2021 at 7.00 pm

When the meeting reconvened at 7.00 pm on 2 November 2021, those present were as listed above, with the exception of Cr Wakefield who arrived at 7.07 pm during item CM/8.2/21.10 and Cr Keenan who arrived at 9.38 pm during item CM/10.1/21.10.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15 and informed the meeting that he leases property in Park Parade.
- 2.2 Cr Goltsman declared a pecuniary interest in item CM/7.10/21.10 – Small Grants Round 2021-22 – Round 1 and informed the meeting that he worked on projects with Connections, Opportunities, Activities (COA) and will leave the meeting for the consideration and vote on this item.
- 2.3 Cr Burrill declared a significant non-pecuniary interest in item CM/7.12/21.10 – Community Tenants Accommodation Review – Findings and Recommendations and informed the meeting that she is the organiser of Bondi Beach Playgroups and will leave the meeting for the consideration and vote on this item.
- 2.4 Cr Betts declared a significant non-pecuniary interest in item CM/7.10/21.10 – Small Grants Round 2021-22 – Round 1 and informed the meeting that she is on the board of Easts Cricket Club and will leave the meeting for the consideration and vote on this item.
- 2.5 Cr Masselos declared a less than significant non-pecuniary interest in item CM/7.10/21.10 – Small Grants Round 2021-22 – Round 1 and informed the meeting that she knows a number of the applicants.

3. Obituaries

Uncle Bob Webb

Richard Green

Trevor Wilson

Eddie Jaku

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

4. Addresses by Members of the Public

- 4.1 D Turtle – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.2 U Chauhan – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.3 K and W Morris – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.4 C Johnson – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.5 S Kyvat – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.6 N Barber – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.7 S Redo – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.8 P Beitzel – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.9 A Doctor – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.10 M Mayoh – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.11 V Turner – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.

- 4.12 W Lederman – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.13 B Greaves – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.14 R and D Moalem – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.15 K Jagusch – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.16 H Copley – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.17 F Bolomey – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.18 S Vorchheimer – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.19 P Bouchier – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.20 K Lovegrove – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.21 A and E Jones – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.22 M Salval (President, Tamarama Surf Life Saving Club) – CM/7.13/21.10 – Tamarama Surf Life Saving Club – Lease.
- 4.23 S Langford – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.24 D Bark (on behalf of the NSW Jewish Board of Deputies) – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.25 M Munz – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.26 R Margo – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.27 E Friedlander – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.28 S Rutland – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.29 V Porzsolt – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.

- 4.30 A Ryvchin – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

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

CM/5.1/21.10 Confirmation of Minutes – Council Meeting – 23 September 2021.

CM/7.3/21.10 Annual Returns Disclosing Interests of Councillors and Designated Persons.

CM/7.5/21.10 Investment Portfolio Report – September 2021.

5. Confirmation and Adoption of Minutes

CM/5.1/21.10 Confirmation of Minutes - Council Meeting - 23 September 2021 (SF21/279)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 23 September 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/21.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 September 2021 (SF21/282)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 23 September 2021 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
2. TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.

And that these items be dealt with separately below.

CM/5.2.1/21.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 September 2021 - TC/C.01/21.09 - Park Parade to Watson Street, Bondi - Resident Parking Scheme - Area 15 (A02/0750)

This item was saved and excepted by Cr Masselos.

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

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council adopts the Traffic Committee's recommendation subject to an amendment to clause 1 such that that the recommendation now reads as follows:

That:

1. Council introduces for a 12-month trial a '2P, 6 am–8 pm, Mon–Sun, Permit Holders Excepted, Area 15' resident parking scheme between Bondi Road and Birrell Street, Bondi, in the following streets, as shown in Figure 1 of the report, with a report back to Council at the end of the trial:
 - (a) Park Parade.
 - (b) Bennett Street.
 - (c) Watson Street.
 - (d) King Street.
 - (e) Ewell Street.
 - (f) Ocean Street.
 - (g) Ocean Lane.
 - (h) Grove Street.
 - (i) Coulton Street.
 - (j) Stephen Street.
2. Residents living within the consultation area identified in Figure 1 of the report be eligible for parking permits within this area.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 1.

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

UNANIMOUS DECISION:

That Council adopts the Traffic Committee's recommendation subject to amendments to clause 1 such that that the recommendation now reads as follows:

That:

1. Council introduces a '2P, 8 am–8 pm, Permit Holders Excepted, Area 15' resident parking scheme between Bondi Road and Birrell Street, Bondi, in the following streets, as shown in Figure 1 of the report, with a review to be conducted 12 months after implementation:
 - (a) Park Parade.
 - (b) Bennett Street.
 - (c) Watson Street.
 - (d) King Street.
 - (e) Ewell Street.
 - (f) Ocean Street.
 - (g) Ocean Lane.
 - (h) Grove Street.
 - (i) Coulton Street.
 - (j) Stephen Street.
2. Residents living within the consultation area identified in Figure 1 of the report be eligible for parking permits within this area.

D Turtle, U Chauhan, K and W Morris, C Johnson, S Kyvat, N Barber, S Redo, P Beitzel, A Doctor and M Mayoh addressed the meeting.

CM/5.2.2/21.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 September 2021 - TC/V.01/21.09 - Flood Street/Watkins Street, Bondi - Kerb Buildout (SF21/4465)

This item was saved and excepted by Cr Kay.

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconded: Cr Burrill

That Council:

1. Does not adopt the Traffic Committee's recommendation.
2. Notes feedback and submissions from many residents in Orr, New, Anglesea and Watkins streets stating that they reject the Council proposal.
3. Officers prepare a report with a design for kerb buildouts only in Flood Street for Waverley Traffic Committee consideration and community consultation.
4. Officers regularly monitor the intersection for illegal parking.

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

V Turner, W Lederman, B Greaves, R and D Moalem, K Jagusch, H Copley, F Bolomey, S Vorchheimer, P Bouchier, K Lovegrove and A and E Jones addressed the meeting.

6. Mayoral Minutes

CM/6.1/21.10 Alfresco Dining (A21/0513)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Notes:
 - (a) The NSW State Government's temporary measures to support alfresco dining.
 - (b) Initiatives by the City of Sydney, Inner West and Woollahra Councils to provide alfresco dining opportunities.
2. Understands there is confusion in the business sector about the process to gain Council approval for alfresco dining activities.
3. Officers prepare a report for submission to the next Council meeting that:
 - (a) Outlines a policy for alfresco dining, drawing upon initiatives from other Sydney councils.
 - (b) Clarifies the process for businesses to apply to Council for such approvals.

Background

In walking around Waverley, the business community drew my attention to the State Government's public statements about its commitment to supporting the promotion of alfresco dining and outdoor entertainment. Victor Dominello has been quoted as saying he wanted councils across NSW to partner with the government 'and be bold in their thinking and ideas'.

The business community is seeing other local government areas taking proactive steps to support alfresco dining and outdoor entertainment such as:

- City of Sydney:
 - Transforming 10 lanes and backstreets into dining spaces and walkways.
 - Trialling a fast-tracked, free application process for outdoor dining permits, which will allow some venues to:
 - Increase the space the use on footpaths.
 - Extend their trading hours.
 - Apply to use on-street car parking space for outdoor dining.
 - Host live entertainment in outdoor dining areas.
- Inner West Council voted on the following last month:
 - To expand outdoor dining and live performances to public spaces, such as streets, car parks and parking spaces, and green spaces as well as footpaths.
- Woollahra Municipal Council has stated that it will permit the expansion of outdoor dining spaces

into kerbside parking spaces, with no fees for the first six months.

Some restaurants and cafes have expressed some frustration to me regarding recent attempts to understand the process/gain Council approval for alfresco activities, especially extending into car parking spaces or converting the space occupied by parklets into alfresco dining areas. They saw this initiative as a part of their reboot activities coming out of this most recent long lockdown.

The Bondi Chamber of Commerce highlighted a recent example where a local business was left in the confusing position where they had obtained a relevant grant to support their alfresco initiative and had the relevant liquor and gaming approvals, but were unable to secure Council approval for an extension into one or two car parks outside their premises.

To help our business community rebuild after the protracted COVID lockdown, it is important that we provide clear policies and streamlined implementation measures to support alfresco and outdoor entertainment.

I note that Council staff are preparing an expression of interest submission to the NSW Government's Streets as Shared Spaces grant program by the closing date, 11 November 2021. Grants of up to \$500,000 are available to all councils across NSW. This grant delivers trials that test permanent changes that strengthen the amenity, accessibility and economic vitality of a high street and surrounding area, taking a place-based approach

I am aware that our officers have already commenced considering these policies and I look forward to seeing this policy presented at our next Council meeting.

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

7. Reports

CM/7.1/21.10 Quarterly Budget Review (Q1) - September 2021 (A03/0346)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Director, Finance and Governance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Notes the financial impact of the COVID-19 pandemic on the 2021–22 budget.
3. Adopts the variations to the 2021–22 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report.
4. Notes that the 2020–21 budget surplus of \$1,459,007 has been allocated to the Emergency Reserve, with \$1,338,606 of that Reserve applied to funding the COVID-impacted 2021–22 budget.

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

CM/7.2/21.10 COVID-19 - Council Response, Business Continuity and Community Support Initiatives - Review (A20/0258)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Treats the attachment to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes the review of the financial impact of the COVID-19 Business Continuity and Community Support initiatives, as outlined in Table 1 of the report.
3. Approves the waiving of rent for commercial tenants and community tenants, as set out in the confidential table attached to the report and Table 2 of the report.
4. Approves an amendment of \$91,458 to the 2021–22 budget to reflect the waiving of rent for commercial and community tenants, as set out in the confidential table attached to the report and Table 2 of the report, with this amount to be offset by the Emergency Reserve.
5. Concludes all initiatives outlined in Table 1 of the report on 26 October 2021, with the exception of the footpath seating component.
6. Extends the COVID-19 Business Continuity and Community Support measure (footpath seating) outlined in Table 3 of the report until 30 November 2021 or until such earlier time as determined by Council or the General Manager.
7. Notes the submissions received in response to the public exhibition of the delay in the increase in childcare fees, with the fee increase to be effective from 27 October 2021 in accordance with Council's previous resolution.

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

CM/7.3/21.10 Annual Returns Disclosing Interests of Councillors and Designated Persons (A21/0179)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the returns of Councillors and designated persons disclosing interests for the period 1 July 2020 to 30 June 2021.

CM/7.4/21.10**Public Forum - Review of Extended Trial (SF19/3353)****MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Continues to hold public forums in their current form until the end of this Council term.
2. Promotes attendance and participation at Council and Committee meetings on an ongoing basis, including on social media and Council's website.
3. Notes that Precinct meetings, which are regularly attended by Councillors and staff, offer a forum for residents to raise and discuss issues of importance to them and the community.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Continues to hold public forums for a further trial period of 12 months.
2. Promotes attendance and participation at Council and Committee meetings on an ongoing basis, including on social media and Council's website.
3. Notes that Precinct meetings, which are regularly attended by Councillors and staff, offer a forum for residents to raise and discuss issues of importance to them and the community.

FORESHADOWED MOTION

Mover: Cr Goltsman

That Council notes that public forums have not been satisfactory and considers alternatives, such as promoting attendance and participation at Council and Committee meetings.

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

UNANIMOUS DECISION:

That Council:

1. Continues to hold public forums for a further trial period of 12 months.
2. Promotes attendance and participation at Council and Committee meetings on an ongoing basis, including on social media and Council's website.
3. Notes that Precinct meetings, which are regularly attended by Councillors and staff, offer a forum for residents to raise and discuss issues of importance to them and the community.

CM/7.5/21.10 Investment Portfolio Report - September 2021 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

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

CM/7.6/21.10 Draft Waverley Local Housing Strategy Implementation and Delivery Plan (A19/0332)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Keenan

That Council:

1. Requests a variation to the Department of Planning, Industry and Environment (DPIE) conditions as follows:
 - (a) There are no Council-led planning proposals to increase density on Curlewis Street and/or Bondi Road.
 - (b) Proponent-led planning proposals will continue to be considered.
2. Seeks a 'Gateway Review' at the Independent Planning Commission (IPC) for the Waverley Affordable Housing Contributions Scheme Planning Proposal to:
 - (a) Challenge DPIE's rejection of the Waverley Affordable Housing Contributions Scheme.
 - (b) Advocate to the DPIE to review its Guideline for Developing an Affordable Housing Contribution Scheme to be more in line with the *Environmental Planning and Assessment Act*.
3. Endorses the draft Waverley Local Housing Strategy Implementation and Delivery Plan attached to the report for submission to the DPIE.

Division

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

Against the Motion: Nil.

At 9.38 pm, following the vote on this item, the meeting adjourned for a short break.

At 9.47 pm, the meeting resumed.

CM/7.7/21.10 Voluntary Planning Agreement - 157-159 Military Road, Dover Heights (DA-316/2015/B)**MOTION**

Mover: Cr Lewis
Seconder: Cr Copeland

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 157–159 Military Road, Dover Heights, offering a total monetary contribution of \$54,320, with \$40,740 (75%) to be allocated to the upgrade and improvement of parks and reserves in Dover Heights and \$13,580 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 157–159 Military Road, Dover Heights, offering a total monetary contribution of \$54,320, with \$40,740 (75%) to be allocated to the upgrade and improvement of parks and reserves in Dover Heights, specifically the coastal fence upgrade project, and \$13,580 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Lewis, Masselos and Nemesh.

Against the Motion: Crs Keenan and Wy Kanak.

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

CM/7.8/21.10 Smart Cities Mobility - The Pick-up/Drop-off (PUDO) Project (SF18/4225)**MOTION**

Mover: Cr Lewis
Seconder: Cr Wy Kanak

That Council:

1. Supports the findings of the Pick-up/Drop-off (PUDO) Project and concludes that the trial of the PUDO bays was successful.
2. Makes the PUDO bays permanent, subject to Council adopting the Waverley Traffic Committee's recommendation, made at its meeting on 23 September 2021, to support the continuation of the

PUDO bays.

3. Continues to expand the PUDO Project in partnership with Transport for NSW and key stakeholders.

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 Council:

1. Supports the findings of the Pick-up/Drop-off (PUDO) Project and concludes that the trial of the PUDO bays was successful.
2. Notes that the PUDO bays have been made permanent by Council adopting item TC/CV.01/21.09 of the minutes of the September Traffic Committee meeting.
3. Continues to expand the PUDO Project in partnership with Transport for NSW and key stakeholders.

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

CM/7.9/21.10 Grafton Street Bicycle Cage - Lease (SF21/4020)

MOTION

Mover: Cr Lewis
Seconder: Cr Goltsman

That Council:

1. Enters into a lease with Transport for NSW (TfNSW) for the land on which a bicycle parking cage will be located near the corner of Grafton Street and Grosvenor Street, Bondi Junction.
2. Delegates authority to the General Manger to finalise negotiations and execute the lease.
3. Procures the bicycle cage from the supplier currently used by TfNSW for bicycle cages.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1.

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

UNANIMOUS DECISION:

1. Enters into a peppercorn lease with Transport for NSW (TfNSW) for the land on which a bicycle parking cage will be located near the corner of Grafton Street and Grosvenor Street, Bondi Junction.
2. Delegates authority to the General Manger to finalise negotiations and execute the lease.
3. Procures the bicycle cage from the supplier currently used by TfNSW for bicycle cages.

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

CM/7.10/21.10 Small Grants Round 2021-22 - Round 1 (A21/0261)

Cr Goltsman declared a pecuniary interest in this item and informed the meeting that he has worked on projects with Connections, Opportunities, Activities (COA). Cr Goltsman was not present at, or in sight of, the meeting for the consideration and vote on this item.

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

Cr Masselos declared a less than significant non-pecuniary interest in this item and informed the meeting that she knows a number of the applicants.

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council, under the Small Grants Program 2021–22 (Round 1), grants \$50,600 to the individuals and organisations as set out in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

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

CM/7.11/21.10 Public Gardening Policy and Verge Garden Guidelines - Adoption (A13/0054)**MOTION**

Mover: Cr Masselos

Seconder: Cr Copeland

That Council:

1. Adopts the Public Gardening Policy attached to the report (Attachment 1), subject to extending it to address laneway verge gardens.
2. Notes the Verge Garden Guidelines and expression of interest form attached to the report (Attachments 2 and 3).

FORESHADOWED MOTION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council defers this item for further consideration of the nature and process of issuing the 'permission' to use verge gardens.

THE MOTION WAS THEN PUT AND DECLARED LOST.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

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

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

UNANIMOUS DECISION:

That Council defers this item for further consideration of the nature and process of issuing the 'permission'

to use verge gardens, and of compliance and inspection, to be discussed at a Councillor workshop.

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

CM/7.12/21.10 Community Tenants Accommodation Review - Findings and Recommendations (SF19/3947)

Cr Burrill declared a significant non-pecuniary interest in this item and informed the meeting that she is the organiser of Bondi Beach Playgroups. Cr Burrill was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Treats Attachment 3 of the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Adopts the Community Tenancy Policy attached to the report (Attachment 1).
3. Notes the findings of the Community Tenants Accommodation Review attached to the report (Attachment 2).
4. Approves the recommendations in relation to new leasing arrangements for community tenants, including lease term and commencement rents, summarised in Table 2 of confidential Attachment 3 of the report.
5. Authorises the General Manager to do all things necessary to finalise negotiations with tenants and execute the leases, including approval of a shorter lease term should this be requested by tenants.

Crs Betts, Kay and Wakefield were not present for the vote on this item.

CM/7.13/21.10 Tamarama Surf Life Saving Club - Lease (SF21/4820)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Copeland

That Council:

1. Enters into a lease with Tamarama Surf Life Saving Club for the Club's premises for a term of 20 years on the terms set out in the report.
2. Authorises the General Manager to finalise negotiations and execute the lease documentation.

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

M Salval (President, Tamarama Surf Life Saving Club) addressed the meeting.

8. Notices of Motions

CM/8.1/21.10 Bronte Park and Beach - Primary Access Point (A16/0168)

MOTION

Mover: Cr Burrill

Seconder: Cr Kay

That Council:

1. Notes that the Bronte Park and Beach Plan of Management recognises issues of accessibility and makes provision for paths to be regraded to meet accessibility standards.
2. Notes that community representation has indicated concerns that entrance paths into Bronte Park from Bronte Road are inadequate and inconvenient, and not wide enough for a reasonable volume of pedestrian traffic.
3. Develops design options for:
 - (a) An accessible path connection (compliant with AS1428 Australian Standards for Access and Mobility) from the Bronte Village Centre and bus terminal into Bronte Park and onto the promenade.
 - (b) Widening paths within the park to enable a good flow of pedestrians and address bottlenecks during peak times.
 - (c) A separate entrance path into Bronte Park opposite the pedestrian crossing.
4. Officers report to Council on design options, program and funding implications.
5. Notes that construction funding would be considered in the development of future Capital Works budgets.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes that the Bronte Park and Beach Plan of Management recognises issues of accessibility and makes provision for paths to be regraded to meet accessibility standards.
2. Notes that community representation has indicated concerns that entrance paths into Bronte Park from Bronte Road are inadequate and inconvenient, and not wide enough for a reasonable volume of pedestrian traffic.
3. Develops design options for:
 - (a) Improving and making compliant with AS1428 Australian Standards for Access and Mobility the shared way access path from the Bronte Village Centre and bus terminal into Bronte Park and onto the promenade.

- (b) Widening paths within the park to enable a good flow of pedestrians and address bottlenecks during peak times.
 - (c) A separate entrance path into Bronte Park opposite the pedestrian crossing.
4. Officers report to Council on design options, program and funding implications.
 5. Notes that construction funding would be considered in the development of future Capital Works budgets.

Division

For the Motion: Crs Betts, Burrill, Goltsman, Kay, Keenan, Nemesh and Wakefield.

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

CM/8.2/21.10 Customer Service Centre (A02/0777)**MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council:

1. Notes that \$300,000 is already allocated for improvements to the Customer Service Centre in 2022–23 of the Long Term Financial Plan (LTFP) within the Strategic Asset Management Program (SAMP), with additional funding to be allocated for building improvements in future years of the LTFP.
2. Officers consider including the following in any proposed design of the Customer Service Centre refit within the existing footprint:
 - (a) Improved accessibility.
 - (b) An improved Planning and 'Have Your Say' area, with spaces for group conversation and technology access.
 - (c) Space that could be available for community venue hire.
 - (d) Providing level access to public amenities from Spring Street, including an accessible toilet.
 - (e) Improved staff accommodation.
 - (f) Maintaining an enhanced JP service function.
3. Officers report back to Council with options and costings.

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

CM/8.3/21.10 Hard Rubbish Waste Collection (A16/0227)**MOTION**

Mover: Cr Burrill

Seconder: Cr Betts

That Council:

1. Notes that a review of waste services is being undertaken by Council's Waste and Recycling Service Manager and a report will come to Council early in 2022.
2. Investigates adding a geographic information system (GIS) embedded into the website that would enable residents to easily identify when their scheduled hard rubbish clean-up day will occur and other waste-related information.
3. Considers additional Your Call Clean Ups to align with Randwick Council, which offers one scheduled collection and five booked collections per year.
4. Considers developing service standards on waiting times or a prioritisation system for Your Call Clean Up collections to prevent residents dumping hard rubbish on their footpaths due to a time delay in being able to access a scheduled collection.
5. Investigates how Woollahra and Randwick Councils discourage trade and other non-residential waste being dumped in their publicly available hard rubbish clean up zones, as this type of waste has significant cost implications for Council and creates pollution issues.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 2 AND 4.

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

UNANIMOUS DECISION:

That Council:

1. Notes that a review of waste services is being undertaken by Council's Waste and Recycling Service Manager and a report will come to Council early in 2022.
2. Investigates adding a mapping system dedicated to Council's waste collection processes accessed via Council's website.
3. Considers additional Your Call Clean Ups to align with Randwick Council, which offers one scheduled collection and five booked collections per year.
4. Considers an online booking system and developing service standards on waiting times or a prioritisation system for Your Call Clean Up collections to prevent residents dumping hard rubbish on their footpaths due to a time delay in being able to access a scheduled collection.
5. Investigates how Woollahra and Randwick Councils discourage trade and other non-residential waste being dumped in their publicly available hard rubbish clean up zones, as this type of waste has significant cost implications for Council and creates pollution issues.

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

**CM/8.4/21.10 Antisemitism - Adoption of International Holocaust Remembrance Alliance
Working Definition (A21/0499)**

MOTION

Mover: Cr Kay
Seconder: Cr Nemesh

That Council:

1. Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including all IHRA examples of contemporary antisemitism (both contained in the background provided with this notice of motion) as an important tool in recognising and combating manifestations of antisemitism.
2. Calls on all Australian political parties, universities, councils, and other public bodies and organisations to also adopt the definition and use it to better understand and act against anti-Jewish hatred.
3. Publicises the resolution and the background provided with this notice of motion on Council's website, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.
4. Officers consider how adoption of the working definition and its examples informs the development of Council's Community Strategic Plan 2022–2032 and actions in Council's Cultural Diversity Strategy 2021–2031.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including all IHRA examples of contemporary antisemitism (both contained in the background provided with this notice of motion) as an important tool in recognising and combating manifestations of antisemitism.
2. Calls on all Australian political parties, universities, councils, and other public bodies and organisations to also adopt the definition and use it to better understand and act against anti-Jewish hatred.
3. Where appropriate, publicises the resolution and the background provided with this notice of motion on Council's website, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.
4. Officers consider how adoption of the working definition and its examples informs the development of Council's Community Strategic Plan 2022–2032 and actions in Council's Cultural Diversity Strategy 2021–2031.

FORESHADOWED MOTION 1

Mover: Cr Wy Kanak

That Council condemns antisemitism and any form of racism, and refers the motion and its discussion to

Council's Multicultural Advisory Committee for its work on a broader anti-racism strategy.

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT THE FORESHADOWED MOTION WAS OUT OF ORDER.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

AMENDMENT

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That clause 3 be amended to read as follows:

'Where appropriate, publicises the resolution and the background provided with this notice of motion on Council's website, together with a reference to the Jerusalem Declaration, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Copeland and Wy Kanak

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

FORESHADOWED MOTION 2

Mover: Cr Wy Kanak

That Council condemns antisemitism and any form of racism, and refers the motion, together with a reference to the Jerusalem Declaration and its discussion, to Council's Multicultural Advisory Committee for its work on a broader anti-racism strategy.

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT THE FORESHADOWED MOTION WAS OUT OF ORDER.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

For the Motion of Dissent: Crs Copeland and Wy Kanak

Against the Motion of Dissent: Crs Betts, Burrill, Goltsman, Kay, Lewis, Masselos, Nemesh and Wakefield.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including all IHRA examples of contemporary antisemitism (both contained in the background provided with this notice of motion) as an important tool in recognising and combating manifestations of antisemitism.
2. Calls on all Australian political parties, universities, councils, and other public bodies and organisations to also adopt the definition and use it to better understand and act against anti-Jewish

hatred.

3. Where appropriate, publicises the resolution and the background provided with this notice of motion on Council's website, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.
4. Officers consider how adoption of the working definition and its examples informs the development of Council's Community Strategic Plan 2022–2032 and actions in Council's Cultural Diversity Strategy 2021–2031.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh and Wakefield.

Against the Motion: Cr Wy Kanak.

Cr Keenan was not present for the votes on this item.

S Langford, D Bark (on behalf of the NSW Jewish Board of Deputies), M Munz, R Margo, E Friedlander, S Rutland, V Porzsolt and A Rychin addressed the meeting.

CM/8.5/21.10 Oxford Street Mall Upgrade (A14/0404)

MOTION

Mover: Cr Burrill

Seconder: Cr Betts

That Council:

1. Consults residents, businesses and other stakeholders to develop a master plan for the re-creation of Oxford Street Mall with a vision for the centre to become an attractive, flourishing destination for day and evening activities.
2. Seeks new funding sources for the upgrade and revitalisation of the Oxford Street Mall that would enable the re-creation project to be brought forward with an accelerated timetable.
3. Urgently addresses the replacement of shade structures and improvements to the paving.
4. Expedites the safety measures such as 'safety by design' and cyclist prevention, with a report to come to Council as soon as possible.
5. Notes that the upgrade of the Oxford Street Mall is listed on the Long Term Financial Plan (LTFP) for \$6 million over 10 years, with \$1 million in 2022–23 and the balance falling in 2026–2032.
6. Notes that there is no current strategy or plan for the upgrade of the Mall and the shade structures are in very poor condition and are overdue for replacement.
7. Notes that new garden structures and bike parking is planned to be installed at both ends of the Mall in 2021–22.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Requests officers to monitor the level of activity in Bondi Junction over the Christmas period and report to Council in February 2022, at which stage Council is to undertake the following:
 - (a) Consult residents, businesses and other stakeholders to develop a master plan for the re-creation of Oxford Street Mall with a vision for the centre to become an attractive, flourishing destination for day and evening activities.
 - (b) Seek new funding sources for the upgrade and revitalisation of the Oxford Street Mall that would enable the re-creation project to be brought forward with an accelerated timetable.
 - (c) Address the replacement of shade structures and improvements to the paving.
 - (d) Expedite safety measures, such as cyclist prevention, with a report to come to Council as soon as possible.
2. Notes that the upgrade of the Oxford Street Mall is listed on the Long Term Financial Plan (LTFP) for \$6 million over 10 years, with \$1 million in 2022–23 and the balance falling in 2026–2032.
3. Notes that there is no current strategy or plan for the upgrade of the Mall and the shade structures are in very poor condition and are overdue for replacement.
4. Notes that new garden structures and bike parking is planned to be installed at both ends of the Mall in 2021–22.

Division

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

Against the Motion: Nil.

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

CM/8.6/21.10 Bondi Beach Stairs - First Nations Language Art (A18/0189)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Copeland

That:

1. Observing First Nations protocols with cultural sensitivities and after a referral to the Reconciliation Action Plan (RAP) Advisory Committee for discussion, Council consults on a potential cultural art and language project to place Aboriginal art and interpretive language on the main Bondi Beach stairs (vertical faces) between the promenade and the beach sand.
2. Subject to RAP Advisory Committee recommendation and community consultation, this potential project be completed using First Nations artists and language holders with local 'connections to country.'

3. As well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in the United Nations International Decade 2022–2032 of Indigenous Languages to resource this project.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 AND THE DELETION OF CLAUSE 2.

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

UNANIMOUS DECISION:

That:

1. Council refers to the Reconciliation Action Plan (RAP) Advisory Committee the discussion of a potential cultural art and language project using First Nations artists and language holders with local 'connections to country' to place Aboriginal art and interpretive language on the main Bondi Beach stairs (vertical faces) between the promenade and the beach sand, with a report from the RAP to come back to Council for consideration with a funding source.
2. As well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in the United Nations International Decade 2022–2032 of Indigenous Languages to resource this project.

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

CM/8.7/21.10 Bondi Pavilion Amphitheatre - First Nations Sandstone Carving (A15/0272)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Copeland

That:

1. Observing First Nation protocols with cultural sensitivities and after a referral to the Reconciliation Action Plan (RAP) Advisory Committee for discussion, Council consults on potentially using some replicative Aboriginal sandstone carvings, which reference rock carvings in the boondiboondi Bondi area, in the design options for a reimagined Bondi Pavilion amphitheatre.
2. Subject to RAP Advisory Committee recommendation and community consultation/discussion this potential project be completed using First Nation artists and knowledge holders with local 'connections to country.'
3. As well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in progressing the United Nations Declaration on the Rights of Indigenous Peoples.

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

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

UNANIMOUS DECISION:

That:

1. Council notes that:
 - (a) A decision on the amphitheatre at Bondi Pavilion is still subject to further investigation and that no decision as to its construction has been made.
 - (b) A further report will come back to Council in early 2023 in relation to clause 1(a) above.
2. In the event that an amphitheatre at Bondi Pavilion is approved by Council, and subject to Reconciliation Action Plan (RAP) Advisory Committee and Public Art Committee recommendation and a report coming back to Council, Council consults on potentially using some replicative Aboriginal sandstone carvings, which reference rock carvings in the boondiboondi Bondi area, in the design options for a reimagined Bondi Pavilion amphitheatre, using First Nations artists and knowledge holders with local 'connections to country' and observing First Nations protocols with cultural sensitivities.
3. That as well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in progressing the United Nations Declaration on the Rights of Indigenous Peoples.

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

CM/8.8/21.10 DA Tracker - Enhancing Planning Transparency (A21/0500)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Copeland

That Council investigates:

1. Options to upload more development-related information to its DA Tracker, including:
 - (a) Geotechnical and other engineering reports.
 - (b) Construction management plans.
 - (c) Construction certificates.
 - (d) Construction zone permits.
 - (e) Occupation certificates.
2. Mechanisms to identify differences in design and development controls that have occurred in the progress of a development application from approval to eventual occupation.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council investigates, subject to considering issues of intellectual property and copyright in relation to

third party documents in addition to compliance with the *Privacy and Personal Information Protection Act 1998*:

1. Options to upload more development-related information to its DA Tracker, including:
 - (a) Geotechnical and other engineering reports.
 - (b) Construction management plans.
 - (c) Construction certificates.
 - (d) Construction zone permits.
 - (e) Occupation certificates.
2. Mechanisms to identify differences in design and development controls that have occurred in the progress of a development application from approval to eventual occupation.

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

CM/8.9/21.10 First Nations Calendar - Sovereignty/Freedom Day (A18/0112)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Copeland

That Council:

1. Refers a discussion to the Reconciliation Action Plan (RAP) Advisory Committee on the topic of marking 'Sovereignty Day', or 'Sovereignty Day', 22 August, as an annual additional day on the First Nations community calendar that can reference the unceded sovereignty asserted by First Nations peoples and act as a focus day for discussions on the path to treaties and declarations of understanding for Australia's nationhood.
2. Subject to the RAP Advisory Committee's recommendation, Council with courtesy refers this motion/resolution to broader community consultation, including developing an inter-council relationship with Torres Shire Council, which covers Bedanug, 'Possession Island', to which the date of 22 August (1770) is referenced.

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

'Refers a discussion to the Reconciliation Action Plan (RAP) Advisory Committee on the topic of marking "Sovereignty Day", or "Sovereignty Day", 22 August, as an annual additional day on the First Nations community calendar that can reference the unceded sovereignty asserted by First Nations peoples and act as a focus day for discussions on the path to treaties and declarations of understanding for Australia's nationhood, and a report comes back to Council.'

AMENDMENT

Mover: Cr Nemesh
Seconder: Cr Betts

That clause 2 be deleted.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council refers a discussion to the Reconciliation Action Plan (RAP) Advisory Committee on the topic of marking 'Sovereignty Day', or 'Sovreignty Day', 22 August, as an annual additional day on the First Nations community calendar that can reference the unceded sovereignty asserted by First Nations peoples and act as a focus day for discussions on the path to treaties and declarations of understanding for Australia's nationhood, and a report comes back to Council.

Cr Keenan was not present for the votes on this item.

At 9.20 pm at the reconvened meeting, and following the vote on this item, the meeting adjourned for a short break.

At 9.28 pm, the meeting resumed.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

CM/10.1/21.10 Greater Sydney Parklands Trust Bill (A03/0943)

The Chair ruled that this matter was urgent.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Second: Cr Burrill

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

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Second: Cr Burrill

That Council:

1. Notes that the Draft Exposure Bill: Greater Sydney Parklands Trust Bill was released on 1 October 2021 and the NSW Government is seeking feedback until 29 October 2021.
2. Notes that in September 2020, Council made a submission to the Department of Planning, Industry and Environment on the 50-year Vision for Sydney's Parklands and Open spaces Discussions Paper, which called for:
 - (a) The independence of the Centennial Park and More Park Trust, and other local parklands trusts, to preserve and protect independent local governing authorities of public parkland in NSW.

- (b) Providing recurrent State funding for the parkland to ensure there is no need for commercialisation of public parkland.
 - (c) Committing to ensuring the objects of the Agency are directed towards preserving and protecting open, green spaces and public parklands.
 - (d) Ensuring a governance model that will allow for a sufficient level of local community input.
3. Makes a submission on the Greater Sydney Parklands Trust Bill that reflects our original concerns, including:
- (a) Consideration being given to establishing a specific Community Trustee Board for Centennial Park and Moore Park (rather than a group that covers a number of different parklands) and that a Council representative be appointed to that Board.
 - (b) Safeguarding any income generated from Centennial Park, Queens Park and Moore Park is spent on Centennial Park, Queens Park and Moore Park.
 - (c) Requesting a four-week extension on the exhibition period.
4. Uses Council's social media platforms and Council's website to advise the community about the proposed changes of the management of Centennial Park and Moore Park under the proposed Greater Sydney Parklands Bill and the opportunity to make public submissions on the 'Bill.'
5. Writes to the Minister for Planning and Public Spaces about the Greater Sydney Parklands Trust Bill outlining our concerns and seeking a four-week extension of the consultation period to allow the community to make submissions.

Background

Centennial Park, Queens Park and Moore Park are well loved and well used public open space. These parks provide rare open space for the Waverley local government area, which is one of the most densely populated LGAs in Australia. In fact, these parks operate like our backyards. During the COVID lockdown, they especially provided a sanctuary for many of us as a place for exercise, and maintenance of our health, mental health and wellbeing.

The proposed Bill has a significant impact on our 'backyard', yet the consultation is being rushed through under the cover of COVID. Further, consolidating all the major parks under one body runs counter to the Greater Sydney Commission's Metropolis of Three Cities Plan. Given the implications of the Bill, the public needs more time to understand what is being proposed and to have their say on this piece of legislation. A four-week extension needs to be granted immediately.

Council officers note that the Bill requires Councils adjacent to the greater Sydney Parklands to consider the potential impacts of additional overshadowing on the parks when assessing development applications to ensure the amenity of the parklands are protected from adjacent high-rise development, but not planning proposals.

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

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

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

I also note that the Alliance for Public Parkland's also objects to the Great Sydney Parklands Trust Exposure bill on several important grounds, key being the following:

- The Bill does not reflect or support the Minister's original 50-Year Vision or the aims and objects contained in the White Paper, providing negligible protections of the five iconic parklands across the State.
- The Bill embeds in legislation the power to commercialise the parklands and is perceived as a framework for asset recycling.
- Lacks a funding commitment from the state government.
- There needs to be an undertaking that our precious green open spaces should be for the public and not for sale or privatisation.
- There is no explicit mechanism to ensure the fulfilment of the principal objective, which is to conserve, restore and enhance the natural environment of the parklands estate.

11. Closed Session

CM/11.1/21.10 CONFIDENTIAL REPORT - Rowe Street Project - Update (A13/0061)

Council dealt with this item partly in open session.

MOTION

Mover: Cr Masselos
Seconder: Cr Nemesh

That Council defers this item to the next Council meeting.

FORESHADOWED MOTION

Mover: Cr Wakefield

That Council adopts the recommendation contained in the confidential report.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council defers this item to the next Committee meeting.

Division

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

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

WHILE THE MEETING WAS IN ADJOURNMENT, A NOTICE OF MOTION TO RESCIND THIS RESOLUTION WAS LODGED WITH THE GENERAL MANAGER.

WHEN THE MEETING RECONVENED ON 2 NOVEMBER 2021, COUNCIL RESOLVED UNANIMOUSLY TO DEAL

WITH THE RESCISSION MOTION AS AN ITEM OF URGENT BUSINESS ON A MOTION MOVED BY CR BETTS AND SECONDED BY CR MASSELOS.

THE FOLLOWING MOTION WAS THEN MOVED:

MOTION

Mover: Cr Betts
Seconder: Cr Burrill

That Council rescinds resolution CM/11.1/21.10 – CONFIDENTIAL REPORT – Rowe Street Project – Update passed at the Council meeting on 26 October 2021.

FORESHADOWED MOTION

Mover: Cr Betts

That Council adopts the recommendation contained in the confidential report.

THE MOTION WAS PUT AND DECLARED CARRIED.

THE FORESHADOWED MOTION NOW BECAME THE MOTION AND WAS MOVED AS FOLLOWS:

MOTION

Mover: Cr Betts
Seconder: Cr Burrill

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes the draft Project Management Agreement attached to the report (Attachment 2).
3. Notes the draft Probity Plan attached to the report (Attachment 3).
4. Affirms the appointment of Blare Management as external project manager representing both parties.
5. Authorises the General Manager to negotiate and finalise the draft Project Management Agreement and draft Probity Plan.
6. Receives a further report in February 2022 with the finalised draft Probity Plan and draft Project Agreement for endorsement.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED:

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Goltsman

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act* for the reason specified:

CM/11.1/21.10 CONFIDENTIAL REPORT - Rowe Street Project - Update

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

At 9.48 pm at the reconvened meeting, Council moved into closed session.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes the draft Project Management Agreement attached to the report (Attachment 2).
3. Notes the draft Probity Plan attached to the report (Attachment 3).
4. Affirms the appointment of Blare Management as external project manager representing both parties.
5. Authorises the General Manager to negotiate and finalise the draft Project Management Agreement and draft Probity Plan.
6. Receives a further report in February 2022 with the finalised draft Probity Plan and draft Project Agreement for endorsement.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh and Wakefield.

Against the Motion: Cr Wy Kanak.

12. Resuming in Open Session**CM/12/21.10 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council resumes in open session.

At 9.57 pm at the reconvened meeting, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.

13. Meeting Closure**THE MEETING CLOSED AT 9.58 PM.**

.....
SIGNED AND CONFIRMED
MAYOR
23 NOVEMBER 2021

CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/21.11



Subject: Adoption of Minutes - Waverley Traffic Committee Meeting - 28 October 2021

TRIM No: SF21/282

Author: Richard Coelho, Governance Officer

RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 October 2021 be received and noted, and that the recommendations contained therein be adopted.

Introduction/Background

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

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

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

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

Attachments

1. Waverley Traffic Committee Minutes - 28 October 2021

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE
MEETING HELD BY VIDEO CONFERENCE ON
THURSDAY, 28 OCTOBER 2021**



Voting Members Present:

Cr P Masselos	Waverley Council – Chair
Sgt L Barrett	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr V Le	Transport for NSW – Network and Safety Services Manager
Mr P Pearce	Representing Marjorie O’Neill, MP, Member for Coogee
Ms J Zin	Representing Gabrielle Upton, MP, Member for Vacluse

Also Present:

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

At the commencement of proceedings at 10.00 am, those present were as listed above, with the exception of Mr R Autar who arrived at 10.03 am.

At 10.17 am, Mr P Pearce left the meeting and did not return.

Apologies

There were no apologies.

Declarations of Pecuniary and Non-Pecuniary Interests

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

Adoption of Previous Minutes by Council - 23 September 2021

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 23 September 2021 were adopted by Council at its meeting on 26 October 2021 with the following changes:

1. TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.

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

That:

1. Council introduces a '2P, 8 am–8 pm, Permit Holders Excepted, Area 15' resident parking scheme between Bondi Road and Birrell Street, Bondi, in the following streets, as shown in Figure 1 of the report, with a review to be conducted 12 months after implementation:
 - (a) Park Parade.
 - (b) Bennett Street.
 - (c) Watson Street.
 - (d) King Street.
 - (e) Ewell Street.
 - (f) Ocean Street.
 - (g) Ocean Lane.
 - (h) Grove Street.
 - (i) Coulton Street.
 - (j) Stephen Street.
2. Residents living within the consultation area identified in Figure 1 of the report be eligible for parking permits within this area.

2. TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.

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

That Council:

1. Does not support the Waverley Traffic Committee recommendation for kerb buildouts in both Flood Street and Watkins Street at the Watkins Street/Flood Street intersection.
2. Notes feedback and submissions from many residents in Orr, New, Anglesea and Watkins streets stating that they reject the Council proposal.

3. Officers prepare a report with a design for kerb buildouts only in Flood Street for Waverley Traffic Committee consideration and community consultation.
4. Officers regularly monitor the intersection for illegal parking.

ITEMS BY EXCEPTION

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

- TC/V.02/21.10 45-47 Ramsgate Avenue, Bondi Beach – Temporary Road Closure for Panel Lift.
- TC/V.04/21.10 47 Beach Road, Bondi Beach – Construction Zone.
- TC/V.05/21.10 59 Wallangra Road, Dover Heights – Construction Zone.
- TC/V.06/21.10 157–159 Military Road, Dover Heights – Construction Zone in Blake Street.
- TC/V.07/21.10 12 Burge Street, Vaucluse – Construction Zone.

PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS

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

TC/C STATE ELECTORATE OF COOGEE

- TC/C.01/21.10 39-43 Waverley Street, Bondi Junction - 'No Parking' Zone - Removal (A14/0145)

COUNCIL OFFICER'S PROPOSAL:

That Council replaces the 12.3 metre 'No Parking' zone outside 39–43 Waverley Street, Bondi Junction, with a '1/2P Meter Registration 8 am–9 pm Permit Holders Excepted Area 22' restriction.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/C.02/21.10 Scott Street and Marroo Street Intersection, Bronte - 'No Stopping' Zone (A14/0145)**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 10 metre 'No Stopping' zone on the southern and northern side of Scott Street, Bronte, at the intersection of Marroo Street.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That:

1. The Council Officer's Proposal not be adopted.
2. Council refers this item back to the Traffic Committee to investigate installing No Stopping zones of less than 10 metres at the intersection of Scott Street and Marroo Street, Bronte, subject to compliance with Transport for NSW guidelines.

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

TC/V STATE ELECTORATE OF VAUCLUSE**TC/V.01/21.10 Blake Street, Dover Heights - Traffic Calming (A03/0042-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs two sets of rubber speed cushions in Blake Street, Dover Heights, for a 12-month trial, as shown in Figure 2 of the report.
2. Installs a 10 metre 'BB' line at the intersection of Blake Street and Old South Head Road, as shown in Figure 3 of the report.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.02/21.10 45-47 Ramsgate Avenue, Bondi Beach - Temporary Road Closure for Panel Lift (SF21/4719)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Approves the temporary road and footpath closure of Ramsgate Avenue, Bondi Beach, between Campbell Parade and Wairoa Avenue, over two consecutive Sundays on dates to be agreed with Council, to facilitate the installation of structural panels, in accordance with the Traffic Guidance Scheme attached to the report and subject to the applicant:
 - (a) Notifying NSW Police and obtaining relevant approvals.
 - (b) Notifying NSW Ambulance Service and NSW Fire and Rescue.
 - (c) Notifying affected residents at least five working days prior to the event, with a follow-up notification on the day prior to day one of the road closure.
 - (e) Liaising with the residents of 66, 68, and 70A Ramsgate Avenue, whose driveways will be blocked for a short period of time (up to 20 minutes) during each lift.
 - (f) Using traffic controllers accredited by Transport for NSW.
 - (h) Covering all costs associated with closing the road, including traffic control and permit fees.
2. Removes parking spaces from 4 pm on the Saturday before the closure occurs.
3. Delegates authority to the Executive Manager, Infrastructure Services, to approve the dates that the operation will occur and to extend the dates, if required.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.03/21.10 Blair Street and Glenayr Lane Intersection, Bondi Beach - 'No Stopping' Zone (A14/0145)

COUNCIL OFFICER'S PROPOSAL:

That Council installs a 'No Stopping (Right)' zone on the eastern corner of the intersection of Blair Street and Glenayr Lane, Bondi Beach, as shown in Figure 2 of the report.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That:

1. The Council Officer's Proposal not be adopted.

2. Council refers this item back to the Traffic Committee to investigate alternative locations and additional treatments for the 'No Stopping (Right)' zone proposed on the eastern corner of the intersection of Blair Street and Glenayr Lane, Bondi Beach.

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

TC/V.04/21.10 47 Beach Road, Bondi Beach - Construction Zone (A03/2514-04)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a 10 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat Council Authorised Vehicles Excepted' construction zone along the frontage of 47 Beach Road, Bondi Beach.
2. Notifies residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.05/21.10 59 Wallangra Road, Dover Heights - Construction Zone (A03/2514-04)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a 15 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat Council Authorised Vehicles Excepted' construction zone along the frontage of 59 Wallangra Road, Dover Heights.
2. Notifies residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

**TC/V.06/21.10 157-159 Military Road, Dover Heights - Construction Zone in Blake Street
(A03/2514-04)**

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs an 11 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat Council Authorised Vehicles Excepted' construction zone in Blake Street along the northern side of 157–159 Military Road, Dover Heights.
2. Notifies residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.07/21.10 12 Burge Street, Vacluse - Construction Zone (A03/2514-04)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a 20 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat Council Authorised Vehicles Excepted' construction along the frontage of 12 Burge Street, Vacluse.
2. Notifies businesses in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.08/21.10 CONFIDENTIAL REPORT - Notts Avenue Streetscape Upgrade - Pedestrian Safety Improvements (SF21/5051)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Treats the report as confidential, as it contains information that would, if disclosed, prejudice the maintenance of law.
2. Installs pedestrian safety measures in Notts Avenue, Bondi Beach, in accordance with the diagram attached to the report.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/CV ELECTORATES OF COOGEE AND VAUCLUSE

Nil.

THE MEETING CLOSED AT 11.09 AM.

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SIGNED AND CONFIRMED
MAYOR
23 NOVEMBER 2021

MAYORAL MINUTES CM/6/21.11

Subject: Mayoral Minutes

Author: Mayor of Waverley, Cr Paula Masselos



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

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

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

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

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

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

REPORT CM/7.1/21.11



Subject: Audited Financial Statements 2020-21

TRIM No: A21/0024

Author: Teena Su, Executive Manager, Finance

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council:

1. In accordance with section 419 of the *Local Government Act 1993*, receives and notes the auditor's report on the 2020–21 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) included in the attachment to the report.
2. Refers any public submissions on the 2020–21 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to the auditor.
3. Notes the presentation to Council of the audited 2020–21 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report.

1. Executive Summary

Council's Annual Financial Statements for the year ended 30 June 2021, comprising the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules, have been completed and audited. The Financial Statements and auditor's report (attached to the report) are formally presented to the public through this report.

The financial statements show a net operating result of a \$9.10m surplus including the impacts of COVID-19. Council's net assets are valued at \$1.26b. Council has a cash and cash investment balance of \$152.61m for year ended 30 June 2021.

2. Introduction/Background

The draft Financial Statements 2020-21 were completed and presented to Council at its meeting on 17 August 2021 for referral to Council's auditor, the NSW Auditor General. The audit has now been completed.

The 2020–21 Financial Statements have been prepared in accordance with the applicable Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board, the *Local Government Act 1993* ('the Act') and Regulation, and the Local Government Code of Accounting Practice and Financial Reporting 2020–21 (the Code). Attached to this report are the audited Annual Financial Statements, incorporating the following:

- General Purpose Income Statement.
- General Purpose Statement of Comprehensive Income.
- General Purpose Statement of Financial Position.

- General Purpose Statement of Changes in Equity.
- General Purpose Statement of Cash Flows.
- Special Purpose Income Statement for Council's Other Business Activities.
- Special Purpose Statement of Financial Position for Council's Other Business Activities.
- Special Schedules.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 August 2021	CM/7.2/21.08	<p>That:</p> <ol style="list-style-type: none"> 1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the <i>Local Government Act 1993</i>, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2021 attached to the report: <ol style="list-style-type: none"> (a) Have been properly drawn up in accordance with the provisions of the <i>Local Government Act 1993</i>, the <i>Local Government (General) Regulation 2005</i>, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting. (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records. 2. Council is unaware of any matter that would render the financial statements false or misleading in anyway. 3. Notes that it has continued to successfully operate during the year despite difficult circumstances, with the draft financial statements showing a net operating result of a \$7.4 million surplus. 4. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 6 of the Annual Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer. 5. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 3 of the Special Purpose Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer. 6. The financial statements be referred to Council's auditor for audit.

		<p>7. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.</p> <p>8. The audited financial statements be advertised and presented at a meeting of Council to be held in accordance with section 418 of the <i>Local Government Act 1993</i>.</p>
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4. Discussion

Following the Council meeting on 17 August 2021, the auditor completed the audit of the 2020–21 Financial Statements and has now provided its report, which is contained in the audited Financial Statements attached to this report.

During the audit process, there were a number of changes to the draft Financial Statements. Two of the main adjustments changed the operating result and net assets position as follows:

- Infrastructure assets written off through the fair valuation process were incorrectly reported under the gain/loss from the disposal of assets line in the Income Statement, rather than being reported in the non-current asset section in the Statement of Financial Position.
- A prior year error in assets value recognition resulting from some of the seawall and ocean pool assets only being reported as recent year capital expenditure. Instead, assets should be recognised at their full replacement cost.

Other changes were related to the disclosure notes and presentation matters.

The results for the 2020–21 financial year show a Net Operating Result of a \$9.10m surplus (Table 1).

Summaries of the Income Statement, Balance Sheet, Cash and Cash Investments Balance compared to the draft Financial Statements are shown in the following Tables 1 and 2:

Table 1. Summary of Income Statement.

Income Statement - \$million	2020–21	Draft 2020–21	Change	Reason for change
Total income from continuing operations	\$150.61m	\$150.61m	Nil	
Total expenses from continuing operations	\$141.52m	\$143.20m	-\$1.69m	Correction of assets related transactions where there were errors in assets recognition and disclosures
Operating surplus/(deficit)	\$9.10m	\$7.41m	\$1.69m	Correction of assets related transactions where there were errors in assets recognition and disclosures

Table 2. Summary of Balance Sheet and Cashflow Statement.

Balance Sheet and Cashflow Statement - \$million	2020–21	Draft 2020–21	Change	Reason for change
Total assets	\$1,258.39m	\$1,253.37m	\$5.02m	Correction of assets related transactions where there were errors in assets recognition and disclosures
Total liabilities	\$57.37m	\$56.85m	\$.52m	Correction of expense payable from prepaid expense in the Total Asset section to the Total Liabilities section
Net assets	\$1,201.02m	\$1,196.53m	\$4.50m	Correction of assets related transactions where there were errors in assets recognition and disclosures
Cash and Cash Investments	\$152.61m	\$152.61m	Nil.	

The other major factor impacting on the Council's finances and the financial statements is the COVID-19 pandemic. For the financial year ending 30 June 2021, the impact of COVID-19 has resulted in Council experiencing a Negative Operating Performance Ratio of 3.43%. Without this impact, the operating performance ratio would have been 1.40%, above the industry benchmark of 0%.

The following table 3 compares Council's FY 2020–21 performance to the industry benchmark.

Table 3. 2020–21 performance.

Indicator	Quantitative Measure	Waverley 2020–21		Industry Benchmark	Waverley 2019–20
Operating Performance Measures					
Operating Performance Ratio	Measures a Council's ability to contain operating expenditure within operating revenue	(3.43%)	✗	> 0.00%	(8.58%)
Own Source Operating Revenue Ratio	Measures the level of a Council's fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions	80.61%	✓	> 60.00%	79.17%
Unrestricted Current Ratio	The Unrestricted Current Ratio is specific to local government and is designed to represent a Council's ability to meet debt payments as they fall due	5.51x	✓	> 1.50x	7.22x
Debt Service Cover Ratio	This ratio measures the availability of operating cash to service debt including interest, principal and lease payments	18.18x	✓	> 2.00x	11.18x
Cash Expense Cover Ratio	This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash	12.40 mths	✓	> 3.00 mths	13.38 mths

Indicator	Quantitative Measure	Waverley 2020–21		Industry Benchmark	Waverley 2019–20
	inflow				
Rates, annual charges, interest and extra charges outstanding percentage	This ratio assesses the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts	4.24%	✓	< 5.00%	5.06%
Infrastructure Asset Measures					
Asset maintenance ratio	Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.	104.59%	✓	>=100.00%	108.19%
Building & Infrastructure Asset Renewals Ratio	This ratio compares the proportion spent on infrastructure asset renewals and the asset's deterioration measured by its accounting depreciation. Asset renewal represents the replacement or refurbishment of existing assets to an equivalent capacity or performance as opposed to the acquisition of new assets or the refurbishment of old assets that increase capacity or performance.	268.81%	✓	>=100.00%	155.45%
Infrastructure Backlog Ratio	This ratio shows what proportion the backlog is against total value of a Council's infrastructure	1.09%	✓	< 2.00%	0.99%

The draft Financial Statements were presented to the Audit, Risk and Improvement Committee (ARIC) on 23 September 2021 for comment and input. A representative of Council's auditors attended the meeting and presented their report on the audit progress. The auditor's report (on page 83 of the attachment) provides detailed comments in relation to the Council's financial position.

5. Financial impact statement/Time frame/Consultation

The 2020–21 financial year was another extraordinary year, principally due to the continued COVID-19 pandemic restrictions. It impacted on Council's operations and financial performance ratio. Council's revenues were adversely impacted, and Council also faced a higher than anticipated COVID-19 response costs. Council reported a Net Operating Result of a \$9.10m surplus.

A public notice of the date of the Council meeting for presentation of the audited Financial Statements was placed in the *Wentworth Courier*, with the notice also advising that the Financial Statements and the auditor's report would be available for viewing on Council's website from 17 November 2021.

Submissions on the auditor's report and the audited Financial Statements close on 1 December 2021, seven days after this Council meeting in accordance with the *Local Government Act 1993*. Any submissions will be referred to the auditor in accordance with the Act.

6. Conclusion

The attached Financial Statements have been completed. A copy of the Audited Financial Statements was sent to the Office of Local Government on 29 October 2021.

7. Attachments

1. Audited Financial Statements 2020-21 (under separate cover) [⇒](#)

REPORT CM/7.2/21.11



Subject: Annual Report 2020-21, End of Term Report 2021 and State of the Environment Report 2021

TRIM No: A21/0032

Author: Sneha Sabu, Co-ordinator, Corporate Planning and Reporting

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council endorses the Annual Report 2020–21 attached to the report (Attachment 1), including the End of Term Report 2017–21 (Attachment 2) and State of the Environment Report 2021 (Attachment 3), for submission to the Minister of Local Government by 30 November 2021.

1. Executive Summary

This report includes copies of the following documents, which must be submitted to the Minister for Local Government by 30 November 2021:

- Annual Report 2020–21.
- End of Term Report 2017–21.
- State of the Environment Report 2021.

The Annual Report is made up of six parts. Parts one to three are published in one volume. Parts four to six include the Audited Financial Statements 2020–21, the End of Term Report 2017–21 and the State of the Environment Report 2021. These documents are published separately.

The Audited Financial Statements 2020–21 is a separate agenda item for this Council meeting and will be presented as part of the respective agenda item. However, the statements will be included as part of the above suite of documents that will be submitted to the Minister for Local Government.

2. Introduction/Background

Annual Report, End of Term Report and State of the Environment Report

Section 428 of the *Local Government Act 1993* requires Council within five months after the end of each year to prepare a report (its Annual Report) for that year. The Annual Report highlights achievements in implementing the Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives.

The Annual Report must be prepared in accordance with the guidelines under section 406 (which outlines the requirements for Integrated Planning and Reporting) and must contain a copy of the council's audited financial statements prepared in accordance with the *Local Government Code of Council Accounting Practice and Financial Reporting* published by the Office of Local Government. A copy of the Annual Report must be provided to the Minister and such other persons and bodies as the regulations may require by 30 November each year.

In addition to reporting on the most recent financial year (2020–21), the Annual Report in the year in which an ordinary election of councillors is to be held must also report as to Council's achievements in implementing the Community Strategic Plan over the previous four years and include a report (the State of the Environment Report) as to the state of the environment in the local government area in relation to the objectives for the environment established by the community Strategic Plan.

Therefore, the End of Term Report component of the Annual Report is prepared for four financial years from 2017–18 to 2020–21. The State of the Environment Report component of the Annual Report provides a brief snapshot of the environmental performance of Council against targets and some of the key environmental projects undertaken by Council and the local community over the four-year period.

3. Relevant Council Resolutions

Nil.

4. Discussion

The attached Annual Report 2020–21 provides an overview of Council's performance over the past financial year. The Annual Report forms an important component of the Integrated Planning and Reporting (IP&R) Model as it 'closes the loop' in keeping the community informed of achievements in implementing the Delivery Program and Operational Plan.



Figure 1. The Integrated Planning and Reporting Framework.

Electoral matter

In June 2021, the Office of the Local Government released the circular on 'electoral matter' and use of Council resources prior to local government elections. 'Electoral matter' is defined under clause 356A of the *Local Government (General) Regulation 2021*, and broadly includes any matter that is intended or likely to affect voting in an election. Council publications that promote the achievements of the Council may also potentially fall within the definition of 'electoral matter.'

The End of Term Report, Annual Report and the State of the Environment Report

Section 428 of the *Local Government Act 1993* requires Council within five months after the end of each year to prepare a report (its Annual Report) for that year. The annual report highlights achievements in implementing the Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives.

The Annual Report must be prepared in accordance with the guidelines under section 406 (which outlines the requirements for Integrated Planning and Reporting) and must contain a copy of Council's audited financial statements prepared in accordance with the *Local Government Code of Council Accounting Practice and Financial Reporting* published by the Office of Local Government. A copy of Council's Annual Report must be posted on Council's website and provided to the Minister and such other persons and bodies as the regulations may require by 30 November each year. The State of the Environment Report is to be included in the Annual Report due 30 November in the year in which an ordinary election is held. The State of the Environment Report includes environmental issues relevant to the objectives for the environment established by the Community Strategic Plan. The End of Term Report must be presented to the final meeting of the outgoing Council.

As stated above, Council publications that promote the achievements of the Council may constitute 'electoral matter.' Given that the Annual Report, End of Term Report and the State of the Environment Report include Council's achievements in implementing the Community Strategic Plan and Delivery Program, these documents are considered to be electoral matter.

The provisions in the Regulation relating to electoral matter do not prevent the Annual Report, End of Term Report and State of the Environment Report being presented to the Council or from being made available on Council's website as part of the business paper for the meeting. However, since they are considered to be electoral matter, they will not be otherwise published on Council's website until 5 December 2021. Notwithstanding, in addition to them being included in the Council business paper, a link to the business paper will be provided to the Office of the Local Government to meet the compliance requirement of providing the Annual Report to the Minister by 30 November 2021.

The Annual Report 2020–21 and End of Term Report 2017–21 are structured around 11 themes in the Community Strategic Plan 2018–29. The structure for End of Term Report 2017–21 is driven by a combination of progress made in implementing the Community Strategic Plan 2018–29 measured through performance against the Delivery Program 2018–22, progress made against the method of assessment (which are outcome measures within 11 themes in the Community Strategic Plan), the Community Satisfaction Survey 2021 and other metadata.

5. Financial impact statement/Time frame/Consultation

The actions and projects in the Operational Plan 2020–21 were included in the adopted budget when the Plan was adopted by Council in June 2020. Funding to implement the Community Strategic Plan 2018–29 and Delivery Program 2018–22 over its term is outlined in the Long Term Financial Plan. The Annual Report 2020–21 covers the period 1 July 2020 to 30 June 2021 and is informed by the progress in implementing the Operational Plan and Delivery Program. The progress made in implementing the Delivery Program contributes to the End of the Term Report 2017–21.

6. Conclusion

The Annual Report 2020-21 highlights achievements in implementing the Delivery Program 2018–22 and the effectiveness of the principal activities undertaken in achieving the objectives. The End of Term Report 2017–21 provides Council's achievements in implementing the Waverley Community Strategic Plan 2018–29 over the previous four years, and the State of the Environment Report 2021 provides a brief snapshot of

the environmental performance of Council against targets and some of the key environmental projects undertaken by Council and the local community.

7. Attachments

1. Annual Report 2020–21 (under separate cover) [⇒](#)
2. End of Term Report 2017–21 (under separate cover) [⇒](#)
3. State of the Environment Report 2021 (under separate cover) [⇒](#)

REPORT CM/7.3/21.11



Subject: Investment Portfolio Report - October 2021

TRIM No: A03/2211

Author: Sid Ali, Revenue Co-ordinator
Teena Su, Executive Manager, Finance

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council:

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

1. Executive Summary

For October, Council's investment portfolio generated \$63,632 in interest.

The interest on investment budget for the 2021–22 financial year was adopted by Council at its meeting on 22 June 2021 and was set at \$858,678.

The interest income for year to date achieved 35.47% (\$304,584) of the current approved budget forecast of \$858,678.

2. Introduction/Background

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

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

Table 1. Monthly interest income received by Council.

Month	2021/22 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Budget (%)
July	858,687	89,930	89,930	10.47%
August	858,687	74,739	164,669	19.18%
September	858,687	76,282	240,951	28.06%

Month	2021/22 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Budget (%)
October	858,687	63,632	304,584	35.47%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 October 2021	CM/7.5/21.10	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes the Investment Summary Report for September 2021 attached to the report. 2. Notes that the Director, Finance and Governance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the <i>Local Government Act 1993</i> and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

4. Discussion

As at 31 October 2021, Council's cash investment portfolio for the financial year, generated interest earnings of \$304,584 representing 35.47% of the current approved budget of \$858,687.

Council's investment portfolio posted a marked-to-market decline of -1.01% pa for the month of October against the bank bill index benchmark return of -0.01% pa.

Without marked-to-market influences, Council's investment portfolio yielded 0.56% pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

Over the last 12 months, Council's investment portfolio has exceeded the Ausbond bank bill index benchmark by 1.68% pa (1.71% vs 0.03% pa).

Though better than September's result, the NSW TCorpIM LT Growth Fund had another slightly negative return in October, down -0.39% (actual). Inflation fears driven by global supply chain blockages and surging energy prices have resulted in rising interest rates, focussed mainly on longer dated terms. Consequently, the marked-to-market valuations of fixed rate bonds and floating rate notes both directly held and in the managed fund went backward during the month.

As at 31 October 2021, Council's investment portfolio has a current market value of \$143,866,951, which represents a gain of \$250,293 on the \$143,616,658 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Asset Group	Face Value	Current value
Cash	\$10,251,998	\$10,251,998
Floating Rate Note	\$33,250,000	\$33,248,622
Floating Rate Term Deposits	\$5,500,000	\$5,510,190

Managed Funds	\$16,114,660	\$16,114,660
Term Deposit	\$78,500,000	\$78,741,481
Total	\$143,616,658	\$143,866,951

Analysis

Attached to this report are the summaries of the investment portfolio for the year ending 31 October 2021. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

For the past 12 months, the investment portfolio has returned 1.71% pa, exceeding the bank bill index benchmark's 0.03% pa by 1.68% pa as shown in the table below:

Table 3. Portfolio return.

Month	Portfolio Return %	Ausbond BB Index %	Variance %
Sep-20	0.78	0.09	0.69
Oct-20	1.60	0.13	1.47
Nov-20	4.98	0.09	4.89
Dec-20	1.37	0.03	1.34
Jan-21	1.10	0.01	1.09
Feb-21	0.92	-0.01	0.93
Mar-21	2.52	0.02	2.50
Apr-21	2.81	0.04	2.77
May-21	1.96	0.05	1.91
Jun-21	2.94	0.03	2.91
Jul-21	2.63	0.04	2.59
Aug-21	2.43	0.02	2.41
Sep-21	-2.00	0.01	-2.01
Oct-21	-1.01	-0.01	-1.00
Average % return Over the last 12 months	1.71	0.03	1.68

Council has a well-diversified portfolio invested among a range of term deposits, fixed and floating rate bonds from highly rated Australian authorised deposit-taking institutions (ADIs), as well as growth assets via holdings in the NSW TCorp Long Term Growth Fund. Council remains within its investment policy credit limits and term to maturity limits, while generating sound returns above benchmark in the current low interest environment. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short- and long-term holdings.

Investments in ethically, socially and environmentally beneficial alternatives

As at the end of October 2021, 79.9% of Council's portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs (including the daily operation fund) accounted for 8.9% of the portfolio. The remaining 11.2% is invested with TCorp.

Over the period of 41 months, from June 2018 to October 2021, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 8.9%, as displayed in Figure 1 below.

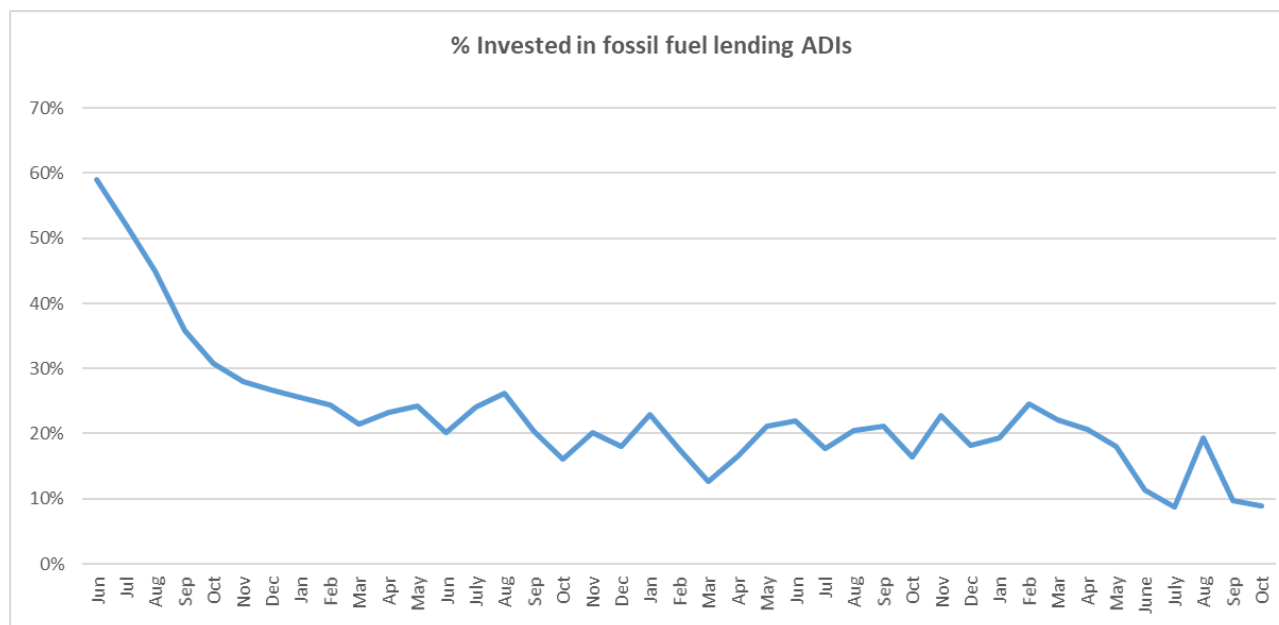


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the CBA bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 86.04% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 1.87% of the portfolio. The remaining 12.08% is invested with TCorp as displayed in Figure 2 below.

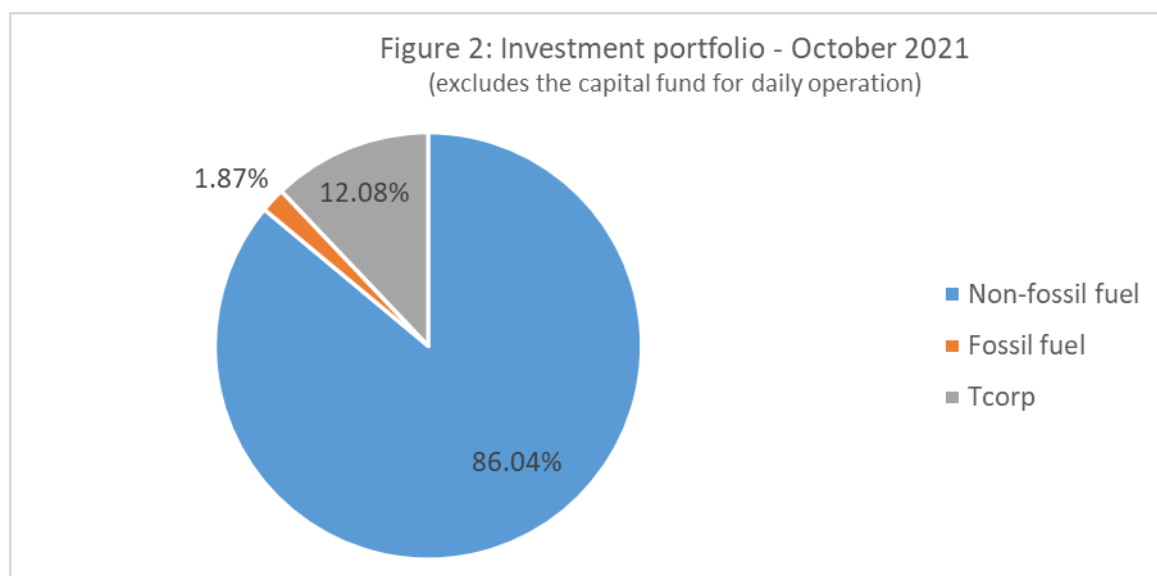


Figure 2. Investment portfolio – October 2021.

During October, Council's investment portfolio had a \$3m 12-month term deposit mature with a rate of 0.70%pa. No new investment was made.

5. Financial impact statement/Time frame/Consultation

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

6. Conclusion

Council's investment portfolio has achieved interest earning of \$304,584 for the year to date, representing 35.47% of the current approved budget forecast of \$858,678.

7. Attachments

1. Investment Summary Report - October 2021 [↓](#)



Investment Summary Report October 2021

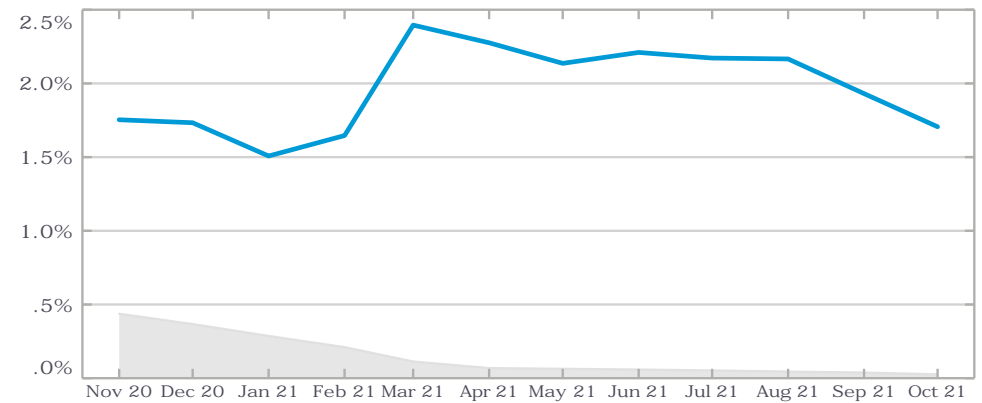
Waverley Council Executive Summary - October 2021



Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	10,251,998.26	10,251,998.26
Floating Rate Note	33,250,000.00	33,248,621.65
Floating Rate Term Deposits	5,500,000.00	5,510,190.26
Managed Funds	16,114,660.11	16,114,660.11
Term Deposit	78,500,000.00	78,741,481.10
	143,616,658.37	143,866,951.38

Investment Performance

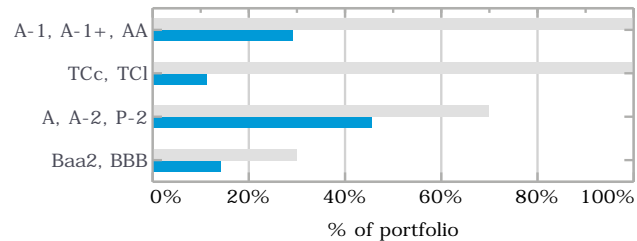


■ Portfolio Rolling 12 month return

■ AusBond BB Index Rolling 12 month Return

Investment Policy Compliance

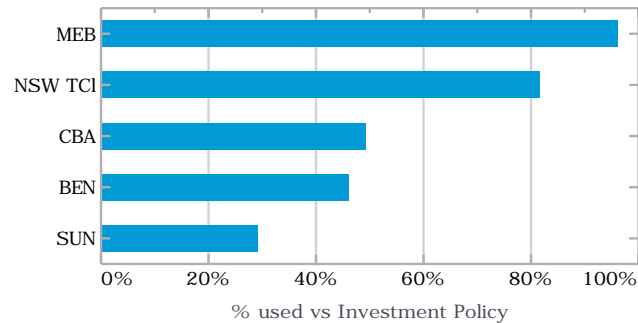
Total Credit Exposure



■ Portfolio Exposure

■ Investment Policy Limit

Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	110,766,658	77% 100%
Between 1 and 3 Years	12,550,000	9% 50%
Between 3 and 10 Years	20,300,000	14% 30%
	143,616,658	

Waverley Council

Investment Holdings Report - October 2021



Cash Accounts

Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
8,961,898.03	0.2000%	Commonwealth Bank of Australia	A-1+	8,961,898.03	120789	24hr Call
746,344.44	0.0000%	Commonwealth Bank of Australia	A-1+	746,344.44	120794	General Funds
1,353.90	0.0000%	Commonwealth Bank of Australia	A-1+	1,353.90	120795	Trust Funds
1,000.00	0.0000%	Commonwealth Bank of Australia	A-1+	1,000.00	120796	Cemetery Funds
82,796.80	0.0000%	Commonwealth Bank of Australia	A-1+	82,796.80	120797	Depositor Funds
416,648.68	0.0000%	Commonwealth Bank of Australia	A-1+	416,648.68	120799	Library CP
1,000.00	0.0000%	Commonwealth Bank of Australia	A-1+	1,000.00	120800	Eastgate CP
3,382.06	0.0000%	Commonwealth Bank of Australia	A-1+	3,382.06	120801	Hollywood Av CP
37,574.35	0.0000%	Commonwealth Bank of Australia	A-1+	37,574.35	370151	Library Gift
10,251,998.26	0.1748%			10,251,998.26		

Managed Funds

Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,188,089.00	-0.2112%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,188,089.00	411310	Builder Deposits
2,209,955.67	-0.0792%	NSW T-Corp (Cash)	TCc	Cash Fund	2,209,955.67	505262	
11,716,615.44	-0.3912%	NSW T-Corp (LT)	TCl	Long Term Growth Fund	11,716,615.44	538089	
16,114,660.11					16,114,660.11		

Term Deposits

Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Nov-21	3,000,000.00	0.5400%	Westpac Group	A-1+	3,000,000.00	30-Oct-20	3,000,133.15	540481	133.15	Quarterly	Green
23-Nov-21	3,000,000.00	0.5400%	Commonwealth Bank of Australia	A-1+	3,000,000.00	24-Nov-20	3,015,179.18	540595	15,179.18	At Maturity	Green
30-Nov-21	3,000,000.00	0.5200%	Commonwealth Bank of Australia	A-1+	3,000,000.00	1-Dec-20	3,014,317.81	540632	14,317.81	At Maturity	Green
11-Jan-22	2,000,000.00	0.5500%	Auswide Bank	P-2	2,000,000.00	12-Jan-21	2,008,830.14	540819	8,830.14	At Maturity	
25-Jan-22	3,000,000.00	0.5500%	Auswide Bank	P-2	3,000,000.00	25-Jan-21	3,012,657.53	540888	12,657.53	At Maturity	
1-Feb-22	2,500,000.00	0.4100%	Commonwealth Bank of Australia	A-1+	2,500,000.00	10-Feb-21	2,507,413.70	540937	7,413.70	At Maturity	Green

Waverley Council Investment Holdings Report - October 2021



Term Deposits											
Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
8-Feb-22	3,000,000.00	3.0500%	Newcastle Permanent Building Societv	A-2	3,000,000.00	19-Feb-19	3,063,924.66	537553	63,924.66	Annually	
8-Mar-22	2,000,000.00	1.7000%	Auswide Bank	P-2	2,000,000.00	5-Mar-20	2,022,449.32	539531	22,449.32	Annually	
15-Mar-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	12-Mar-21	3,009,616.44	541161	9,616.44	At Maturity	
15-Mar-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	16-Mar-21	3,009,452.05	541203	9,452.05	At Maturity	
29-Mar-22	4,000,000.00	0.5000%	ME Bank	A-2	4,000,000.00	30-Mar-21	4,011,835.62	541231	11,835.62	At Maturity	
19-Apr-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	16-Aug-21	3,003,164.38	541746	3,164.38	At Maturity	
3-May-22	2,500,000.00	0.5000%	ME Bank	A-2	2,500,000.00	28-Apr-21	2,506,404.11	541290	6,404.11	At Maturity	
10-May-22	1,500,000.00	0.5000%	ME Bank	A-2	1,500,000.00	18-May-21	1,503,431.51	541347	3,431.51	At Maturity	
24-May-22	1,500,000.00	0.5000%	ME Bank	A-2	1,500,000.00	18-May-21	1,503,431.51	541348	3,431.51	At Maturity	
7-Jun-22	1,500,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	1,500,000.00	9-Sep-21	1,500,653.42	541886	653.42	At Maturity	
14-Jun-22	4,000,000.00	0.5500%	ME Bank	A-2	4,000,000.00	16-Jun-21	4,008,317.81	541541	8,317.81	At Maturity	
21-Jun-22	1,500,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	1,500,000.00	9-Sep-21	1,500,653.42	541887	653.42	At Maturity	
28-Jun-22	3,000,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	7-Sep-21	3,001,356.16	541865	1,356.16	At Maturity	
12-Jul-22	3,000,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	13-Sep-21	3,001,208.22	541896	1,208.22	At Maturity	
19-Jul-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	20-Jul-21	3,004,273.97	541669	4,273.97	At Maturity	
2-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,003,410.96	541733	3,410.96	At Maturity	
9-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,003,410.96	541734	3,410.96	At Maturity	
16-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,003,410.96	541735	3,410.96	At Maturity	
23-Aug-22	2,500,000.00	0.3000%	Commonwealth Bank of Australia	A-1+	2,500,000.00	24-Aug-21	2,501,417.81	541770	1,417.81	At Maturity	Green
26-Aug-22	5,000,000.00	0.3500%	Suncorp Bank	A-1	5,000,000.00	26-Aug-21	5,003,212.33	541782	3,212.33	At Maturity	
2-Sep-22	2,000,000.00	0.3100%	Commonwealth Bank of Australia	A-1+	2,000,000.00	3-Sep-21	2,001,002.19	541834	1,002.19	At Maturity	Green
13-Sep-22	2,000,000.00	0.3800%	Great Southern Bank	A-2	2,000,000.00	14-Sep-21	2,000,999.45	541899	999.45	At Maturity	
8-Nov-22	2,000,000.00	0.8000%	Auswide Bank	Baa2	2,000,000.00	3-Nov-20	2,015,912.33	540548	15,912.33	Annually	
	78,500,000.00	0.5956%			78,500,000.00		78,741,481.10		241,481.10		

Waverley Council Investment Holdings Report - October 2021



Floating Rate Term Deposits

Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
16-Nov-21	3,000,000.00	.8316%	Westpac Group 3moBBSW+ 0.82%	A-1+	3,000,000.00	28-Nov-18	3,004,306.09	537360	4,306.09	16-Nov-21	Green
16-May-22	2,500,000.00	1.1157%	Westpac Group 3moBBSW+ 1.10%	A-1+	2,500,000.00	16-May-17	2,505,884.17	535241	5,884.17	16-Nov-21	
	5,500,000.00	.9607%			5,500,000.00		5,510,190.26		10,190.26		

Floating Rate Notes

Maturity Date	Face Value (\$)	Rate (% pa)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
28-Oct-22	2,400,000.00	0.9612%	TMB Snr FRN (Oct22) BBSW+ 0.90%	A-2	2,400,000.00	28-Oct-19	2,415,324.81	538616	252.81	28-Jan-22	
2-Dec-22	3,000,000.00	0.9127%	BOZ 'SRI' Snr FRN (Dec22) BBSW+ 0.90%	BBB	3,000,000.00	2-Dec-19	3,020,850.99	538825	4,500.99	2-Dec-21	
25-Jan-23	1,250,000.00	1.0920%	BEN Snr FRN (Jan23) BBSW+ 1.05%	BBB+	1,250,000.00	25-Jan-18	1,261,986.78	536145	261.78	25-Jan-22	
6-Feb-23	1,100,000.00	1.4100%	NPBS Snr FRN (Feb23) BBSW+ 1.40%	BBB	1,100,000.00	6-Feb-18	1,117,391.90	536174	3,696.90	8-Nov-21	
21-Feb-23	1,700,000.00	0.9100%	GSB Snr FRN (Feb23) BBSW+ 0.90%	BBB	1,700,000.00	21-Feb-20	1,715,300.57	539454	2,966.85	22-Nov-21	
30-Jul-24	2,500,000.00	0.8502%	SUN Snr FRN (Jul24) BBSW+ 0.78%	A+	2,500,000.00	30-Jul-19	2,522,624.70	538331	174.70	31-Jan-22	
24-Oct-24	1,000,000.00	1.1620%	GSB Snr FRN (Oct24) BBSW+ 1.12%	BBB	1,000,000.00	24-Oct-19	1,017,262.85	538604	222.85	24-Jan-22	
2-Dec-25	2,250,000.00	0.5327%	BEN Snr FRN (Dec25) BBSW+ 0.52%	BBB+	2,250,000.00	2-Dec-20	2,240,135.26	540603	1,970.26	2-Dec-21	
24-Feb-26	1,300,000.00	0.4607%	SUN Snr FRN (Feb26) BBSW+ 0.45%	A+	1,300,000.00	24-Feb-21	1,293,943.19	540958	1,132.19	24-Nov-21	
4-Mar-26	4,000,000.00	0.6420%	NPBS Snr FRN (Mar26) BBSW+ 0.63%	BBB	4,000,000.00	4-Mar-21	3,984,979.95	540983	3,939.95	6-Dec-21	
18-Jun-26	4,000,000.00	0.6629%	BEN Snr FRN (Jun26) BBSW+ 0.65%	BBB+	4,000,000.00	11-Jun-21	3,984,651.16	541523	3,051.16	20-Dec-21	
15-Sep-26	3,750,000.00	0.4910%	SUN Snr FRN (Sep26) BBSW+ 0.48%	A+	3,750,000.00	9-Sep-21	3,723,495.92	541877	2,370.92	15-Dec-21	
23-Dec-26	5,000,000.00	0.4256%	CBA Green Snr FRN (Dec26) BBSW+ 0.41%	AA-	5,000,000.00	21-Sep-21	4,950,673.57	541916	2,273.57	23-Dec-21	
	33,250,000.00	0.7152%			33,250,000.00		33,248,621.65		26,814.93		

Waverley Council

Accrued Interest Report - October 2021



Accrued Interest Report

Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
<u>Floating Rate Note</u>									
TMB Snr FRN (Oct22) BBSW+ 0.90%	538616		2,400,000.00	28-Oct-19	28-Oct-22	5,564.76	31	1,885.94	.93%
BOz 'SRI' Snr FRN (Dec22) BBSW+ 0.90%	538825		3,000,000.00	02-Dec-19	02-Dec-22	0.00	31	2,325.51	.91%
BEN Snr FRN (Jan23) BBSW+ 1.05%	536145		1,250,000.00	25-Jan-18	25-Jan-23	3,350.17	31	1,145.34	1.08%
NPBS Snr FRN (Feb23) BBSW+ 1.40%	536174		1,100,000.00	06-Feb-18	06-Feb-23	0.00	31	1,317.28	1.41%
GSB Snr FRN (Feb23) BBSW+ 0.90%	539454		1,700,000.00	21-Feb-20	21-Feb-23	0.00	31	1,313.89	.91%
SUN Snr FRN (Jul24) BBSW+ 0.78%	538331		2,500,000.00	30-Jul-19	30-Jul-24	4,989.42	31	1,709.91	.81%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	2,854.66	31	975.73	1.15%
BEN Snr FRN (Dec25) BBSW+ 0.52%	540603		2,250,000.00	02-Dec-20	02-Dec-25	0.00	31	1,017.97	.53%
SUN Snr FRN (Feb26) BBSW+ 0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26	0.00	31	508.67	.46%
NPBS Snr FRN (Mar26) BBSW+ 0.63%	540983		4,000,000.00	04-Mar-21	04-Mar-26	0.00	31	2,181.05	.64%
BEN Snr FRN (Jun26) BBSW+ 0.65%	541523		4,000,000.00	18-Jun-21	18-Jun-26	0.00	31	2,252.05	.66%
SUN Snr FRN (Sep26) BBSW+ 0.48%	541877		3,750,000.00	15-Sep-21	15-Sep-26	0.00	31	1,563.80	.49%
CBA Green Snr FRN (Dec26) BBSW+ 0.41%	541916		5,000,000.00	23-Sep-21	23-Dec-26	0.00	31	1,807.20	.43%
Floating Rate Note Total						16,759.01		20,004.34	.71%
<u>Floating Rate Term Deposits</u>									
Westpac Group	535380	Green	3,000,000.00	10-Jun-16	10-Jun-21	0.00	31	2,118.87	.83%
Westpac Group	535241		2,500,000.00	16-May-17	16-May-22	0.00	31	2,368.95	1.12%
Floating Rate Term Deposits Total						0.00		4,487.82	.96%
<u>Managed Funds</u>									
Short Term Income Fund	411310	Builder Deposits	2,188,089.00	01-Dec-15		0.00	31	-4,632.04	-2.46%
Cash Fund	505262		2,209,955.67	30-Jul-15		0.00	31	-1,750.79	-.93%
Managed Funds Total						0.00		-6,382.83	-1.69%

Waverley Council

Accrued Interest Report - October 2021



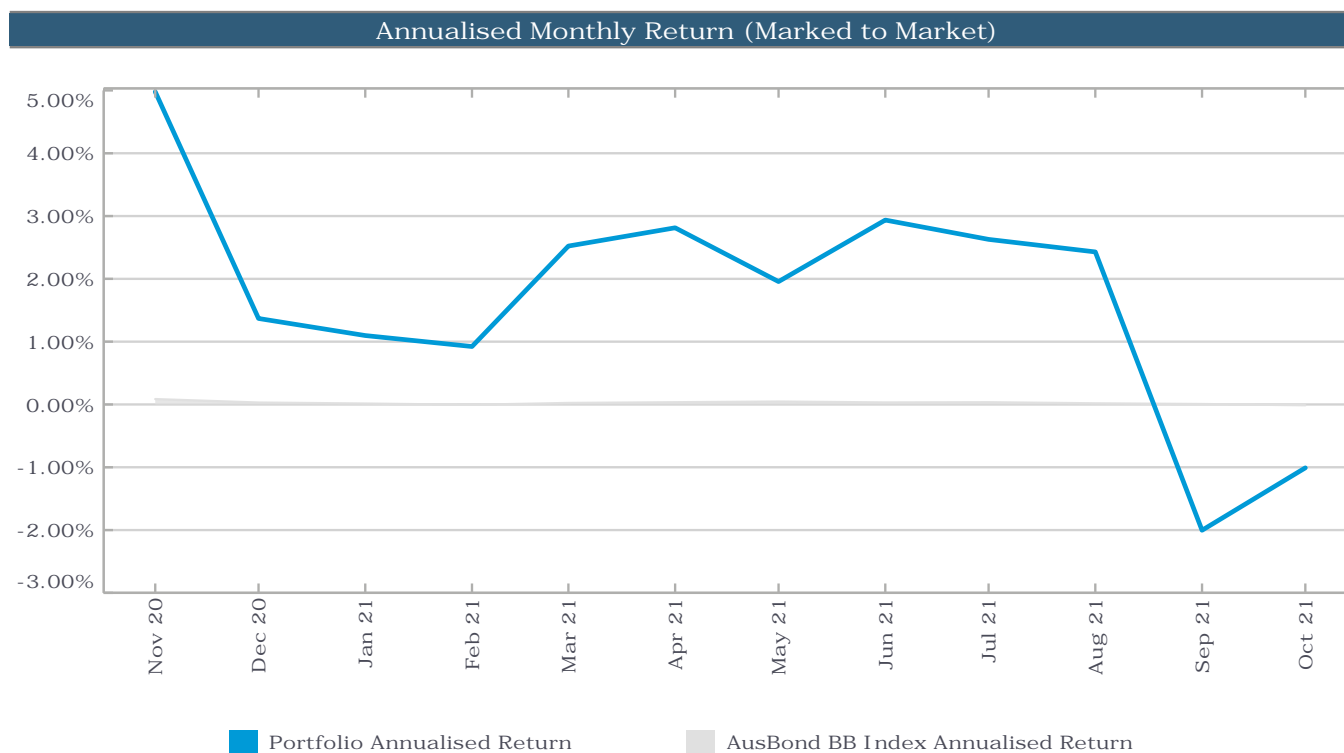
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Term Deposit									
Commonwealth Bank of Australia	540360	Green	3,000,000.00	02-Oct-20	01-Oct-21	20,942.47	0	0.00	
Westpac Group	540481	Green	3,000,000.00	30-Oct-20	02-Nov-21	4,038.90	31	1,375.89	.54%
Commonwealth Bank of Australia	540595	Green	3,000,000.00	24-Nov-20	23-Nov-21	0.00	31	1,375.89	.54%
Commonwealth Bank of Australia	540632	Green	3,000,000.00	01-Dec-20	30-Nov-21	0.00	31	1,324.93	.52%
Auswide Bank	540819		2,000,000.00	12-Jan-21	11-Jan-22	0.00	31	934.25	.55%
Auswide Bank	540888		3,000,000.00	25-Jan-21	25-Jan-22	0.00	31	1,401.37	.55%
Commonwealth Bank of Australia	540937	Green	2,500,000.00	10-Feb-21	01-Feb-22	0.00	31	870.55	.41%
Newcastle Permanent Building Society	537553		3,000,000.00	19-Feb-19	08-Feb-22	0.00	31	7,771.24	3.05%
Auswide Bank	539531		2,000,000.00	05-Mar-20	08-Mar-22	0.00	31	2,887.68	1.70%
ME Bank	541161		3,000,000.00	12-Mar-21	15-Mar-22	0.00	31	1,273.97	.50%
ME Bank	541203		3,000,000.00	16-Mar-21	15-Mar-22	0.00	31	1,273.97	.50%
ME Bank	541231		4,000,000.00	30-Mar-21	29-Mar-22	0.00	31	1,698.63	.50%
ME Bank	541746		3,000,000.00	16-Aug-21	19-Apr-22	0.00	31	1,273.97	.50%
ME Bank	541290		2,500,000.00	28-Apr-21	03-May-22	0.00	31	1,061.64	.50%
ME Bank	541347		1,500,000.00	18-May-21	10-May-22	0.00	31	636.99	.50%
ME Bank	541348		1,500,000.00	18-May-21	24-May-22	0.00	31	636.99	.50%
Bendigo and Adelaide Bank	541886		1,500,000.00	09-Sep-21	07-Jun-22	0.00	31	382.19	.30%
ME Bank	541541		4,000,000.00	16-Jun-21	14-Jun-22	0.00	31	1,868.49	.55%
Bendigo and Adelaide Bank	541887		1,500,000.00	09-Sep-21	21-Jun-22	0.00	31	382.19	.30%
Bendigo and Adelaide Bank	541865		3,000,000.00	07-Sep-21	28-Jun-22	0.00	31	764.38	.30%
Bendigo and Adelaide Bank	541896		3,000,000.00	13-Sep-21	12-Jul-22	0.00	31	764.38	.30%
ME Bank	541669		3,000,000.00	20-Jul-21	19-Jul-22	0.00	31	1,273.97	.50%
ME Bank	541733		3,000,000.00	10-Aug-21	02-Aug-22	0.00	31	1,273.97	.50%

Waverley Council
Accrued Interest Report - October 2021



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
ME Bank	541734		3,000,000.00	10-Aug-21	09-Aug-22	0.00	31	1,273.97	.50%
ME Bank	541735		3,000,000.00	10-Aug-21	16-Aug-22	0.00	31	1,273.97	.50%
Commonwealth Bank of Australia	541770	Green	2,500,000.00	24-Aug-21	23-Aug-22	0.00	31	636.99	.30%
Suncorp Bank	541782		5,000,000.00	26-Aug-21	26-Aug-22	0.00	31	1,486.30	.35%
Commonwealth Bank of Australia	541834	Green	2,000,000.00	03-Sep-21	02-Sep-22	0.00	31	526.57	.31%
Great Southern Bank	541899		2,000,000.00	14-Sep-21	13-Sep-22	0.00	31	645.48	.38%
Auswide Bank	540548		2,000,000.00	03-Nov-20	08-Nov-22	0.00	31	1,358.91	.80%
Term Deposit Total						24,981.37		39,709.72	.60%
						41,740.38		57,819.05	<u>.56%</u>

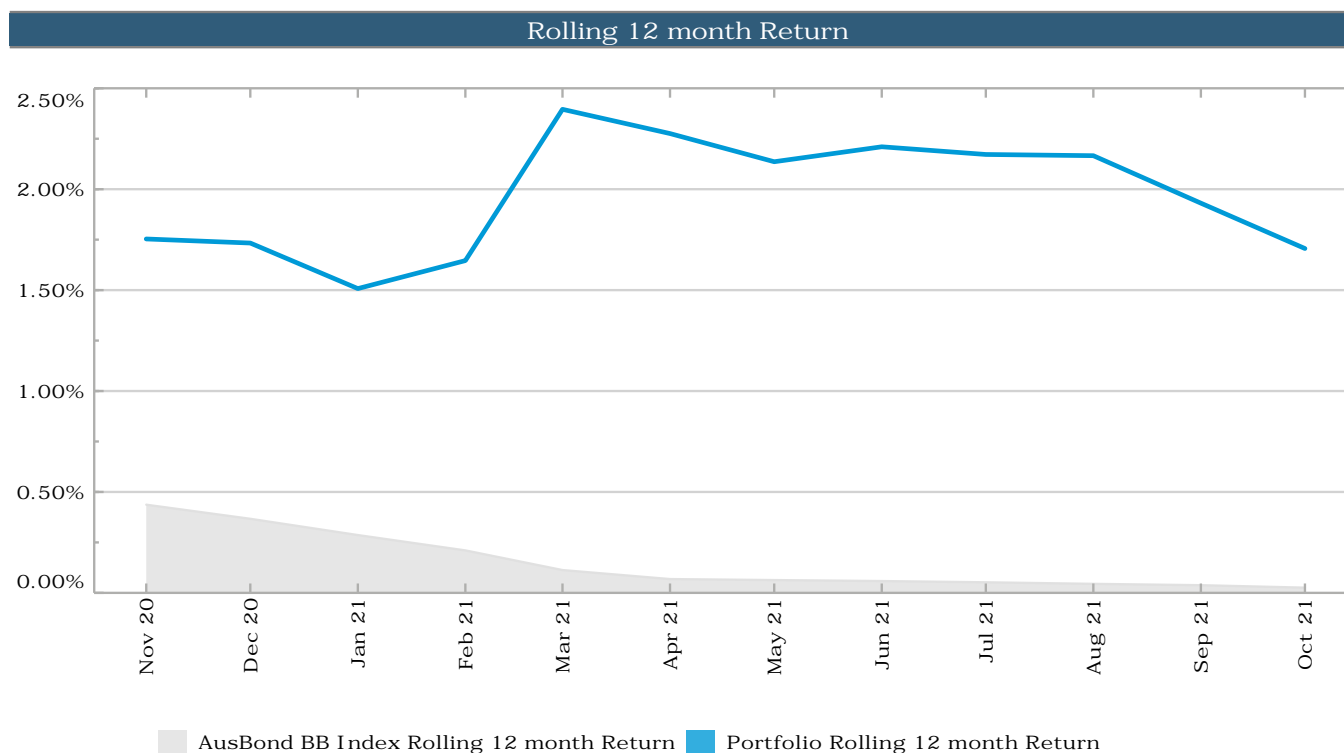
Waverley Council
Investment Performance Report - October 2021



Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Oct 2021	-1.01%	-0.01%	-1.00%
Last 3 Months	-0.19%	0.00%	-0.19%
Last 6 Months	1.15%	0.02%	1.13%
Financial Year to Date	0.51%	0.01%	0.50%
Last 12 months	1.71%	0.03%	1.68%

Waverley Council
Investment Performance Report - October 2021



Historical Performance Summary (actual)

	Portfolio	AusBond BB Index	Outperformance
Oct 2021	-0.09%	-0.00%	-0.09%
Last 3 Months	-0.05%	0.00%	-0.05%
Last 6 Months	0.58%	0.01%	0.57%
Financial Year to Date	0.17%	0.00%	0.17%
Last 12 months	1.71%	0.03%	1.68%

Waverley Council Environmental Commitments Report - October 2021

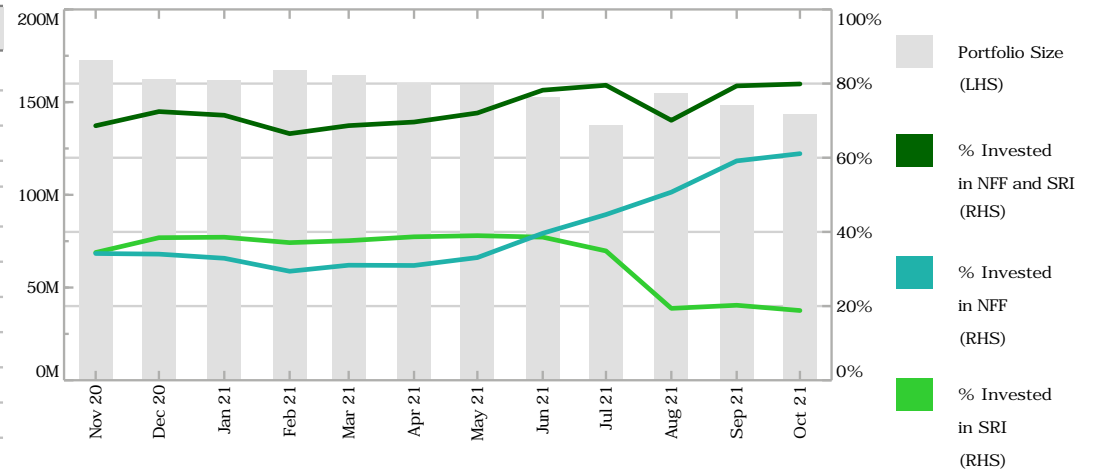


Current Breakdown

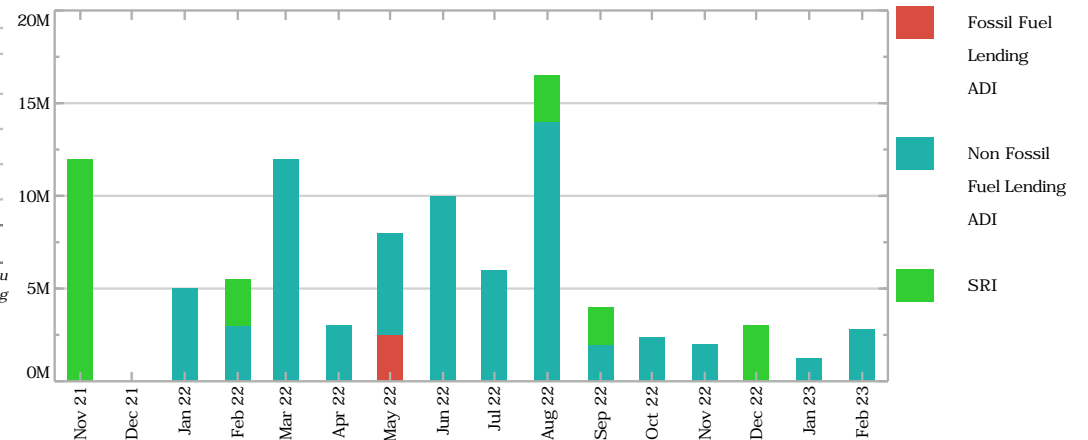
ADI Lending Status *	Current Month (\$)		Previous Month (\$)	
Fossil Fuel Lending ADIs				
Commonwealth Bank of Australia	10,251,998		11,927,089	
Westpac Group	2,500,000		2,500,000	
	12,751,998	8.9%	14,427,089	9.7%
Non Fossil Fuel Lending ADIs				
Auswide Bank	9,000,000		9,000,000	
Bendigo and Adelaide Bank	16,500,000		16,500,000	
Great Southern Bank	4,700,000		4,700,000	
Members Equity Bank	34,500,000		34,500,000	
Newcastle Permanent Building Society	8,100,000		8,100,000	
Suncorp Bank	12,550,000		12,550,000	
Teachers Mutual Bank	2,400,000		2,400,000	
	87,750,000	61.1%	87,750,000	59.2%
Other				
NSW T-Corp (Cash)	4,398,045		4,404,428	
NSW T-Corp (LT)	11,716,615		11,762,631	
	16,114,660	11.2%	16,167,058	10.9%
Socially Responsible Investment				
Bank Australia (Sustainability)	3,000,000		3,000,000	
CBA (Green)	18,000,000		21,000,000	
Westpac Group (Green TD)	6,000,000		6,000,000	
	27,000,000	18.8%	30,000,000	20.2%
	143,616,658		148,344,147	

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

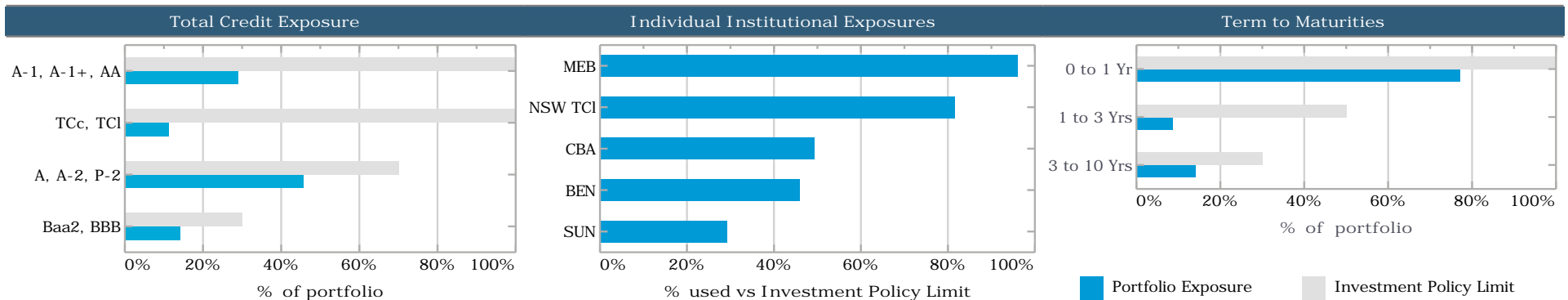
Historical Portfolio Exposure to NFF Lending ADIs and SRIs



Upcoming maturities



Waverley Council Investment Policy Report - October 2021



	Credit Rating	Face Value (\$)	Policy Max	
Short Term	A-1	5,000,000		
Short Term	A-1+	31,751,998		
Long Term	AA	5,000,000		
		41,751,998	29%	100% a
Short Term	TCc	4,398,045		
Short Term	TCI	11,716,615		
		16,114,660	11%	100% a
Short Term	A-2	50,900,000		
Short Term	P-2	7,000,000		
Long Term	A	7,550,000		
		65,450,000	46%	70% a
Long Term	Baa2	2,000,000		
Long Term	BBB	18,300,000		
		20,300,000	14%	30% a
		143,616,658	100%	

a = compliant
r = non-compliant

	% used vs Investment Policy Limit	
Members Equity Bank (A-2, BBB+)	96%	a
NSW T-Corp (LT) (TCI)	82%	a
Commonwealth Bank of Australia (A-1+, AA-)	49%	a
Bendigo and Adelaide Bank (A-2, BBB+)	46%	a
Suncorp Bank (A-1, A+)	29%	a
Auswide Bank (P-2, Baa2)	25%	a
Newcastle Permanent Building Society (A-2, BBB)	23%	a
Westpac Group (A-1+, AA-)	15%	a
Bank Australia (A-2, BBB)	14%	a
Great Southern Bank (A-2, BBB)	13%	a
Teachers Mutual Bank (A-2, BBB)	7%	a
NSW T-Corp (Cash) (TCc)	3%	a

	Face Value (\$)	Policy Max	
Between 0 and 1 Year	110,766,658	77%	100% a
Between 1 and 3 Years	12,550,000	9%	50% a
Between 3 and 10 Years	20,300,000	14%	30% a
	143,616,658		

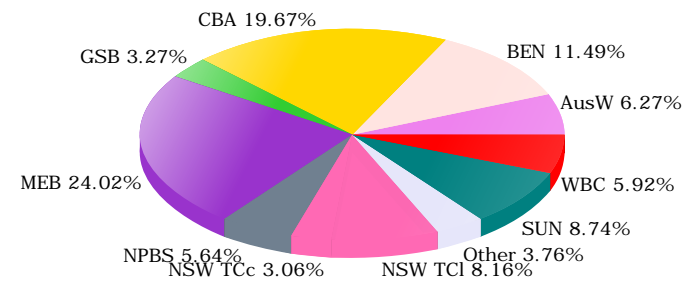
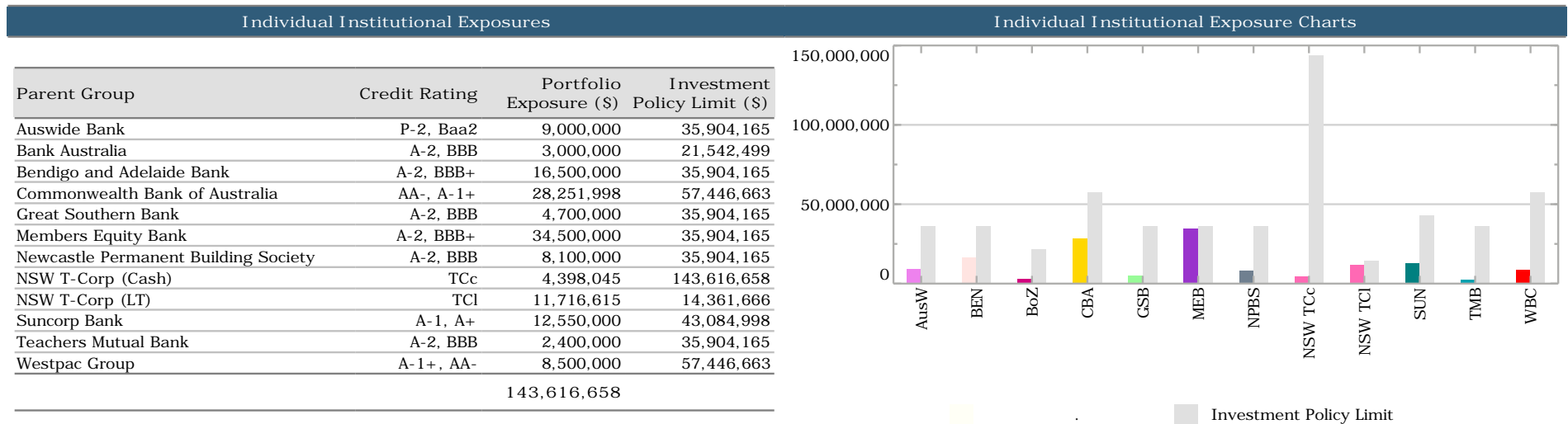
Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	26,366,658	18%
01. Less Than 30 Days	9,000,000	6%
02. Between 30 Days and 60 Days	3,000,000	2%
03. Between 60 Days and 90 Days	5,000,000	3%
04. Between 90 Days and 180 Days	20,500,000	14%
05. Between 180 Days and 365 Days	46,900,000	33%
06. Between 365 Days and 3 Years	12,550,000	9%
07. Between 3 Years and 5 Years	15,300,000	11%
08. Between 5 Years and 10 Years	5,000,000	3%

Waverley Council
Investment Policy Report - October 2021



Detailed Maturity Profile	Face Value (\$)
	143,616,658

Waverley Council Individual Institutional Exposures Report - October 2021



Waverley Council
Cashflows Report - October 2021



Current Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
1-Oct-21	540360	Commonwealth Bank of Australia	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Commonwealth Bank of Australia	Term Deposits	Interest - Received	20,942.47
				<u>Deal Total</u>	<u>3,020,942.47</u>
				Day Total	3,020,942.47
25-Oct-21	536145	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	3,350.17
				<u>Deal Total</u>	<u>3,350.17</u>
	538604	Great Southern Bank	Floating Rate Note	Coupon - Received	2,854.66
				<u>Deal Total</u>	<u>2,854.66</u>
				Day Total	6,204.83
28-Oct-21	538616	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	5,564.76
				<u>Deal Total</u>	<u>5,564.76</u>
				Day Total	5,564.76
29-Oct-21	538331	Suncorp Bank	Floating Rate Note	Coupon - Received	4,989.42
				<u>Deal Total</u>	<u>4,989.42</u>
	540481	Westpac Group	Term Deposits	Interest - Received	4,038.90
				<u>Deal Total</u>	<u>4,038.90</u>
				Day Total	9,028.32
				<u>Net Cash Movement for Period</u>	<u>3,041,740.38</u>

Next Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
2-Nov-21	540481	Westpac Group	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Westpac Group	Term Deposit	Interest - Received	177.53
				<u>Deal Total</u>	<u>3,000,177.53</u>
				Day Total	3,000,177.53
3-Nov-21	540548	Auswide Bank	Term Deposit	Interest - Received	16,000.00
				<u>Deal Total</u>	<u>16,000.00</u>
				Day Total	16,000.00
8-Nov-21	536174	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	3,994.36
				<u>Deal Total</u>	<u>3,994.36</u>
				Day Total	3,994.36
16-Nov-21	535241	Westpac Group	Floating Rate Term Deposits	Interest - Received	7,030.44
				<u>Deal Total</u>	<u>7,030.44</u>

Waverley Council
Cashflows Report - October 2021



Next Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
	537360	Westpac Group	Floating Rate Term Deposits	Maturity Face Value - Received	3,000,000.00
		Westpac Group	Floating Rate Term Deposits	Interest - Received	5,331.35
				<u>Deal Total</u>	<u>3,005,331.35</u>
				Day Total	3,012,361.79
22-Nov-21	539454	Great Southern Bank	Floating Rate Note	Coupon - Received	3,856.90
				<u>Deal Total</u>	<u>3,856.90</u>
				Day Total	3,856.90
23-Nov-21	540595	Commonwealth Bank of Australia	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Commonwealth Bank of Australia	Term Deposit	Interest - Received	16,155.62
				<u>Deal Total</u>	<u>3,016,155.62</u>
				Day Total	3,016,155.62
24-Nov-21	540958	Suncorp Bank	Floating Rate Note	Coupon - Received	1,509.58
				<u>Deal Total</u>	<u>1,509.58</u>
				Day Total	1,509.58
30-Nov-21	540632	Commonwealth Bank of Australia	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Commonwealth Bank of Australia	Term Deposit	Interest - Received	15,557.26
				<u>Deal Total</u>	<u>3,015,557.26</u>
				Day Total	3,015,557.26
				<u>Net Cash Movement for Period</u>	<u>12,069,613.04</u>

REPORT
CM/7.4/21.11

Subject: Schedule of Meeting Dates for Council and its Standing Committees 2022

TRIM No: A04/1869

Author: Al Johnston, Governance Officer

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council:

1. Adopts the Schedule of Meeting Dates for Council and its Standing Committees 2022 attached to the report.
2. Holds an Extraordinary Council Meeting to elect a mayor and deputy mayor at 10 am on 24 December 2021, if it is practical to do so.
3. In the event that the Extraordinary Council Meeting cannot be held on 24 December 2021, holds the meeting at 7.00 pm on 10 January 2022.

1. Executive Summary

The proposed schedule of meeting dates for Council, and its Standing Committees (the Operations and Community Services Committee and the Strategic Planning and Development Committee) for 2022 is attached to the report for Council's consideration.

The dates proposed in the schedule take into account public holidays and holy days throughout the year.

It is recommended that Council adopts the schedule attached to the report and determines the date of an Extraordinary Council Meeting to be held after the Council election is declared to elect a mayor and deputy mayor.

2. Introduction/Background

Section 365 of the *Local Government Act 1993* requires the elected council to meet at least 10 times each year, each time in a different month.

Council has a standard meeting schedule. With the exception of January, when there are normally no meetings, Council's Operations and Community Services Committee and the Strategic Planning and Development Committee generally meet on the first Tuesday of each month, and Council generally meets on the third Tuesday of each month.

Due to the timing of the local government elections in December 2021, and public holidays and holy days falling on or near Council or Committee meeting days, it is proposed that changes be made to the standard meeting schedule in 2022. These changes are detailed in section 4 of this report.

Local Government NSW (LGNSW) has advised that its 2022 Local Government Conference is tentatively scheduled from Sunday, 22 October 2022, to Tuesday, 24 October 2022. These dates do not affect the proposed meeting schedule.

3. Relevant Council Resolutions

Nil.

4. Discussion

The proposed changes to the standard meeting schedule are outlined below. As far as possible, the dates have been set to ensure a two-week period between the Standing Committee meetings and the Council meeting. The proposed schedule complies with section 365 of the *Local Government Act* referred to above.

1. An Extraordinary Council Meeting is proposed to be held as soon as possible after the declaration of the local government election in order to elect a mayor and deputy mayor from among the newly elected councillors. The NSW Electoral Commission has advised that the election is expected to be declared between Tuesday, 21 December, and Thursday, 23 December 2021. If this is the case, it may be possible to hold the meeting on the morning of 24 December 2021 before Council closes for the holiday period. An alternative is to hold the meeting on Monday, 10 January 2022, after the Council reopens and an agenda can be issued.

The main business proposed to be conducted at the Extraordinary Council Meeting is the election of the mayor and deputy mayor and the appointment of Councillors to committees and other organisations. Two additional items are proposed, the first being a report seeking a Council resolution to use a countback of votes cast at the last ordinary election, instead of a by-election, to fill casual vacancies occurring in the offices of councillors in certain circumstances (section 291A of the *Local Government Act 1993*). The Act requires Council determine the matter at its first meeting after the election. The second item of additional business is the consideration of Council motions for the LGNSW Special Conference to be held from 28 February to 2 March 2022. Motions for the Special Conference must be received by LGNSW by Sunday 30 January 2022.

2. It is proposed not to hold the Standing Committee meetings on 1 February, as the induction program for the newly elected councillors will not have been completed by this time.
3. The April Council Meeting is proposed to be brought forward to Tuesday, 12 April, due to both Easter and Passover occurring in the period from Friday, 15 April, to Saturday, 23 April.
4. It is proposed not to hold the Standing Committee meetings in June. Shavuot is Saturday, 4 June, to Monday, 6 June, and the Queen's Birthday public holiday is on Monday, 13 June.
5. Similarly, it is proposed not to hold the Standing Committee meetings in October. Monday, 3 October, is Labour Day, Yom Kippur is on Tuesday, 4 October, and Wednesday, 5 October, followed by Sukkot from Sunday, 9 October, to Sunday, 16 October, with work restrictions on Monday, 10 October, and Tuesday, 11 October.

The *Local Government (General) Regulation 2021* has been amended to temporarily exempt councils from the requirement under the Model Code of Meeting Practice for Local Councils in NSW and Council's Code of Meeting Practice for councillors to be personally present at Council and Standing Committee meetings in order to participate in them. This means that, regardless of the Public Health Order, it continues to be open to Council to continue to meet by audio-visual link and to permit individual Councillors to participate in meetings by audio-visual link should they choose to do so. These provisions expire on 30 June 2022.

Councils are required to adopt a Code of Meeting Practice, based on the Office of Local Government's Model Code, within 12 months of the commencement of the new council term. It is understood that the Model Code will include options for provisions for councils to meet by audio-visual link and to permit individual councillors to participate in meetings by audio-visual link. So as to comply with the legislation and to ensure that Council has the opportunity to determine its preferred approach regarding participation at meetings by audio-visual link, a report on this matter will be submitted to Council early in 2021.

Regarding the Extraordinary Council Meeting to elect a mayor and deputy mayor, Councillor attendance by audio-visual link is only permitted if the method of voting is to be by open ballot. Ordinary and preferential ballots are secret ballots and Councillors will need to attend the meeting in person if the election is to be held by way of an ordinary or preferential ballot.

5. Financial impact statement/Time frame/Consultation

There are no unbudgeted costs to Council in holding the Council and Committee meetings proposed in this report.

6. Conclusion

This report presents the proposed schedule of dates in 2022 for meetings of Council, the Operations and Community Services Committee and the Strategic Planning and Development Committee. It is recommended that Council adopts the proposed schedule and determines the date of the Extraordinary Council Meeting to elect a mayor and deputy mayor.

7. Attachments

1. Schedule of Meeting Dates for Council and its Standing Committees 2022 [📎](#)

SCHEDULE OF MEETING DATES FOR COUNCIL AND ITS STANDING COMMITTEES 2022

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Operations and Community Services Committee			1	5	3		5	2	6		1	6
Strategic Planning and Development Committee			1	5	3		5	2	6		1	6
Council		15	15	12	17	21	19	16	20	18	15	13

REPORT
CM/7.5/21.11

Subject: Annual Code of Conduct Complaints Statistics

TRIM No: SF17/2821

Author: Evan Hutchings, Director, Finance and Governance

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council receives and notes the statistics on code of conduct complaints about Councillors and the General Manager for 2020–21 attached to the report.

1. Executive Summary

This report addresses the requirement of Council's complaints co-ordinator to report annually to Council on statistics regarding code of conduct complaints made about Councillors and the General Manager.

2. Introduction/Background

Clause 11.1 of the Procedures for the Administration of the Code of Conduct ('Procedures') requires the complaints co-ordinator to report annually to Council on code of conduct complaints made about Councillors and the General Manager. This must be done within three months of the end of September of each year. The report also has to be provided to the Office of Local Government (OLG) within the same time frame (clause 11.2).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 November 2020	CM/7.6/20.11	That Council receives and notes the annual report on code of conduct complaints about Councillors and the General Manager for 2019–2020 attached to the report.

4. Discussion

The reporting period is 1 September 2020 to 31 August 2021. The statistics are attached to the report, using the collection form provided by OLG.

Within the reporting period, one complaint was received and finalised. The complaint was referred to a conduct reviewer for preliminary assessment. The outcome of this assessment was that the conduct reviewer resolved the complaint by alternative and appropriate strategies, in accordance with clause 6.13(b) of the Procedures.

5. Financial impact statement/Time frame/Consultation

The cost of dealing with the code of conduct complaint received in the reporting period was \$968 (including GST). This figure only represents invoices received from the external conduct reviewer. It does not include staff costs. While staff costs should be included, it is not possible to give an accurate figure

The attached statistics will be sent to OLG within the required time frame.

6. Conclusion

This report satisfies the complaints co-coordinator's obligation to report to Council on code of conduct statistics.

7. Attachments

1. Annual Code of Conduct Complaint Statistics - 1 September 2020-31 August 2021 [↓](#)

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2020 - 31 August 2021

Date Due: 31 December 2021

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2021.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Waverley Council
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Contact Name:	Evan Hutchings
Contact Phone:	9083 8089
Contact Position:	Director, Finance and Governance
Contact Email:	evan.hutchings@waverley.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics Waverley Council

Number of Complaints

- | | | | |
|---|---|---|---|
| 1 | a | The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct | 1 |
| | b | The total number of complaints finalised in the period about councillors and the GM under the code of conduct | 1 |

Overview of Complaints and Cost

- | | | | |
|---|---|--|-----|
| 2 | a | The number of complaints finalised at the outset by alternative means by the GM or Mayor | 0 |
| | b | The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement | 0 |
| | c | The number of code of conduct complaints referred to a conduct reviewer | 1 |
| | d | The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer | 1 |
| | e | The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer | 0 |
| | f | The number of finalised code of conduct complaints investigated by a conduct reviewer | 0 |
| | g | The number of finalised complaints investigated where there was found to be no breach | 0 |
| | h | The number of finalised complaints investigated where there was found to be a breach | 0 |
| | i | The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police | 0 |
| | j | The number of complaints being investigated that are not yet finalised | 0 |
| | k | The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs | 968 |

Preliminary Assessment Statistics

3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

a To take no action (clause 6.13(a) of the 2018 and 2020 Procedures)	0
b To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	1
c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures)	0
d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures)	0
e To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	0

Investigation Statistics

4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

a That the council revise its policies or procedures	0
b That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures)	0

5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

a That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures)	0
b In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures)	0
c In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures)	0
d In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures)	0

6 Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures)

0

Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	0
b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0
Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG	0

REPORT
CM/7.6/21.11

Subject: Audit, Risk and Improvement Committee Meeting - 29 July 2021 - Minutes

TRIM No: SF21/529

Author: Al Johnston, Governance Officer

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 29 July 2021 attached to the report.

1. Executive Summary

Council established the Audit, Risk and Improvement Committee ('the Committee') in February 2019. The Committee meets five times per year. In accordance with the Committee's Charter, once the minutes of a meeting have been confirmed by the Committee, they are reported to Council for noting.

The minutes of the meeting held on 29 July 2021 were confirmed by the Committee at its meeting on 23 September 2021 and are attached to this report for Council's information.

2. Introduction/Background

The Audit, Risk and Improvement Committee provides independent assistance to Council by monitoring, reviewing and providing advice on governance processes, risk management and control frameworks, and external accountability obligations.

The Committee is supported by an internal audit function and together they are one mechanism Council uses to ensure its internal controls and management approaches are effective for the management of risk across the organisation.

In accordance with section 9.6 of the Committee's Charter, after the minutes of each meeting have been confirmed by the Committee they are reported to Council for noting.

3. Relevant Council Resolutions

Nil.

4. Discussion

Nil.

5. Financial impact statement/Time frame/Consultation

Nil.

6. Conclusion

The minutes of the ARIC meeting held on 29 July 2021 were confirmed by the Committee at its meeting in September 2021 and are attached to this report.

It is recommended that Council notes the minutes.

7. Attachments

1. ARIC Meeting minutes - 29 July 2021 [↓](#)



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD BY VIDEO CONFERENCE ON THURSDAY, 29 JULY 2021**

Voting Members Present:

Elizabeth Gavey (Chair)	Independent Member
John Gordon	Independent Member
Kath Roach	Independent Member
George Copeland	Councillor Member

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
Evan Hutchings	Executive Manager, Governance and Risk
Jarrold Lean	Internal Auditor (Engagement Partner, Grant Thornton Australia)
Mahesha Rubasinghe	Internal Auditor (Engagement Manager, Grant Thornton Australia)
Brett Hanger	External Auditor (Nexia Australia)
Caroline Karakatsanis	External Auditor (Audit Office of NSW)
Teena Su	Executive Manager, Finance
Rachel Hensman	Executive Manager, Customer, Cemetery and Lifeguard Services (Item 5.3 & 5.9)
John Mantzios	Chief Information Officer (Item 5.7)
Kevin Trinh	Executive Manager, Information Management & Technology (Item 5.7)
Kerrie Pryke	Executive Manager, Human Resources, Safety & Wellbeing (Item 5.9)
Sally Betts	Waverley Councillor
Al Johnston	Committee Secretary
Sophie Benbow	Committee Secretary

At the commencement of proceedings at 9.02am, those present were as listed above.

Prior to the commencement of the meeting, the Manager, Library and Learning Futures gave a presentation to the ARIC members on the top risks in their business area.

ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair read the following Acknowledgement of Indigenous Heritage:

The Waverley Audit Risk and Improvement Committee respectfully acknowledges the Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms the Waverley Local Government Area.

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Elizabeth Gavey disclosed that on the 29 August 2021 she will be appointed to the Audit and Risk Committee of the Audit Office of NSW.

3. Confirmation of Minutes

ARIC/3.1/21.07 Confirmation of Minutes - Audit, Risk and Improvement Committee Meeting - 20 May 2021 (SF21/284)

MOTION / DECISION

Mover: John Gordon
Seconder: Kath Roach

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 20 May 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

4. Actions from Previous Meetings

ARIC/4.1/21.07 Actions from Previous Meetings (SF21/531)

MOTION / DECISION

Mover: Elizabeth Gavey
Seconder: John Gordon

That the Committee notes the status of the actions from previous meetings as at 29 July 2021.

DISCUSSION

The Chair of the Committee asked the Chief Financial Officer for an update on the actions taken on Items 30-32 in the Table relating to Council's Investment Policy. The Chief Financial Officer confirmed that investments are in compliance with Council's Investment Policy, a conversion table comparing credit ratings has been included in the Policy, and that the Policy has been linked to Council's risk appetite.

The Committee confirmed that these actions can now be closed.

5. Reports**ARIC/5.1/21.07 Audit Office of NSW - Matters to Report - Interim Audit Management Letter 2020/21 (SF19/5930)****MOTION / DECISION**

Mover: John Gordon

Seconder: Kath Roach

That the Committee:

1. Notes the interim audit management letter attached to the report.
2. Receives a copy of the Draft Financial Statements in the week ending 10 September 2021 in preparation for its meeting on 23 September 2021.

DISCUSSION

The External Auditor advised the Committee that three prior year matters remain unresolved and that the Interim Audit ran smoothly with only a small number of matters being raised.

The Committee noted management's advice that implementation is underway to address the three prior year issues.

The Committee discussed the process around a staff member leaving the organisation and ensuring that any access rights they have to Council's systems are removed and that they are deleted from the payroll master file. The Committee was satisfied with the process outlined to it.

The Committee asked whether the External Auditor is confident that there are interim IT controls in place until the ICT Strategy is implemented. The External Auditor was satisfied that there are appropriate audit controls to cover this.

The Chief Financial Officer outlined the timeline for the audit of the financial statements. The Committee advised that it would usually review the draft financial statements before they are signed by the Auditors and adopted by Council. In that regard, the Committee requested it receive a copy of the draft statements 10-14 days prior to the Committee's next meeting on the 23 September 2021.

ARIC/5.2/21.07 General Manager's Update (SF21/638)**MOTION / DECISION**

Mover: John Gordon

Seconder: George Copeland

That the Committee notes the General Manager's verbal update provided at the meeting.

DISCUSSION

The General Manager provided an update to the Committee on a number of matters. The key points mentioned were:

Covid Response

A range of measures have been put in place to both ensure the safety of Council staff and the continued delivery of essential services.

Covid Response – Service Disruption

In line with the Public Health Orders, a number of Council services, programs, events, and facilities have had to be closed or discontinued to ensure compliance.

Business Support Package

- A business support package was extended by Council on 29 June 2021 which included both financial and non-financial measures.
- The financial support offered through this business support package is estimated at \$24,131 per week. The projected cost of extending the support package from 26 June – 17 August 2021 is \$178,847 (53-day period).

Community Support Package

- Council resolved to extend support to families at the 29 June Council meeting until 17 August 2021 and delay some fee increases to 5 October 2021. The Community support package will cost Council approximately \$135,005 until 5 October 2021.

Environmental Planning and Assessment Amendment (Compliance fees) Regulation 2021

- Amendment was made on 16 July 2021 with effect of prohibiting councils from collecting compliance levies after 31st December 2021.
- The impact of this on the current FY will be \$200,000 (6 months) and \$400,000 on FY22/23.

Proposed Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

- s7.12 development contributions framework proposed to change from a maximum percentage levy to a maximum monetary rate levy that can only be charged for development where there is an increase in floorspace.
- This will have a significant impact on Waverley as s7.12 contributes \$3m-\$4m each year to the capital works program.

The Committee asked about the impact of remote working and if employees have access to appropriate hardware and support. The General Manager responded stating that health and wellbeing is being prioritised along with ensuring staff have access to the hardware and IT support they need whilst working remotely.

The Committee expressed concern over labour hire staff attending rallies during the Covid-19 pandemic. The General Manager confirmed that there are no labour staff currently working at Council. Furthermore, priority has been placed to ensure contractors are following their Covid-safe plan.

The Committee discussed the new and proposed changes to Compliance Fees and Infrastructure Contributions and the Director of Planning, Environment and Regulatory services provided further information on their impact on Council. Council has provided a simple submission concerning the Proposed Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill asking for an extension of time to analyse how it will affect residents.

The General Manager discussed the acceleration of the Net Carbon Zero strategy to reduce Carbon Emissions by 2030 instead of 2050. The Strategy will be included in the Community Strategic Plan.

ARIC/5.3/21.07 Cemetery Management Planning Update (A20/0249)**MOTION / DECISION**

Mover: Elizabeth Gavey
 Seconder: Kath Roach

That the Committee receives and notes the update on the cemetery management planning.

DISCUSSION

The Committee discussed the Cemetery Services Strategic Business Plan and its focus on improving the

financial sustainability of the cemeteries through increased revenue and sales opportunities. Topics included the revocation of unused burial space, the increased capacity for interment sites and memorials, and financial modelling.

The Committee expressed satisfaction with the service review undertaken by management and agreed it outlined a good refresh for the business.

ARIC/5.4/21.07 Budget Performance Report - Q3 Review - March 2021 (A03/0346)

MOTION / DECISION

Mover: Elizabeth Gavey
Seconded: John Gordon

That the Committee receives and notes the Q3 March 2021 Budget Review which was adopted by Council on 25 May 2021 and is attached to the report.

DISCUSSION

The Chief Financial Officer highlighted the key points of the Q3 budget review and advised of the following provisional end of financial year results:

- There was no change to the forecast operating performance ratio for the current year.
- Operational income was budgeted at \$131.5m and Council achieved \$130.8m.
- The capital income budget was \$19.1m and Council achieved \$18.2m.
- Operational expenditure was budgeted at \$118m and Council spent \$113.7m.
- Capital expenditure was budgeted at \$73.1m and Council spent \$58.7m.
- Planning on carrying over \$14.9m of capital and operating expenditure.
- Achieved a surplus of 17.1m (before depreciation expense).
- Use of 40.1m of reserves to achieve a balanced budget

The Committee asked whether the \$40M worth of reserves proposed to be used to balance this year's budget would be used for their intended purposes. The Chief Financial Officer confirmed this and that Council has a healthy cash investment balance which supports the reserves and is in line with the funding strategy. The internal borrowing from the internal property investment reserve is \$2.9M which Council plans to pay back over 6 years and is included in the long term financial plan.

The Committee asked about the Operating Performance Ratio and when Council expected to be in a position to meet the industry benchmark (>0.00%). The General Manager responded that Council had been expecting to meet the benchmark from the 2021/22 Financial Year, however the unexpected repercussions of Covid-19 will affect this but to what extent is unclear.

ARIC/5.5/21.07 Investment Portfolio Report - June 2021 (A03/2211)

MOTION / DECISION

Mover: John Gordon
Seconded: Elizabeth Gavey

That the Committee:

1. Notes the June 2021 Investment Summary Report has been to the 20th July 2021 Council meeting.
2. Notes that the Chief Financial Officer, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

3. Requests management to consider seeking independent investment advice with regards to benchmark return rates.
4. Requests management to consider the rotation of the independent advisor approximately every 5 years.

DISCUSSION

The Committee discussed the 100% renewable energy target for 2030 and noted management's advice that Council is on track to achieve this.

The Committee requested that management consider seeking independent advice with regards to the benchmark return rates to ensure that they are appropriate.

The Committee asked management about the length of time they had been using Council's current independent financial advisor and requested that management consider reviewing and potentially changing the independent investment advisor approximately every five years.

ARIC/5.6/21.07 Waverley Reserve Strategy (A18/0227)

MOTION / DECISION

Mover: Cr Copeland

Seconder: Kath Roach

That the Committee:

1. Receives and notes the report.
2. Requests that management considers including in the Reserves Strategy document a process by which funds are transferred to and from a reserve, including the sign-off procedure for such transfers.

DISCUSSION

The Committee noted the Reserves Strategy and asked whether the Reserves Strategy is supported by a Reserves Policy or whether the Strategy is Council's reserves policy. The Chief Financial Officer confirmed that there is no separate reserves policy document and the Reserves Strategy in effect is Council's reserves policy.

The Committee discussed a run-off schedule for s7.11 and s7.12 contributions. The Committee also requested that Management consider including in the Reserves Strategy an outline of the process to transfer funds to and from a reserve including the sign-off procedure for such transfers.

ARIC/5.7/21.07 Information Management and Technology - ICT Strategy and Work Program Update (A20/0450)

MOTION / DECISION

Mover: Cr Copeland

Seconder: John Gordon

That the Committee:

1. Notes progress on the implementation of the ICT Strategy and work program.

2. Receives the presentation given to councillors on the business case for the ICT Modernisation Program and a summary of the Ernst and Young report at the next available meeting.
3. Receives a report on the protection of the organisation's key data at the next available meeting.

DISCUSSION

Following an overview of the report by the Chief Information Officer, the Committee requested to see the presentation given to councillors on the business case for the ICT Modernisation Program and a summary of the Ernst and Young report at the next available meeting.

The Committee noted that the IT audit items recommended for closure will be reported to the Executive Leadership Team for close-off and the Committee will be updated once this has occurred.

ARIC/5.8/21.07 Enterprise Risk Management Framework Update (A17/0245)**MOTION / DECISION**

Mover: Elizabeth Gavey
Seconder: Kath Roach

That the Committee notes the report on the status of Council's Enterprise Risk Management Framework.

DISCUSSION

The Executive Manager, Governance and Risk updated the Committee on progress with a software solution for the risk registers, and confirmed that the delay was not affecting management's awareness and control of the organisation's key risks.

ARIC/5.9/21.07 Governance Report (SF21/524)**MOTION / DECISION**

Mover: Elizabeth Gavey
Seconder: John Gordon

That the Committee:

1. Receives and notes the report.
2. Receives a report on the status of the Delegations Register once every 12 months with the first report presented to the Committee after the Council election in December 2021.
3. Receives the updates on the reports, referrals, PIDs, investigations and litigation sections in a table format over a 12-month period showing the matters that are open and closed.
4. Receives a report on Council's compliance with the chain of responsibility legislation for heavy vehicles.

DISCUSSION

For clarity of reporting the Committee requested the updates on reports, referrals, PIDs, investigations and litigation be presented in table format covering the previous 12 months and indicating which matters are

'open' and 'closed'.

It was agreed that the Committee has a responsibility to review the delegations register as a system of internal control and the review would occur once each year, with the first report presented to the Committee after the council election.

Regarding the Work, Health and Safety reports, the Committee discussed the lead indicators, the lack of mental health claims as a reflection of the organisation's focus on staff's mental health, compliance with the chain of responsibility legislation for heavy vehicles, including a request for a report, and the need for a more intuitive presentation of data in the Uprise reports.

Regarding the Complaints and Compliments reports the Committee discussed capturing all complaints in Merit and the need for an agreed definition of 'complaint' to be included in the new complaints management policy.

ARIC/5.10/21.07 Annual Internal Audit Plan Status Update 2020/21 (A21/0369)

MOTION / DECISION

Mover: Elizabeth Gavey

Seconder: John Gordon

That the Committee receives and notes the status update for the Annual Internal Audit Plan 2020/21

DISCUSSION

The Committee noted that the 2020/21 Internal Audit Plan was largely complete, with the last remaining audit report currently being finalised with management.

The Committee recognised the successful completion of the first year of the Internal Auditor's engagement, noting the challenges presented in the current pandemic environment.

ARIC/5.11/21.07 Completed Internal Audit Reports 2020/21 (A19/0800)

MOTION / DECISION

Mover: Elizabeth Gavey

Seconder: Kath Roach

That the Committee notes the following completed Internal Audit Reports attached to the report:

1. Project Management (Capital Works) Review Internal Audit Report April/May 2021.
2. Remote Working Internal Audit Report June 2021.

DISCUSSION

The Committee expressed satisfaction that management's response to the issues identified in the Project Management review has been positive and a realistic timeframe to implement the actions has been set.

The Committee noted Management's advice that the project management team has the knowledge and experience to deal with the big projects and contracts currently in place, and there is a Strategic Coordination Group providing a formal support structure. The Committee also noted management believes project costs are accurate and complete despite the user friendliness of Tech 1 and MagiQ not being optimal.

With respect to the Remote Working audit, the Committee noted the positive management responses to the issues identified and agreed that Council has done a good job in this area.

ARIC/5.12/21.07 Audit Recommendations Report- Implementation Status Update (A21/0368)

MOTION / DECISION

Mover: John Gordon

Seconder: Cr Copeland

That the Committee receives and notes the updated implementation status of the external and internal audit recommendations as set out in the attached "*Outstanding Audit Recommendations – July 2021*".

DISCUSSION

The Committee noted progress made by management with the recommendations regarding cyber security and fraud and corruption and commented that the the section of this report dealing with External Audit should be updated to align with the Management Letter from the Audit Office of NSW considered by the Committee at Item ARC/5.1/21.07.

ARIC/5.13/21.07 ARIC Work Program 2021 (SF21/530)

MOTION / DECISION

Mover: Elizabeth Gavey

Seconder: John Gordon

That the Committee:

1. Notes the ARIC Work Program 2021 attached to the report.
2. Requests the Executive Manager, Governance and Risk to meet with the Chair of the Committee before the next meeting to discuss the best way to indicate whether the Committee has dealt with the matters allocated to each meeting in the program.

DISCUSSION

The Executive Manager, Governance and Risk referred to the request by the Committee, at its March 2021 meeting, for staff to indicate in the program whether the Committee has dealt with the matters allocated to each meeting. The manager asked for guidance on the best way to achieve this and the Committee agreed that the Chair will discuss the matter offline with the manager before the next meeting.

The Committee noted that a review of the ARIC Charter is due at the November 2021 meeting and that the review of the Internal Audit Charter has been deferred to the November 2021 meeting.

6 Other Business

ARIC/6.1/21.07 ARIC Meeting Dates 2021

The Committee noted the remaining meetings for 2021 are scheduled as follows:

- 9am, Thursday 23 September 2021
- 2pm, Thursday 25 November 2021

ARIC/6.2/21.07 Resignation of Director, Customer Service and Organisation Improvement

The Committee was advised of the resignation of Council's Director, Customer Service and Organisation Improvement and wished him well in his new position.

7. Meeting Closure

THE MEETING CLOSED AT 12.50 PM.

.....
SIGNED AND CONFIRMED
CHAIR
23 SEPTEMBER 2021

REPORT
CM/7.7/21.11

Subject: Petition - Skatepark Facilities

TRIM No: A02/0434

Author: Sophie Benbow, Governance Officer

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council:

1. Refers the petition requesting additional skatepark facilities to the Acting Director, Community, Assets and Operations, for consideration.
2. Officers prepare a report to Council on the outcome of their consideration of the petition.

1. Executive Summary

Council has received an online petition containing 1,086 signatures (as at 21 October 2021) via Change.org requesting additional skate facilities.

The petition does not fully comply with Council's Petitions Policy. However, 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:

'There is a genuine local need for additional public skate facilities in the City of Waverley [sic]. The Bondi Skate Park is over utilised and despite being accessible to all ages, there is a conflict between experienced and inexperienced users.'

The mainstreaming of skateboarding through the Olympics, coupled with increased participation of solo sports during Covid-19, has fuelled growth in skateboarding in recent times and further increased the need for more infrastructure.'

Skateparks are proven to increase health, well-being, community cohesion whilst reducing social exclusion and anti-social behaviour. Additional skate facilities will not only benefit skaters, but it will also enhance the City of Waverley and will be an asset to the whole community and enjoyed by future generations to come.

The action requested is:

'New public skate infrastructure is needed to provide a safe and inclusive sports facility for users of all ages.'

The petition is an online petition created on Change.org. Council's Petitions Policy states that the petition must include the full name, address (including postcode) and email address of those people who support the online petition. The petition does not comply with the policy because it does not contain the full residential address or email address of the people who support the petition. However, this appears to be a limitation of the Change.org platform. Where a petition does not fully comply with the Petitions Policy, it is up to Council to decide whether to accept it.

A review of the Petitions Policy to better accommodate petitions generally, including online petitions, is scheduled for early 2022.

5. Financial impact statement/Time frame/Consultation

There is no financial impact in Council receiving the petition.

6. Conclusion

It is recommended that the petition be forwarded to the Acting Director, Community, Assets and Operations for consideration, and that a report come back to Council on the outcome.

7. Attachments

Nil.

REPORT
CM/7.8/21.11

Subject: Petition - Glenayr Avenue, North Bondi - Resident Parking Scheme

TRIM No: A02/0750

Author: Sophie Benbow, Governance Officer

Director: Evan Hutchings, Director, Finance and Governance

RECOMMENDATION:

That Council:

1. Refers the petition requesting a resident parking scheme in Glenayr Avenue, North Bondi, to the Acting Director, Community, Assets and Operations, for consideration.
2. Officers prepare a report to Council on the outcome of their consideration of the petition.

1. Executive Summary

Council has received a petition signed by 31 residents of Glenayr Avenue and Oakley Road, North Bondi, requesting a resident parking scheme in Glenayr Avenue.

The petition does not fully comply with Council's Petitions Policy. However, 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:

'We are Glenayr Avenue residents seeking to improve the quality of life for everyone on the street by reducing traffic and improving safety.'

The action requested is:

'What we want:

- *A temporary closure of Glenayr Avenue to through-traffic with barriers installed.*
- *A traffic study before and after the introduction of the closure.*
- *The introduction of 2-hour parking restrictions for non-residents, and resident permits.*

Why:

- *A street closure would dramatically reduce traffic creating a much more liveable area and a much safer environment for children to play.*
- *A temporary closure along with a traffic study provides the opportunity for an informed consultation with residents of the pros and cons of the proposal.*
- *During the pandemic there has been a huge increase in the use of street space by pedestrians and cyclists and a road closure would make it safer for both—it is the perfect time for a closure to assess its impact.*
- *There have been a number of crashes and near misses on the bend of Glenayr.*
- *Many vehicles, including heavy trucks, navigate the corner at speed on a road that is not designed to accommodate them.*
- *The area is home to many children with limited recreational space, cutting down traffic on the street allows active use of the area.*
- *A low traffic neighbourhood will improve air quality, cut down on noise pollution and increase the area's amenity.*
- *Waverley Council approved a similar closure on Rickard Avenue in Bondi in 2019, which had lower volumes of traffic than Glenayr Avenue and lower housing density.*
- *Parking restrictions: Glenayr Avenue is often parked out, with people using the area to park and then go to the beach, to the pub and nearby schools. There is also the problem of dumped cars.*

Regarding the temporary closure and traffic study, the chief petitioner has subsequently requested Council not to consider these proposals at this time.

The petition does not comply with Council's Petitions Policy because it was not submitted on the Petition Lodgement Form and does not contain the phone number of the people who support the petition. Where a petition does not fully comply with the Petitions Policy, it is up to Council to decide whether to accept it.

A review of the Petitions Policy to better accommodate petitions generally is scheduled for early 2022.

5. Financial impact statement/Time frame/Consultation

There is no financial impact in Council receiving the petition.

6. Conclusion

It is recommended that the petition be forwarded to the Acting Director, Community, Assets and Operations for consideration, and that a report come back to Council on the outcome.

7. Attachments

Nil.

**REPORT
CM/7.9/21.11**

Subject: Temporary Outdoor Dining

TRIM No: A21/0513

Author: John Coudounaris, Manager, Economic Development
Tamara Haque, Economic Development Strategist
Jessica Manifold, Tourism and Business Co-ordinator

Director: Mitchell Reid, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Endorses the temporary outdoor dining initiative as set out in the report as part of the Alfresco Restart Package announced by NSW Government.
2. Charges no fee for applications for temporary outdoor dining permits lodged with Council for the trial period.
3. Charges the normal footpath lease fee that applies under Council's Pricing Policy, Fees and Charges.
4. Notes that the use of the footpath for temporary outdoor dining is exempt under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and there is no notification requirement.
5. Officers prepare a report to Council following the conclusion of the initiative in April 2022.

1. Executive Summary

This report provides Council with an overview of the Alfresco Restart Package recently announced by the NSW Government. The report outlines initiatives undertaken by other surrounding councils, proposes a policy approach for Council and outlines a high-level process for Council and the local business community to obtain temporary permits.

The initiative encourages Council to allow all food and drink retail premises with valid approvals to apply for temporary permits to expand or establish an alfresco/outdoor dining area in a public space. This is subject to obtaining landowner's consent and meeting necessary criteria. Businesses can apply from 1 December 2021 until 28 February 2022, with Council adopting a fast-track process to review applications. The initiative and temporary permits will conclude on 18 April 2022.

2. Introduction/Background

At its meeting on 26 October 2021, Council noted the NSW Government's temporary alfresco dining initiatives and sought a report outlining policies from other councils, and clarifying a process for Waverley to proceed towards such approvals. This report responds to that resolution. The business community has been supported through COVID-19 with a range of business support packages by all levels of government since March 2020. As Sydney beings an economic recovery from the latest pandemic restrictions, the NSW

Government via the Department of Planning, Industry and Environment (DPIE) announced additional support for quicker recovery of commercial centres. The Alfresco Restart Package offers to fund a range of initiatives for government and the community to share in \$66 million of funding. Specifically, the package includes initiatives focusing on outdoor dining, live music and entertainment. A summary has been outlined in the table below.

Table 1. Alfresco Restart Package

Alfresco Restart Package initiatives	Comment
Streets as Shared Spaces Program (max. \$500,000 grant per Council)	Council staff are preparing an expression of interest (EOI). Proposals relating to planned projects are still being reviewed to confirm the final option. EOI submissions close 18 November 2021.
Summer Night Fund Program (max. \$15,000 grant per Council)	Council staff are preparing an EOI. Proposals are still being reviewed with a focus on activating the Bondi Junction commercial centre during early evening hours. EOI submissions close 15 November 2021.
Long Summer Nights Program	Available only to City of Sydney
Open Street Program	Available only to City of Sydney and 12 other LGAs of Concern as identified in Public Health Order
Changing outdoor dining planning rules permanently to allow pubs and small bars to implement outdoor dining more easily	<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> has been updated and this follows the successful trial that started in 2020.
Setting up emergency temporary alfresco dining measures for businesses to set up dining in parks and public spaces (for Councils only)	Under review by Council officers and the subject of this report. Guidelines remain pending and are expected to be issued by Department of Planning, Industry and Environment in coming weeks. The temporary initiative will conclude 18 April 2022.
\$5,000 grants for hospitality businesses to get their outdoor dining ventures in a park or public space off the ground (for businesses only)	Offers a \$5,000 grant for 5,000 hospitality businesses to establish new alfresco settings. This is in coordination with above initiative delivered by Council. Submissions not yet opened with no guidelines released yet and no opening date set. This will also conclude on 18 April 2022.

The Office of Local Government, Service NSW and Department of Planning (DPIE), Industry and Environment are all involved in this package. At the time of this report being prepared, each had consistently noted unexpected delays in releasing further information which has placed increased pressure on councils having to deal with enquires from the business community. The absence of completed guidelines or a formal launch date has added to extensive confusion within NSW Government, other councils and the broader business community.

The temporary alfresco dining initiative will help activate public spaces in the Waverley local government area (LGA) over summer and support food and drink retail premises recover more quickly after extended lockdown restrictions. This support aligns with Community Strategic Plan 2018–2029 goal 4.2 to ‘ensure

Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services.'

Currently, Council has 119 active outdoor dining permits in operation. This has fallen from approximately 150 permits prior to COVID-19. A number of guidelines and standard conditions are in place to protect residential amenity, adjacent businesses, and ensure safety of pedestrians and road users is maintained at all times. Outdoor dining is also currently only permitted in designated areas across the LGA.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 October 2021	CM/6.1/21.10	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes: <ol style="list-style-type: none"> (a) The NSW State Government's temporary measures to support alfresco dining. (b) Initiatives by the City of Sydney, Inner West and Woollahra Councils to provide alfresco dining opportunities. 2. Understands there is confusion in the business sector about the process to gain Council approval for alfresco dining activities. 3. Officers prepare a report for submission to the next Council meeting that: <ol style="list-style-type: none"> (a) Outlines a policy for alfresco dining, drawing upon initiatives from other Sydney councils. (b) Clarifies the process for businesses to apply to Council for such approvals.

4. Discussion

At its meeting on 26 October 2021, Council resolved to note the initiatives of the NSW Government's Alfresco Restart Package and to seek a report outlining a policy drawing on initiatives from other councils and clarifying a process for Council to proceed towards such approvals. This report responds to that resolution.

Analysis of other councils

Officers have undertaken a review of how surrounding local government areas have responded to the temporary alfresco dining initiatives. The NSW Government has allowed each individual council to determine the best and most suitable approach for its community. Numerous discussions were undertaken with staff at Randwick, Woollahra, City of Sydney, Inner West and Northern Beaches Councils, and this revealed that approaches vary, summarised as follows (see also Attachment 1):

- Location – Type of public space areas vary between footpath, parking spaces and depend on the respective commercial centre/s.

- Eligibility – All maintain that it relates to food and drink retail premises with a valid consent, while others have also expanded this to allow for temporary sale of goods on the footpath.
- Guidelines – Some have introduced temporary guidelines to support applications while others are opting to use existing guidelines. DPIE is delayed in releasing guidance for councils.
- Timing – The NSW Government initiative time frame currently extends until 18 April 2022, while some have opted to extend to 30 June 2022. Informal discussions noted there will likely be further extensions to some measures until mid-April 2022 by most councils to ensure businesses can leverage from the summer peak season.
- Lodgement – This is primarily online via a PDF form or online portal which will be made available on the council websites.
- Assessment – Most have committed to fast-tracking applications subject to meeting criteria; however, no commitments have been made regarding the exact timing.
- Lease fees – In some instances, Councils have waived footpath lease fees and have extended this to also include existing footpath dining permit holders.

Additional bespoke activations and permits to support active economic recovery and reduction of council red tape also differ greatly based on funding, location and internal resourcing. Randwick Council has opted for a range of measures preapproved by that council. This includes car space dining, events and pop-up activations in empty commercial units. In this way, council officers now lead these activations with businesses in the short-term to roll out their extensive support program. All measures come under the Alfresco Restart Package.

Waverley's proposal for temporary outdoor dining

A proposal to permit temporary outdoor dining is considered appropriate on existing footpath areas across commercial centres in the Waverley LGA. Support should be subject to relevant criteria and standard operational conditions that apply to existing (approved) outdoor dining.

By way of background, businesses are encouraged to apply for a temporary permit, as the NSW Government is giving hospitality businesses that operate as food premises and/or a licence under the *Liquor Act 2007* (where applicable) a \$5,000 grant. Businesses with existing outdoor dining permits and businesses with no outdoor dining permits can apply. This includes takeaway businesses that previously did not have approval for outdoor dining. No further clarity has been provided on where or how the grant money can be spent.

Assessment criteria

If this initiative is supported by Council, relevant food and drink premises owners would apply for the use of the adjacent footpath area and Council officers would make an assessment based on criteria that includes location, impact on pedestrian safety, residential amenity and impact on adjoining businesses. To qualify for a temporary outdoor dining permit, it is proposed that a business must submit an application addressing/confirming the following matters:

- Be located within a Waverley Commercial Centre.
- Be an approved food retail business with a valid consent and/or a licence under the *Liquor Act 2007* (if applicable).
- The \$5,000 grant is being used for the items outlined by DPIE (to be confirmed by NSW Government).
- Public liability insurance is in place in an amount not less than \$20 million.
- Agreement to comply with temporary guidelines and standard conditions.
- Upfront payment of the monthly rental fees (no security bond is required).
- Have a COVID Safe Plan in place.

Temporary outdoor dining guidelines

Criteria is intended to be developed to support the assessment process to ensure safe use of footpaths and maintain local amenity. Standard operating conditions would also be developed by Council officers that take into consideration existing outdoor dining guidelines and conditions in the Waverley Development Control Plan (DCP), neighbouring councils' temporary outdoor dining guidelines and NSW Government guidelines once released.

The objectives of these temporary guidelines would be to outline criteria to ensure that outdoor dining areas must:

- Be safe and protected from vehicles and cyclists.
- Allow for the footpath to be shared with pedestrians.
- Be accessible and not compromise accessibility.
- Not unreasonably impact on neighbourhood amenity.
- Be attractive and well maintained.
- Contribute positively to the streetscape.

The guidelines would outline the:

- Assessment criteria.
- Management measures.
- Submission requirements.
- Standard permit conditions.

Residential amenity is of utmost concern and all applications would be assessed on the location, noise and community impacts.

The DPIE guidelines allow outdoor dining in public spaces across the LGA. However, it is not recommended that Council issues permits for operation on roads and parking spaces due to safety and availability concerns.

Approval process

A simpler, fast-tracked approval process is proposed. This has been based on the current outdoor dining process. While additional work is required to formalise the process, it would generally involve:

- Reviewing assessment criteria, guidelines and standard conditions to be provided on Council's website.
- Completing an application form available on the website.
- Where applicable, liaising with the Service NSW business concierge regarding an applicant's liquor licence.
- A submission process for accepting applications that is the same as current footpath seating applications (accepted via email or at the Customer Service Centre).
- Adhering to guidelines and standard conditions, ensuring a COVID safety plan is in place, and displaying the approval notice at all times.

The proposed process for Council staff in reviewing temporary permit is as follows:

- Customer service to be the first point of contact. A temporary outdoor dining form with all attached documentation submitted as a normal footpath seating application via email and then assessed by the respective Council officer.

- Council officer assesses against assessment criteria and standard conditions. A standard checklist is to apply to all applications.
- An existing business may apply for amendments to their current outdoor dining areas or a business with no outdoor dining permit may apply for a temporary outdoor dining permit.
- Where the premises has a liquor licence, the proprietor must co-ordinate changes to its approved boundary operations with Service NSW prior to applying for a temporary outdoor dining permit.
- Council officer inspects the proposed site against the set criteria and standard conditions.
- Council officer notifies business of the success or rejection of their application generally within 14 days (10 working days).
- Footpath leasing fees for the period to be paid and use commences.

Approvals

The following have been suggested for temporary outdoor dining approvals:

- The premises must be an approved food and drink premises.
- The premises must have adequate sanitary facilities available.
- Operating hours must comply with existing development consent or DCP guidelines (i.e. 7 am–10 pm), whichever is the lesser.
- Applications restricted to only commercial/business locations that exist in the Waverley LGA.
- Applications accepted until 28 February 2022 to ensure appropriate allocation of Council resources with permits active until 18 April 2022.
- The temporary dining period concludes on 18 April 2022.

Liquor licence approvals

Businesses with existing liquor licences would need to liaise with the Service NSW business concierge for any boundary amendments to their licence. Businesses without liquor licences that wish to serve alcohol would require approval from NSW Liquor and Gaming (through the Service NSW business concierge) prior to commencing any temporary outdoor dining. Any venue that already has a liquor licence and offer outdoor dining would still need to comply with their usual liquor licence conditions, as well as any specific conditions that apply to the outdoor area.

Preferred locations

Applications would be reviewed on a case-by-case basis for locations across Waverley. There are four preferred areas to help activate the local communities:

- Campbell Parade, Bondi Beach.
- Oxford Street Mall, Bondi Junction
- Waverley Street Mall, Bondi Junction
- Roscoe Street Mall, Bondi Beach

Compliance

A range of compliance issues would still be required to be adhered to under a temporary outdoor dining permit. These include:

- Businesses to display the approval notice for a temporary outdoor dining area in a prominent position and make it available to authorised Council officers on request. It must clearly show the approved hours of operation and approved outdoor dining area.
- The business be required to have a COVID safety plan.

- Authorised Council officers may order the removal of any items on the footpath that are not part of the outdoor dining approval, or otherwise permitted under another approval or policy of Council.
- If adjoining footpath area is not used by the adjacent shop, shops immediately adjacent may take up that space, providing they meet the criteria for approval. Adjoining space should only be used as long as the adjacent business does not require the seating for its own purposes.

Fees and charges

Fees and charges associated with normal outdoor dining are outlined in Council's Pricing Policy, Fees and Charges 2021–22. These normally include application fees, monthly recurring fee based on occupied footpath area, and a refundable security deposit held for any damage to the footpath or reimbursement to Council for any unpaid monthly permit fees.

In considering the aims of the new legislation and assistance package, as well as fairness for existing footpath dining permit holders, it is considered appropriate that temporary outdoor dining premises should pay the same footpath lease fees and security deposit as existing premises.

Communications to business community

To improve clarity for the community, details of the temporary outdoor dining package, application, approval process and criteria would be made available on Council's website. FAQs addressing questions that businesses may have about the approval process and outdoor dining would also be provided.

Additional considerations

Additional consideration has been given to the use of parking spaces for use of temporary outdoor dining. This approach is allowable at some neighbouring councils. In the circumstances, this option is not supported for the following reasons:

- The proposal to use roadways for outdoor dining would require approval of a Traffic Management Plan and consideration of safety measures. This would require considerable amount of time, resulting in trial delays.
- The proposal would also require approval from Waverley Traffic Committee.
- There would be a cost to Council through loss of revenue of parking spaces, which would require further financial assessment.
- Due to the timing of the outdoor dining trial, problems may arise for businesses to relocate parklets during the busy holiday season.

Given the short notice period between NSW Government announcement of the trial and establishing temporary permit approval process, it is not considered feasible at this time for parking spaces to be used for temporary outdoor dining. However, further investigations will take place to explore this opportunity in the future, regardless of the Alfresco Restart Package and temporary permits.

5. Financial impact statement/Time frame/Consultation

Financial impact

The financial impact of such an initiative to Council is unclear, as difficulty remains in identifying the volume of applications Council is expected to receive.

The main area of cost would be the assessment and administration of the program which would include a range of resourcing and administrative requirements. This ranges from public enquires, lodgement,

assessments, invoicing, compliance and more. At this time, it is reasonably likely these additional resource requirements could be absorbed within existing staff resources.

Time frame

The temporary outdoor dining program would begin accepting applications from 1 December 2021 to 28 February 2022, with the entire program concluding 18 April 2022. An evaluation of the program would be undertaken and presented in a subsequent report to Council by June 2022.

Consultation

Internal consultation was undertaken with teams primarily involved with delivering and managing outdoor dining permits, including Development Assessment, Compliance, Property and Facilities, and Finance. Teams were consulted regarding the guidelines, fees and charges and internal delivery approach. Further discussions would be required to finalise internal processes and resourcing.

The Community Participation Plan 2019 classifies outdoor dining as 'Type A', and therefore all applications received by Council traditionally require a 14-day exhibition period prior to assessing. The NSW Government has amended the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to classify temporary outdoor dining as exempt development until the program concludes on 18 April 2022. This means exhibition and notification of any application is not required. The intent was to provide a more rapid delivery mechanism that supports the underlying intentions of the temporary permits and supports the economic recovery of the local business community.

Informal consultations have also taken place with the Office of Local Government, Department of Planning, Industry and Environment, Service NSW and Chamber of Commerce. This is in addition to numerous staff at surrounding councils including Randwick, Woollahra, City of Sydney, Inner West and Northern Beaches. All relevant information has been included in this report.

6. Conclusion

The Alfresco Restart Package and temporary outdoor dining initiative can temporarily support all eligible food and drink retail premises in Waverley, which can lead to a faster recovery of commercial centres. The proposal is recommended to proceed with temporary permits on existing footpath seating areas subject to meeting criteria. An evaluation of this initiative is also proposed to be completed to assess performance and it will be reported back to Council once the initiative concludes after 18 April 2022.

7. Attachments

1. Initiatives of other councils [↓](#)

Initiatives of other Councils

City of Sydney Council	
Assessment Criteria	Existing controls – adopted July 2021
Application Fees	Waived
Permit fees (monthly)	Waiving all outdoor dining permit fees until June 2022
Process + time	Apply online. Trialling a fast-tracked, free application process for outdoor dining permits (until June 2022)
Application form	Online Application form and PDF
Eligibility	Cafes, bars, restaurants and cultural venues that already have an outdoor dining permit and also ones that do not trade outdoors and that serve food for eating at the premises can apply.
Roadway use	Yes. Eligible to apply for use of footpath space and car parking spaces.
Woollahra Council	
Assessment Criteria	Parklet Trial Program Guidelines created only
Application Fees	Any Council fees associated with parklets will be waived during the trial period
Permit fees (monthly)	Waived permit fees however, costs associated with the artistic treatment of parklets must be covered by the applicant.
Process + time	Online form application open to current permit holders only
Application form	Following a review of the guidelines, eligible businesses can complete and submit an online application below.
Eligibility	Existing footway licenses can expand into car spaces including cafes, bars, restaurants and cultural venues that already have an outdoor dining permit and also ones that do not trade outdoors and that serve food for eating at the premises can apply.
Roadway use	Yes. A parklet trial program has been introduced. This will enable businesses with existing footway dining approvals to apply to use kerbside parking space for additional footway dining. This reallocation of kerbside parking to footway dining is commonly referred to as a 'parklet'.
Randwick Council	
Assessment Criteria	New temporary guidelines
Application Fees	Waived
Permit fees (monthly)	Waived
Process + time	Fast-track applications, depending on support from neighbouring businesses and minimal pedestrian impact.
Application form	Standard PDF application form, fast tracked internally
Eligibility	A business/retail premises, pub, small bar, café or restaurant must have already received consent or exempt development.
Roadway use	Yes. Small bars, cafes, restaurants and pubs will be able to turn nearby car spaces into extra outdoor dining spaces using either parklets, platforms or barriers in appropriate locations. The project will be trialled through an expression of interest process and the costs will be borne by the business. Council will allow a maximum of 25% of parking space lots within any commercial centre.
Northern Beaches Council	
Assessment Criteria	Existing guidelines used with 5 new criteria to be met by all applications
Application Fees	Waived until 31 Dec 2021, possibly extended to April 2022.
Permit fees (monthly)	As above

Process + time	Depending on the case quick response to easier permissions with a dedicated resource coordinating Council departments to consult on a case-by-case basis
Application form	Quick EOI form online
Eligibility	Any business can apply via their EOI form
Roadway use	Yes. Inviting any ideas and assessing case by case provided no cost to Council being a prerequisite.
Inner West Council	
Assessment Criteria	New temporary guidelines
Application Fees	Waived
Permit fees (monthly)	Waived
Process + time	Expediting new or temporary applications for footpath dining
Application form	Apply via PDF form and lodge online
Eligibility	Restaurants, cafes, bars, pubs, small bars, breweries, and other food and drink businesses
Roadway use	Yes. use of public spaces - including parking spaces and temporarily closed main and side streets, and Council parks and carpark

REPORT

CM/7.10/21.11



Subject: Service NSW Partnership Agreement

TRIM No: A19/0616

Author: Tamara Haque, Economic Development Strategist

Director: Mitchell Reid, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Endorses the updated partnership agreement with Service NSW attached to the report.
2. Authorises the General Manager to sign the updated agreement with Service NSW.

1. Executive Summary

Service NSW is a division of NSW Government that makes government services more easily accessible for NSW businesses and residents. Council entered into an agreement with Service NSW in March 2019 to join the Easy to do Business Program. Since 2019, the agreement was expanded to promote Service NSW grants, COVID-19 support programs, grant workshops and other initiatives. Service NSW has made an additional clause to their partnership agreement for all partnerships, which requires endorsement from Council.

2. Introduction/Background

Council started a partnership with Service NSW for the Easy to do Business program in 2019. The program aims to make it easier and simpler to establish businesses in NSW. It was designed to help small businesses navigate local, State and Federal government licences and other approvals. The majority of NSW councils have joined the Easy to do Business program.

Since the agreement in 2019, Council has further partnered with Service NSW on promoting grants from Service NSW, promoting Service NSW's COVID-19 support programs, presenting at grants workshops, and other initiatives. Council collaborates with a Service NSW Council Relationship Manager regularly to stay up to date on Service NSW programs and initiatives. There is also a dedicated Business Concierge to address business concerns and questions, and review business applications.

To continue collaborating and partnering on both Council and Service NSW initiatives, endorsement is required for the updated partnership agreement attached.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 March 2019	PD/5.2/19.03	That Council joins the Easy to do Business program and delegates authority to the General Manager to enter into the necessary agreements with Service NSW.

4. Discussion

The Service NSW Partnership agreement has the following purposes:

- Provide the services of Service NSW for Business, which is a division of Service NSW with a mandate of being the one front door for businesses in NSW to access government information and services.
- Provide the framework within which Services will be delivered.
- Document the responsibilities of Service NSW and the Council on the provision of Services.
- Provide mechanisms to manage the relationship between the parties (Council and Service NSW).
- Promote a collaborative approach to working together in a timely and effective manner and to act in good faith.

There has been an update in the data and data security clause in the agreement. In summary, the clause stipulates that both Service NSW and Council are responsible for data protection and will not make the other party's data available to a third party. It also notes that each party must establish and maintain safeguards against destruction, loss or alteration of data.

It is to be noted that the agreement is not legally binding.

Partnering with Service NSW provides a number of benefits to both Council and to NSW businesses that have been realised in the past two years of partnership.

Table 1. Benefits of partnership.

Council benefits	Customer benefits
<ul style="list-style-type: none"> • Reduced costs/resources with enquiries being redirected to Service NSW. • Effective tools to help boost our local economy and assisting Council to deliver on its Community Strategic Plan. • Increased productivity with 'decision-ready' applications (Easy to do Business program). • Advice and access to Service NSW initiatives that provide value to our local businesses. 	<ul style="list-style-type: none"> • Step by step guidance through the Easy to do Business application process by Service NSW. • Dedicated Business Concierge within Service NSW to answer questions, review applications to ensure they are 'decision-ready' prior to submission and liaise with Council. • Access to Service NSW initiatives and access to grants.

Alignment with Community Plan/Operational Plan

This program will assist with the delivery of multiple Community Strategic Plan strategies. They key ones identified include:

- 4.2.1 – Enhance the commercial core of Bondi Junction to increase employment.
- 4.2.2 – Support the efforts of a range of stakeholders to increase the diversity of the local economy.
- 10.2.2 – Deliver long-term financial and economic programs that improve financial sustainability.
- 10.3.1 – Engage and partner with the community to provide services that meet its needs and expectations.

Next steps

If resolved by Council, the updated partnership agreement will be signed, enabling Council to continue collaborating with Service NSW. Sections 7–9 of the *Service NSW (One-stop Access to Government Services) Act 2013* require the agreement to be executed pursuant to a resolution of Council.

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

There are no financial obligations to the agreement, and it is not legally binding.

Time frame

The agreement is ongoing.

6. Conclusion

Service NSW has updated the data and data security clauses within the agreement to strengthen data protection. Supporting the changes will enable the ongoing partnership with Service NSW to continue.

7. Attachments

1. Service NSW - Partnership Agreement [↓](#)



PARTNERSHIP AGREEMENT

Between **Service NSW** (ABN 37 552 837 401) and the Waverley Council (the '**Council**)
(the '**Parties**')

Last Updated: 27 July 2021

1. Purpose

1.1. The purpose of this Agreement is to:

- A. Provide the services of Service NSW for Business, which is a division of Service NSW with a mandate of being the one front door for businesses in NSW to access government information and services.
- B. Provide the framework within which Services will be delivered.
- C. Document the responsibilities of Service NSW and the Council on the provision of Services.
- D. Provide mechanisms to manage the relationship between the Parties.
- E. Promote a collaborative approach to working together in a timely and effective manner and to act in good faith.

This Agreement is not legally binding.

2. Background

- 1) Service NSW is a Division of the Government Service established under the Service Act. The functions of Service NSW include the exercise of customer service functions, within the meaning of the Service Act; other functions conferred by statute; and other functions relating to the delivery of Government services, as directed by the Minister responsible for Service NSW.
- 2) Section 7 of the Service Act makes provision for customer service functions to be delegated by other NSW Government agencies to the Chief Executive Officer ('**CEO**').
- 3) The functions of the CEO are exercised by the staff of Service NSW.
- 4) Section 8 of the Service Act enables the CEO to enter into Agreements with local government agencies for the exercise of a non-statutory customer service function of the agency; or with respect to the exercise of a customer service function delegated to the CEO.
- 5) Subsection 8(4) of the Service Act provides that an Agreement with a council, a county council or a joint organisation within the meaning of the *Local Government Act 1993* must be approved by a resolution of the council, county council or joint organisation, must be approved before it is entered into.
- 6) Service NSW partners with the Council to promote and deliver the services of Service NSW for Business to businesses across NSW.

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7) the purpose of this collaboration is to ensure awareness and access to Government services to all businesses in NSW.

8) the Services of Service NSW for Business are free for the Council and for customers.

9) The PPIP Act and the HRIP Act set out information handling principles that apply to public sector agencies (as defined in section 3 of the PPIP Act). As public sector agencies, the parties must not do anything, or engage in any practice, that contravenes a privacy principle that applies to them.

10) Section 14 of the Service Act makes provision for the disclosure and use of information, including personal information, for the purposes of the exercise of customer service functions by the CEO. Section 14 has effect despite the provisions of any other Act, including the PPIP Act and the HRIP Act.

11) Section 15 of the Service Act makes provision for the collection of personal information for the purposes of the PPIP Act and the HRIP Act, by Service NSW.

12) Section 16 of the Service Act enables an Agreement made under the Service Act, or a delegation of a customer service function by an agency to the CEO, to provide for the exercise by Service NSW of functions relating to access to information under the Government Information (Public Access) Act 2009 and functions relating to the State Records Act 1998, in connection with the functions of the council concerned. The responsibilities of Agencies under the *State Records Act 1998* include making and keeping full and accurate records of their office.

13) The Parties have agreed to enter into an Agreement under section 8 of the Service Act, incorporating the terms on this Agreement.

3. Guiding Principles

3.1. The Parties will:

- A. Work collaboratively and in good faith in a timely and effective manner, with open communication to achieve shared objectives;
- B. Facilitate a partnership relationship that promotes and achieves continuous improvement and accountability;
- C. Ensure that each of its Personnel complies with this Agreement and all applicable laws and policies relating to the Services, including the *Work Health and Safety Act 2011*;
- D. Comply with the agreed timelines for meeting obligations to ensure efficient and effective delivery of Services;
- E. Work together to identify and manage shared risks;
- F. Work together to prioritise initiatives and enhancements, particularly where there are limitations on time and resources; and
- G. Work together to respond to the media, advise Ministers, and consult each other when developing communications that impact on Services.

4. Roles and Responsibilities

4.1. Service NSW will:

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- A. Provide the Services in accordance with the terms of this Agreement, subject to any Change Request;
- B. Exercise the required standard of skill, care and diligence in its performance of the Services and ensure that its Personnel have appropriate qualifications and skills to provide the Services;
- C. Take responsibility for the management of records it creates or holds as a result of the exercise of a customer service function, where required; and
- D. Take responsibility for performing necessary maintenance of its systems and data managing the impact on customers from Service NSW system outages and working in conjunction with the Council.

4.2. The Council will:

- A. Provide Service NSW with all information, inputs, resources and subject matter expertise in a timely manner as required to enable Service NSW to provide the Services as set out in the Agreement;
- B. Take responsibility for the management of records it receives or holds following the exercise of a customer service function by Service NSW.

4.3. The Parties undertake to maintain open channels of communication by:

- A. Making available Personnel, data, reports and computer systems for the purposes of resolving customer issues;
- B. Appointing a Relationship Manager with responsibility for managing the contractual and operational aspects of the Services. The Relationship Manager may be varied.

5. Services

A. Service NSW will:

- (i) provide the relevant information and contacts to Council to ensure its local businesses are aware and can access the Service NSW for Business services
- (ii) provide a single point of contact for Council to ensure it can access Service NSW for Business services.

B. the Council will:

- (i) refer eligible customers to the Program;
- (ii) provide guidance to Service NSW staff to assist in responding to inquiries;
- (iii) inform customers and Service NSW of the outcome of relevant applications in line with privacy requirements
- (iv) provide updates on changes to local government policies, guidelines or other matters which may affect the Program;
- (v) identify local opportunities to inform customers of the program;
- (vi) provide Service NSW with feedback on the effectiveness and performance of the Program.

6. Liability

- 6.1. To the full extent permitted by law, neither Council or Service NSW will be liable to the customer for the customer's actions or responsible for any liability, loss or cost suffered directly or indirectly by the business in connection with the Service NSW for Business service.

7. Data and Data Security

- 7.1. Each party retains ownership of its Data.
- 7.2. Except as required by law, neither party must, and must ensure that its Personnel will not:
- A. use the Data belonging to the other party for any purpose other than the performance of its obligations under this Agreement; or
 - B. sell, commercially exploit, let for hire, assign rights in or otherwise dispose of any Data. or
 - C. Make the other party's Data available to a third party including another government agency or body, other than an approved Subcontractor, and only to the extent required under this Agreement.
- 7.3 Each party must establish and maintain safeguards against the destruction, loss or alteration of either party's Data in the possession or control of that party which are consistent with and no less rigorous than those maintained by either party to secure its own data; and comply with all applicable laws and policies.
- 7.4 In particular, the Parties will ensure the secure transmission and storage of data, at standards no less than those recommended by Cyber Security NSW.

8. Confidential Information

- 8.1. The Parties must, in respect of any Confidential Information:
- A. Keep the Confidential Information confidential and not disclose that information to any person without the prior written consent of the disclosing party, other than to its Personnel, professional advisors or contractors requiring access to the Confidential Information in connection with providing the Services;
 - B. Use the Confidential Information solely for the purpose of carrying out its obligations;
 - C. Not permit the Confidential Information to be reproduced except to the extent reasonably required to carry out its obligations;
 - D. Not do anything that would cause the disclosing party or its Personnel to breach their obligations under Privacy Law; and
 - E. Notify the other party as soon as possible upon becoming aware of any breach of this clause.

9. Privacy

- 9.1 Each party and its Personnel must:
- A. Comply with Privacy Laws; and
 - B. Do all that is reasonably necessary to enable the other party to comply with Privacy Laws, including the development of documentation to demonstrate compliance with Privacy Laws, as agreed between the parties;
- 9.2. In particular, Service NSW acknowledges that:
- A. The collection of personal or health information will take place in compliance with the Privacy Laws, as modified by section 15 of the Service Act; and

- B. the use, disclosure, storage and retention of such information will be in accordance with the Privacy Laws, and in accordance with applicable policies.

Schedule 3 documents the respective responsibilities of Service NSW and the Council in relation to the collection, storage, use, retention and disclosure of personal information.

- 9.4 Personal and health Information collected, used, disclosed or retained between the parties will be managed and retained by the parties in accordance with the *State Records Act 1998* (NSW) and all other applicable laws, including Privacy Laws.
- 9.5 Once either of the Parties has reasonable grounds to believe there has been unauthorised access to, unauthorised disclosure of, or a loss of Personal or Health Information, dealt with in connection with this Agreement (**'Data Incident'**):
 - A. The party must immediately (but in any event, no later than 72 hours of becoming aware of the Data Incident) notify the other party of that contravention together with all relevant information relating to the contravention;
 - B. Consult with the other party as to which party should have primary responsibility for investigating and dealing with the breach or possible breach;
 - C. Consider, having regard to the scope of the Data Incident and the nature of the personal or health information involved, together with any other relevant factors, whether the Data Incident is serious.
 - D. The party with primary responsibility for the breach must notify the Privacy Commissioner as soon as practicable that a serious Data Incident has occurred; and
 - E. The parties must co-operate and collaborate in relation to assessment and investigation of the Data Incident, and action required to prevent future Data Incidents.
- 9.6 If either of the Parties receives a complaint or request for an internal review of conduct in relation to a breach or alleged breach of a Privacy Law, including under section 53 of the PPIP Act, (a **'Complaint'**), the following will apply:
 - A. It is the responsibility of the party that receives the Complaint to perform a preliminary investigation to determine the party responsible for the conduct;
 - B. If responsibility lies wholly with the party that received the Complaint, then that party is responsible for responding to the complaint or conducting the internal review of conduct;
 - C. If, after performing the investigation, the relevant party reasonably considers that the Complaint should be transferred to the other party, it will (after obtaining the consent of the customer) promptly transfer the Complaint and any further information obtained by the party from its preliminary investigation, to the other party, no later than 20 days after receipt of the original Complaint;
 - D. If the Complaint relates jointly to the conduct of both parties, then the party that received the Complaint will (after obtaining the consent of the Customer) notify the other party no later than 20 days after its receipt of the original Complaint and provide any further information obtained by that party from its preliminary investigation. The parties will then work together to coordinate a joint response from the parties within 60 days of receipt of the Complaint. This response may include an internal review of conduct.

10. Intellectual Property

- 10.1 Each party will retain the Intellectual Property Rights in its Existing Material.
- 10.2 Each party agrees to grant to the other party a non-exclusive and royalty free licence to use, sublicense, adapt, or reproduce:
- A. Their Existing Material; and
 - B. All methodologies, processes, techniques, ideas, concepts and know-how embodied in their Existing Material,
 - C. To the extent their Existing Material is required for use by the other party, solely in connection with provision of the Services.
- 10.3 Each party represents and warrants to the other party that it has all required rights and consents for its Existing Material to be used for the Services.
- 10.4 Intellectual Property Rights in all New Contract Material will vest in the Council.
- 10.5 The Council grants a perpetual, worldwide, irrevocable and royalty free licence to the Intellectual Property Rights in all New Contract Material to Service NSW for the purpose of performing the Services.
- 10.6 Subject to clauses 10.1 and 10.4, Service NSW will own all Intellectual Property Rights in the provision of the Services, including any solution and service design.

11. Performance Management and Continuous Improvement

- 11.1 Service NSW for Business does not require any provisions in relation to performance management
- 11.2 Service NSW for Business will work collaboratively with Council to ensure continuous improvement of its services to Council.
- 11.3 Any future extension of this Agreement by Service NSW with Council will specify the relevant performance management and continuous improvement provisions required.

12. Reporting

- 12.1 Service NSW for Business does not require any reporting arrangements
- 12.2 Any future arrangements that require reporting will be outlined in a Schedule to this Agreement.

13. Change Management

- 13.1 Each party will comply with the Change Management Process set out in Schedule 4.
- 13.2 The parties agree to complete a Change Request in the form set out in Schedule 4 to add to or vary the Services.

14. Governance

- 14.1 The parties agree to comply with the Governance Framework.

15. Business Continuity and Disaster Recovery

- 15.1 Each party will maintain Business Continuity and Disaster Recovery Plan arrangements to ensure that each party is able to continue to perform its obligations under this Agreement, or where performance is not possible, resume performance as soon as reasonably practicable in the event of a Disaster.

16. Dispute Resolution

- 16.1 In the event of a dispute between the parties, a party will:
- Raise the dispute with the other party's Relationship Manager and use best efforts to resolve the dispute;
 - If the dispute is not resolved within a reasonable period, the Chief Executive of the Council or their delegate will meet with the Chief Executive Officer of Service NSW (or their delegate) with a view to resolving the dispute.
 - If the dispute is not resolved under clauses 16.1(b) within a reasonable period, attempt to resolve any dispute in accordance with the Premier's Memorandum M1997-26.
- 16.2 Despite the existence of a dispute, each party must continue to perform its obligations.

17. Termination

- 17.1 Either party may terminate this Agreement in whole or in part by giving the other party 90 days written notice or as otherwise agreed.
- 17.2 On notice of termination or where Service NSW is otherwise required to cease to perform some or all of the Program, the parties will work together in good faith to finalise and agree a transition out plan to facilitate smooth and orderly transition of the relevant Program to the Council or the Council's nominated third party. Where the parties cannot agree, the dispute resolution provisions in clause 16 will apply.
- 17.3 Upon termination, each party agrees to return all Data and property belonging to the other party within 30 days of the termination date and comply with the transition out plan agreed under clause 17.2.

18. Miscellaneous

18.1 Entire Agreement

This Agreement supersedes all previous Agreements, understandings, negotiations, representations and warranties and embodies the entire Agreement between the Parties about its subject matter.

18.2 Survival

The following clauses survive termination or expiry of the Agreement: Clauses 4, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19 and any other clause which by its nature is intended to survive termination or expiry of the Agreement.

18.3 Notices

A notice under this Agreement must be in writing and delivered to the address or email address of the recipient party.

18.4 Variation

All variations to this Agreement and all consents, approvals and waivers made under this Agreement must be evidenced in writing and variations signed by both parties.

18.5 Waiver

If a party does not exercise (or delays in exercising) any of its rights, that failure or delay does not operate as a waiver of those rights.

10.6. Applicable law

The Agreement is governed by, and is to be construed in accordance with, the laws in force in NSW.

18.7 Counterparts

The Agreement may consist of a number of counterparts and if so, the counterparts taken together constitute one and the same instrument.

19. Execution

Waverley Council has reviewed and accepts this Agreement

Signed for and on behalf of Waverley Council by its authorised signatory	Signed for and on behalf of Service NSW by its authorised signatory
Name:	Name:
Title:	Title:
Date:	Date:
Signature:	Signature:
Witness:	Witness:
Signature:	Signature:

Schedules

Schedule 1 - Definitions

In these Partnership Agreement, except where a contrary intention appears:

Business Continuity and Disaster Recovery Plan means a business continuity and disaster recovery plan which documents the back-up and response actions each of the parties will take to continue its obligations if a Disaster occurs;

Change Request means the request for a change to the scope of Services in the form set out in Schedule 4;

Commencement Date means the date of start of this Agreement.

Confidential Information of a party means any written or oral information of a technical, business or financial nature disclosed to the other party, including its employees or agents, by the disclosing Party (whether orally or in writing) whether before or after the Commencement Date, that:

- A. is by its nature confidential; or
- B. is designated as confidential; or
- C. the other party knows or ought to know is confidential,
- D. but does not include information which:
 - a. is or becomes public knowledge other than by breach of this Agreement; or
 - b. is in the lawful possession of the Party without restriction in relation to disclosure before the date of receipt of the information; or
 - c. is required to be disclosed by Law, government policy or legal process.

Contact Centre has the meaning set out in Schedule 2;

Continuous Improvement Principles have the meaning set out in Schedule 2;

Continuous Improvement Process has the meaning set out in Schedule 2;

Data means the data of each party and all data and information relating to their operations, Personnel, assets, customers and systems in whatever form that may exist, including Confidential Information;

Disaster means an event that causes, or is likely to cause, a material adverse effect on the provision of the Services that cannot be managed within the context of normal operating procedures including interruption, destruction or other loss of operational capacity;

Existing Material means any material that is developed prior to entering into a Partnership Agreement, or developed independently of a Partnership Agreement, and includes any enhancements and modifications to its Existing Material created as part of a Partnership Agreement;

HRIP Act means the *Health Records and Information Privacy Act 2002* (NSW);

Instrument of Delegation means the instruments of delegation (including its terms and conditions) made by the Council in relation to the Delegated Functions.

Intellectual Property Rights includes patent, knowhow, copyright, moral right, design, semi-conductor, or circuit layout rights, trademark, trade, business or company names or other proprietary rights and any rights to registration of such rights, whether created before or after the Commencement Date, in Australia or elsewhere;

Middle Office has the meaning set out in Schedule 2;

Moral Rights means the right of integrity of authorship and the right not to have authorship falsely attributed, as confined by the *Copyright Act 1968* (Cth) and the rights of similar nature anywhere in the world, whether in existence before or after the Commencement Date;

New Contract Material means new data created, other than the solution or service design;

Partnership Agreement means these terms and conditions and includes Schedules 1, 2, 3 and 4.

Personal Information has the meaning given to it in the Privacy Laws, as amended from time to time;

Personnel means the person or persons employed or otherwise contracted by either party under this Agreement, as the context requires;

PIIP Act means the *Privacy and Personal Information Protection Act 1998* (NSW);

Privacy Law means any law that applies to either or both of the parties which affect privacy or any personal information or any health information (including its collection, storage, use or processing) including:

- A. the PPIP Act; and
- B. the HRIP Act.

Program means the Easy to do Business program;

Quarterly Forecast has the meaning set out in Schedule 2;

Relationship Manager means the nominated relationship managers of either party, as set out in the Service Agreement, or as otherwise nominated by a party from time to time;

Service Act means the *Service NSW (One-stop Access to Government Services) Act 2013* (NSW);

Service Centre has the meaning set out in Schedule 2;

Service NSW Standard Operating Conditions means the standard operating conditions met by Service NSW in the usual course of its performance of the Services set out in Schedule 2;

Subcontractor means a third party to which Service NSW has subcontracted the performance or supply of any Services;

Schedule 2

1. Service NSW Standard Operating Conditions

In addition to the Partnership Agreement this section covers the standard omnichannel service inclusions.

1.1. Service Centre

Similar services as those available at Service Centres may be offered through Mobile Service Centres. The Mobile Service Centre timetable is published regularly on the Service NSW website.

Inclusion	Description
Concierge and digital assisted services	A Service NSW Concierge will greet and direct customers to the appropriate channel and dispense a ticket where applicable. If the transaction can be completed online, a Digital Service Representative will assist the customer to complete the transaction
Customer sentiment surveys	Before leaving the centre, customers will be offered the option of leaving feedback via a digital terminal

1.2. Contact Centre

Similar services (to that of phone-based) may be offered through a web chat feature accessible via the Service NSW website.

Inclusion	Description
Virtual hold call back system	During high volume periods, customers will be offered the option of leaving their details with an Interactive Voice Response (IVR) auto attendant. Customers can hang up while holding their place in the queue. Their call will be returned by the next available operator
Inbound number	Service NSW will answer all inbound enquiries on 13 77 88 as 'Service NSW'
Call coding	A Customer Service Representative will record the customer's reason for calls and the outcome
Customer sentiment surveys	Once the call is complete, customers will be offered the option of leaving feedback via an automated IVR system

1.3. Middle Office

Inclusion	Description
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Enquiry triage	Service NSW will triage enquiries received to info@service.nsw.gov.au or via Service NSW website 'Contact Us' page and <ul style="list-style-type: none"> - Resolve these enquiries or; - Refer it to the appropriate business area at the Council
Enquiry coding	A Customer Service Representative will record the customer's reason for enquiring and the outcome

1.4. Service NSW Website and Mobile App

Inclusion	Description
Scheduled maintenance and planned outages	Service NSW will conduct regularly scheduled maintenance of the website and mobile app. 10 business days of notice will be provided regarding outages from planned and scheduled maintenance Maintenance activities with negligible impact or outage, such as enhancements to optimise for cybersecurity or performance, may occur without notification to the Council

1.5. Service NSW for Business

Service NSW for Business provides a multi-channel service including digital, phone and face-to-face services for metro and regional businesses in NSW and develops relationships with councils and business associations to promote the offering to local businesses.

Inclusion	Description
Relationship management	Business Customer Service staff initiate and maintain relationships with councils and business associations to promote awareness and use of the service offering by such stakeholders and their local business community. It may include, but is not limited to, information sharing, regular liaison at events and stakeholder premises and issue of surveys.
Scheduled Maintenance and Planned Outages	Digital products controlled by Service NSW for Business will be regularly updated, upgraded and maintained without any outages.

1.6. Training

Service NSW will provide appropriately trained Personnel to deliver the Services.

1.7. Language

Service NSW will provide services in English and may arrange translation and interpreter services for customers from non-English speaking backgrounds if required.

1.8. Branding

Unless otherwise set out in the Partnership Agreement, Service NSW channels are singularly branded. Marketing communication is limited to Service NSW led or co-led campaigns and programs.

1.9. Contractors and Agents

Service NSW may use contractors and agents in connection with the delivery of Services. Such agents and contractors are approved persons under Part 2 Section 12 of the Service Act.

1.10. Out of Scope Services

Any item, service or deliverable that is not specified in a Partnership Agreement is deemed to be out of scope for Service NSW.

2. Operational Framework

Service NSW operational framework outlines how operations are managed on a day-to-day basis.

Operational Support	Description
Knowledge Management	Service NSW creates and maintains support material (knowledge articles) for serving customers. These will be sent to the Council for endorsement of content accuracy bi-annually
Complaints Management	Service NSW will record complaints and its supporting information unless resolved at the outset. Service NSW will contact the Council where assistance is required
Issues Management	Issues relating to existing products and services should be raised via partnerships@service.nsw.gov.au or directly with the Relationship Manager The Relationship Manager will assess the issue and facilitate a resolution within Service NSW, providing regular updates
Quality control framework/ compliance	Service NSW has a quality control framework that governs transactional activities in line with risk assessment at the time of onboarding The framework includes: <ul style="list-style-type: none"> Regular review of contact centre calls, including being assessed against procedure and process used by the agent during the call Daily quality checks of transactions undertaken by the service centre Quarterly compliance reviews and certifications provided by all service delivery channels

2.1. IT Operations & Support

Service NSW runs a 24/7, 365 days a year service desk. Unplanned interruptions or degradations in quality of service should be raised to the Service NSW Service Desk on 1300 697 679 (option 2) or servicedesk@service.nsw.gov.au

Incident response times in our production environment are prioritised based upon urgency and impact, with associated response and resolution times.

Priority Code	Service Level Target Response/Resolution Time
P1 - Critical	Response: Immediate response, action/update within 15 minutes Resolution: 2 hours
P2 - High	Response: Immediate response, action/update within 30 minutes Resolution: 4 hours
P3 - Medium	Response: 8 hours Target Resolution: 10 working days
P4 - Low	Response: Email notification of call being logged within 2 days. Response by email or phone within 2 working days Target Resolution: 20 working days

Where vendors or other government platforms are involved, Service NSW utilises a best practice vendor governance framework for service level Agreements and for priority 1 and 2 incidents.

2.2. System and Security Maintenance

Service NSW complies with the NSW Government Cyber Security Policy and operates an information security management system that is certified against ISO 27001. These engagement Terms do not extend the certification scope to the Council's specific activities.

3. Customer Payments

Service NSW will collect payments from customers for transactions set out in the Service Agreement. Cash, cheque, money order, credit or debit card may be accepted and merchant fees plus GST will be recovered.

Service NSW will provide remittances and reconciliation files to the Council which include:

- A. Credit T+2 value for cash, cheques* and bank card payments
- B. Credit T+2 value for AMEX payments
- C. Debit any cheques dishonoured
- D. Debit any card payment chargebacks
- E. Debit any refunds processed on behalf of the Council

Cheque payments received over \$50,000 will be remitted back to the Council once the funds clear the Service NSW remitting bank account.

4. Business Continuity and Disaster Recovery

Service NSW will maintain an Enterprise Risk Management Framework focused on managing risks to Service NSW, including mitigation of the likelihood and impact of an adverse event occurring. As a function of risk management, business continuity management will enable Service NSW to minimise disruptive risks and restore and recover its business-critical services within acceptable predefined timeframes should an adverse event or other major business disruption occur.

Recovery and timeframes may be impacted when events or disruptions are related to dependencies on partner Agencies. The Parties will agree on Recovery Point Objectives and Recovery Time Objectives and associated charges prior to designing the system and will periodically review these objectives.

All systems and technology provided by Service NSW internally and through third-party vendors, operate through multiple data centres to achieve high availability. Service NSW systems are architected, where practicable and possible, to ensure continuity of service in the event of a data centre disruption or outage.

Definitions

Recovery Point Objectives means the age of files that must be recovered from backup storage for normal operations to resume if a computer, system, or network goes down as a result of a hardware, program, or communications failure.

Recovery Time Objectives means the targeted duration of time and a service level within which a business process must be restored after a disaster (or disruption) in order to avoid unacceptable consequences associated with a break in business continuity.

5. Continuous Improvement

Service NSW regularly reviews improvement ideas from employees and customers. We will provide you with any ideas relevant to your agency for consideration.

‘Continuous Improvement’ refers to identifying a process, system or policy opportunities that will deliver a benefit for our people, our customers or the NSW government. These improvements may be delivered in house where possible or by engaging our partnering agencies where further input or decisions are required under policy or legislation. A Continuous Improvement:

- A. Puts the customer first
- B. Makes the customer service job easier
- C. Improves a step in a process
- D. Changes the way a task is completed so that it doesn't take as long
- E. Reduces handling time and is cost effective
- F. Allows others to benefit from best practices
- G. Allows us to do things better locally, regionally or organisation-wide
- H. Is a low-investment process change and not a policy change
- I. Improves accountability within the various stages of the process
- J. Removes steps that don't add any value to a process

Service NSW will consider several factors such as cost to implement, cost savings, customer experience, team member experience and operational efficiency in prioritising continuous improvements.

5.1. Continuous Improvement Process

The parties will identify new continuous improvement initiatives on an annual basis, with a 6-monthly check-in on ongoing continuous improvement initiatives.

When establishing a new continuous improvement initiative, the parties will classify the initiative based on

whether it can be implemented as:

- A. part of the ongoing 'business as usual' services (cost and resourcing to be absorbed by Service NSW;
or
- B. a new project initiative (cost and resourcing to be agreed by the parties).

A prioritisation process will be agreed upon between the parties to prioritise initiatives (for Service NSW, this will be performed by the Partnerships team).

The Council may be required to effect policy, system or regulatory changes to assist in delivering the service process improvement, as agreed with Service NSW. Where a review of Council policy, system or regulatory changes is requested by Service NSW from the Council, these should be conducted within timeframes agreed between the respective Relationship Managers.

Schedule 3 – Privacy and Data Security

(a) General

- (i) Service NSW may collect, use, disclose, store and retain personal information when exercising functions for the Council:
- (ii) Where Service NSW exercises functions for the Council, Service NSW can share information it obtains with the Council without separately requesting the customer's consent. Service NSW can also share the information it obtains with any person that the Council is authorised or required to disclose the information to in accordance with the Service Act.

(b) Access to Agency Systems

- (i) The Parties agree that Service NSW will not have access to the Council's information system.

(c) Collection of information

- (i) Service NSW may incidentally collect Personal Information via call recordings in the course of answering queries on behalf of Council or referring customers to Council. Personal Information collected may include: full name, address, contact number or email address.
- (ii) Service NSW will take reasonable steps to ensure that the Personal or Health Information it collects on behalf of the Council is, relevant, accurate, up-to-date and complete.
- (iii) Service NSW will provide a privacy collection notice to customers whenever it collects their information.
- (iv) If Service NSW collects personal information for its own internal purposes, when exercising functions for the Council, it will ensure that the privacy collection notice meets the requirements of section 10 of the *PPIP Act* in light of section 15(3) of the *Service Act*.
- (v) The notice will address each of the matters that a privacy collection notice is, by law, required to address. Service NSW will develop the content of the notice in consultation with Council.

(d) Internal records maintained by Service NSW

- (i) Under the *Service Act*, Service NSW is permitted to collect, maintain and use the following records for its internal administrative purposes, including for the purposes of its interactions with customers for whom functions are exercised:
 - Details of transactions between customers and Service NSW
 - The preferences of customers for transacting matters with Service NSW and Waverley Council, and
 - Other information about customers.
- (ii) Service NSW collects, maintains and uses the following information for its internal administrative purposes:
 - Details of transactions between customers and Service NSW
 - The preferences of customers for transacting matters with Service NSW and Waverley Council and
 - Other information about customers.

(e) Use of information

- (i) Service NSW can use information in accordance with the *Service Act*, PPIP Act and HRIP Act.
- (ii) Service NSW uses Personal Information for the purposes of assisting customers in directing queries to Council, training and quality purposes.

(f) Disclosure

- (i) Service NSW can disclose information in accordance with the *Service Act*, PPIP Act and HRIP Act.
- (ii) Where Service NSW performs a transaction for a customer, when exercising functions for the Council, it will ask the customer for consent before sharing that information with a different agency,

(g) Retention

- (i). Personal Information collected via call recordings is stored in Genesys. The length of data retention will be directly related to the purpose for which it was collected and retained. Data is maintained for the minimum period required. Call recordings are available for 3 months and subsequently archived. **(h)**

(h) Data Security

- (i). Personal Information stored in Genesys follows a comprehensive User Access Matrix controlled by Government Technology Platforms Virtual Contact Centre Team. Role based access to the system is granted to users at the minimum level required to perform their duties and to protect against unauthorised access, use, modification or disclosure. Access vi SSO with dfsi.okta.com. The Genesys PureCloud environment is whitelisted and only users on the corporate network or VPN can access the platform. The User Access Matrix is reviewed monthly and a detailed review is conducted every 6 months. The User Access Matrix is a comprehensive document that shows details such as the time of last login, date the account was disabled, date of termination, date of extension, date of role review, name of the reviewer.

(i) Privacy Management plans

The parties agree to update and periodically review their privacy management plans or other relevant policy documents so that any person can ascertain whether Service NSW or the Council holds personal information relating to that person and if so, the nature of the information, the main purposes for which it is used and the person's entitlement to access the information, in relation to the services covered by this Agreement.

(j) Access to and amendment of Personal Information

- (i) Service NSW agrees that it will provide any individual who requests it with access to their own personal information without excessive delay and without any expense, in relation to information it holds as a result of exercising functions for the Council.

(k) Privacy Officer

The parties have nominated a Privacy Officer who is the point of contact for dealing with complaints, applications for internal reviews, data breaches, employee education and other privacy matters.

Privacy Officers can be contacted as follows:

Service NSW:

Privacy Officer

Service NSW

2-24 Rawson Place, Sydney NSW 2000

Phone: 13 77 88

Email: privacy@service.nsw.gov.au

Waverley Council:

Schedule 4- Change Management

1. Change Management Process

Change is defined as any alteration to services, process, technology or product. Changes may be initiated by Service NSW or the Council. Where a change to the Services is requested by a party, set out below is the following process:

- 1.1. The party requesting the change will notify the other party's Relationship Manager as soon as possible;
- 1.2. The Relationship Managers will meet within 5 days to discuss the requested change;
- 1.3. The Relationship Managers will work collaboratively to conduct a high-level change assessment of the change, and agree and draft a Change Request, considering the following factors:
 - A. Current state and desired future state outcomes;
 - B. Impacts on customers and both parties informed by end-to-end customer journey;
 - C. Additional resource effort; potential cost and timing of implementation;
 - D. Implementation and testing requirements;
 - E. Legislation/policy that may be required;
 - F. Whether variation to the Partnership Agreement will be required; and
 - G. Continuous Improvement Principles
- 1.4. The parties will sign the Change Request, which will be incorporated into this Agreement.

Where a change relates to Service NSW's IT systems, the Council will notify Service NSW within a reasonable period to outline the proposed change and requested timeframes. Service NSW will consider the change and advise whether an increased cost to implement the change is required.

Service NSW will assess the results and implement corrective action to ensure sustainability of the change to the Services. Changes to the Services will be reported on in the monthly management meeting between Relationship Managers.

2. Change Request Template

This Change Request is created in accordance with the Partnership Agreement	
Date of Change Request	
Originator of Change Request	
Proposed Implementation Date	
Cost	<Cost>
Summary and scope:	
Service NSW responsibilities:	

Council responsibilities:
Change plan:
Change impact (Including the effect on service levels):
Assumptions and exclusions:
List of documents forming part of this change request:
Clauses affected by this change request:

REPORT
CM/7.11/21.11

Subject: Belgrave Street Reserve Concept Design - Exhibition

TRIM No: A20/0541

Author: Bianca Simpson, Service Manager, Open Space and Recreation
Ingrid Cheng, Senior Landscape Architect

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

RECOMMENDATION:

That Council:

1. Notes the community feedback from the initial consultation undertaken in March 2021 to canvas ideas for improvements to Belgrave Street Reserve, as set out in the report.
2. Publicly exhibits the Belgrave Street Reserve concept design attached to the report for a minimum of 28 days.
3. Officers prepare a report to Council following the exhibition period summarising the consultation process and key feedback, and recommending any necessary revisions to the concept design.

1. Executive Summary

The purpose of this report is to seek Council approval to consult the community on a concept design for Belgrave Street Reserve. The concept design has been based on consultation results from March 2021.

2. Introduction/Background

Council's Play Space Strategy identifies Belgrave Reserve play space to be a short-term priority. All other play spaces identified as a short-term priority have been refurbished or renewed. Belgrave Street Reserve is therefore identified as a priority project for the 2021–2022 financial year. Future play space upgrades will now work through priorities identified as 'medium-term' in the Play Space Strategy. The Play Space Strategy identified Belgrave Street Reserve to include:

- 'Exploratory/nature' and 'creative/imaginative' play space.
- Install barriers of fencing to the roadway (existing fence is old).

An initial community consultation was carried out between February and March 2021 to scope out works and canvas ideas from the community for improvements. During this consultation, officers were able to gauge support for ideas, as well as enable users of the reserve to present their own ideas. The most popular ideas include:

- Improve turf and allowing space to kick a ball.
- Improve play experience by introducing imaginative/creative play elements.
- Incorporate nature play.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 September 2019	CM/8.2/19.09	<p>That:</p> <ol style="list-style-type: none"> 1. Council officers urgently investigate the condition of the Belgrave Street Reserve play space equipment from a health, safety and usability viewpoint and determine whether the equipment can be maintained or needs replacement, what ancillary upgrades may be required for the Reserve's landscaping, and in what time frame the work can be performed. 2. Council consults the Bronte Precinct. 3. Where play equipment is deemed unusable and/or unmaintainable, Council officers are to make the necessary repairs and/or replacements with minimal delay, as funds become available. 4. Council notes the General Manager's comment that an on-site inspection of the Belgrave Street Reserve playground was conducted in 2016. Following this inspection, Council undertook additional landscaping and seat replacement at the Reserve. 5. Council notes that the playground is due for replacement within the next two to three years and is aligned with the Council-adopted Play Strategy and the Long Term Financial Plan. 6. Council notes that, each year, Council undertakes a safety compliance audit of all of our playgrounds to ensure they are safe and equipment is compliant. This audit was completed in December 2018, at which these inspections deemed all equipment within this Reserve to be safe for continued use.

4. Discussion

Current condition of the reserve

As a pocket park, the current play space consists of a seesaw and an enclosed spinner on a bed of mulch in the southern corner of the reserve. The play equipment is worn, dated and requires an upgrade to bring it up to standards in line with the Play Space Strategy.

On Murray Street, five mature trees planted along the footpath adjacent the reserve provides shade and screening to the lawn and play space. An old timber picket fence runs along the eastern side of these trees making the pocket park feel enclosed. On the eastern edge, a vegetated garden bed with shrubs provides a buffer immediately to the brick fence of the neighbouring residential property.

Generally, the park provides a quiet space popular with locals within a five-minute walk catchment.



Figure 1. Belgrave Street Reserve looking south.

Concept design

The design (attached to the report) has been developed with community feedback from consultation during March 2021 and recommendations from the Play Space Strategy. Key features of this design include:

- Improve turf in the park increasing the size of the lawn.
- Provide nature play incorporating natural materials.
- Increasing the area of the park where possible. In this case to move the fence further towards the street edge and to increase planting in the street verge.
- Provide imaginative play elements, such as a sculptural play 'bird's nest' and a 'timber car.'
- Improve current play experience by providing a timber seesaw, timber balancing beams and a simple mini goal post for ball kicking on the turf.
- Provide a new bin.
- Relocate existing seat in a planted area with new shade trees.

In addition to providing play and recreation facilities, the concept design addresses some functional issues with the reserve such as:

- Wayfinding into the park is improved by a slight realignment of an entry path to better connect to the adjoining street footpath. This also addresses concerns from neighbouring properties of pedestrians passing close to their front gates.
- Planting is recommended in the adjoining street verge to include low native vegetation and a tree (located around overhead power lines). The planting will assist in 'extending' the green space of the park thereby making it feel larger as well as improving biodiversity outcomes.
- An adjoining concrete slab located adjoining the neighbouring driveway will be lifted and replaced with planting. This will not impact on the functionality of the driveway.

Consultation plan

This will be the second stage of consultation for Belgrave Street Reserve. Participants from previous consultation, residents who live near the park, businesses across from the park and the general community will be consulted to confirm the concept design is aligned with their expectations. The timeline for the project is as follows:

- November–December 2021: consultation on concept design.
- February 2022: report consultation findings to Council with updated concept plan incorporating feedback. Procure play equipment.
- March–April 2022: documentation of detailed design.
- May 2022 onwards: procurement of landscape contractor and construction

During consultation, the concept plan will be made available for community feedback. An online survey and webinar will take place to allow residents to ask questions and provide comment.

The consultation will be promoted through:

- Have Your Say e-newsletter.
- Posters on-site.
- Letterbox drops to residents
- Email to Bronte Public School and Bronte Precinct with offer for a meeting.
- Direct correspondence with neighbouring properties to the reserve.

5. Financial impact statement/Time frame/Consultation

Financial impact

Budget has been allocated this financial year of \$100,000. The concept design has been costed and is within this budget. If further works were requested, additional budget would be required.

Time frame

If resolved by Council, the concept design will be made available to the community for feedback. The results to be reported to Council early in 2022. On approval by Council, detailed design and documentation will take place to engage a contractor to construct the work beginning mid-2022.

Consultation

The community was consulted on key ideas in March 2021. Further consultation is recommended to seek feedback on the concept design.

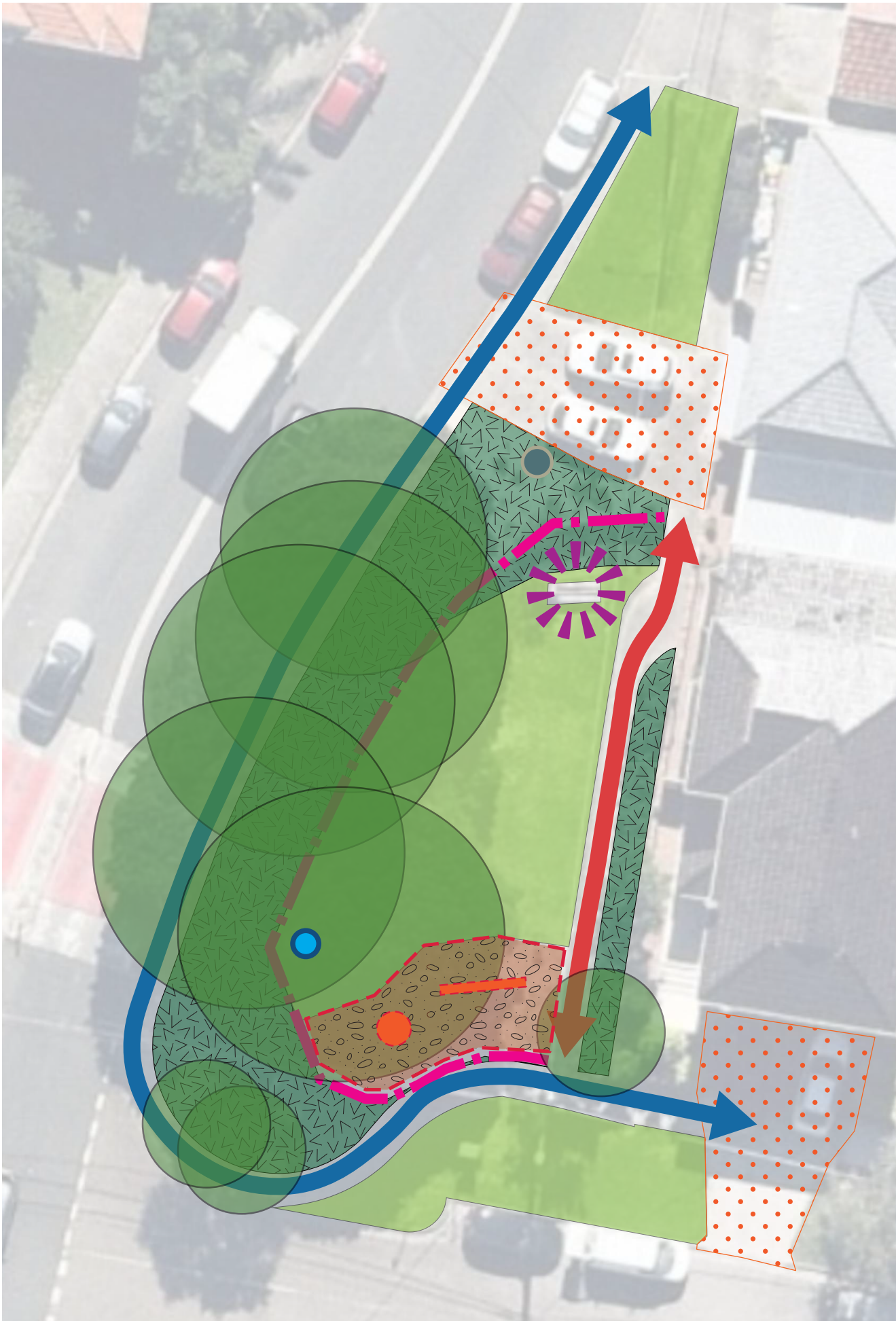
In accordance with the Councillor Consultation Process for Capital Works (step 8), where no significant changes are proposed to be made to the concept design, Councillors can be notified via email that the project is to proceed to detailed design. However, in this case, due to the timing of the local government elections, the outcome of consultation, along with an amended plan, will be reported to Council in early 2022.

6. Conclusion

It is recommended that Council approves consultation with the community on the concept design.

7. Attachments

1. Belgrave Street Reserve concept design [↓](#)



EXISTING PLAY EQUIPMENT



EXISTING TIMBER FENCE AND TREES BEHIND















EXISTING PLANTING AND TREES ALONG MURRAY STREET



EXISTING PATH AND PLANTING

LEGEND

-  EXISTING FOOTPATH THROUGH RESERVE
-  EXISTING FOOTPATH ALONG THE STREET EDGE
-  EXISTING TREES
-  PRIVATE DRIVEWAY ENTRANCES
-  EXISTING WATER METER WITH TAP
-  EXISTING TIMBER BOLLARD WITH TAP
-  EXISTING TIMBER FENCE
-  EXISTING BENCH SEAT
-  EXISTING SOFTFALL MULCH WITH TIMBER EDGE
-  EXISTING PLAYGROUND EQUIPMENT
-  EXISTING TURF
-  EXISTING GARDEN BEDS WITH PLANTING

Project:
Belgrave Street Reserve Upgrade

Drawing Name: **Existing Conditions Site Analysis**
Drawing No: **SK-001**
Issue: **A**

Date: **10.11.2021**
Drawn: **IC**
Scale: **1:150 @ A3**



Landscape Concept Plan - Park Upgrade Summary

Belgrave Street Reserve is a local park in Bronte. The park provides a quiet space popular with locals.

This reserve is classified as a ‘pocket playground’, which is defined as ‘a small playground with basic range of play experiences to cater to the immediate needs of residents within a 5 minute walk from the park’

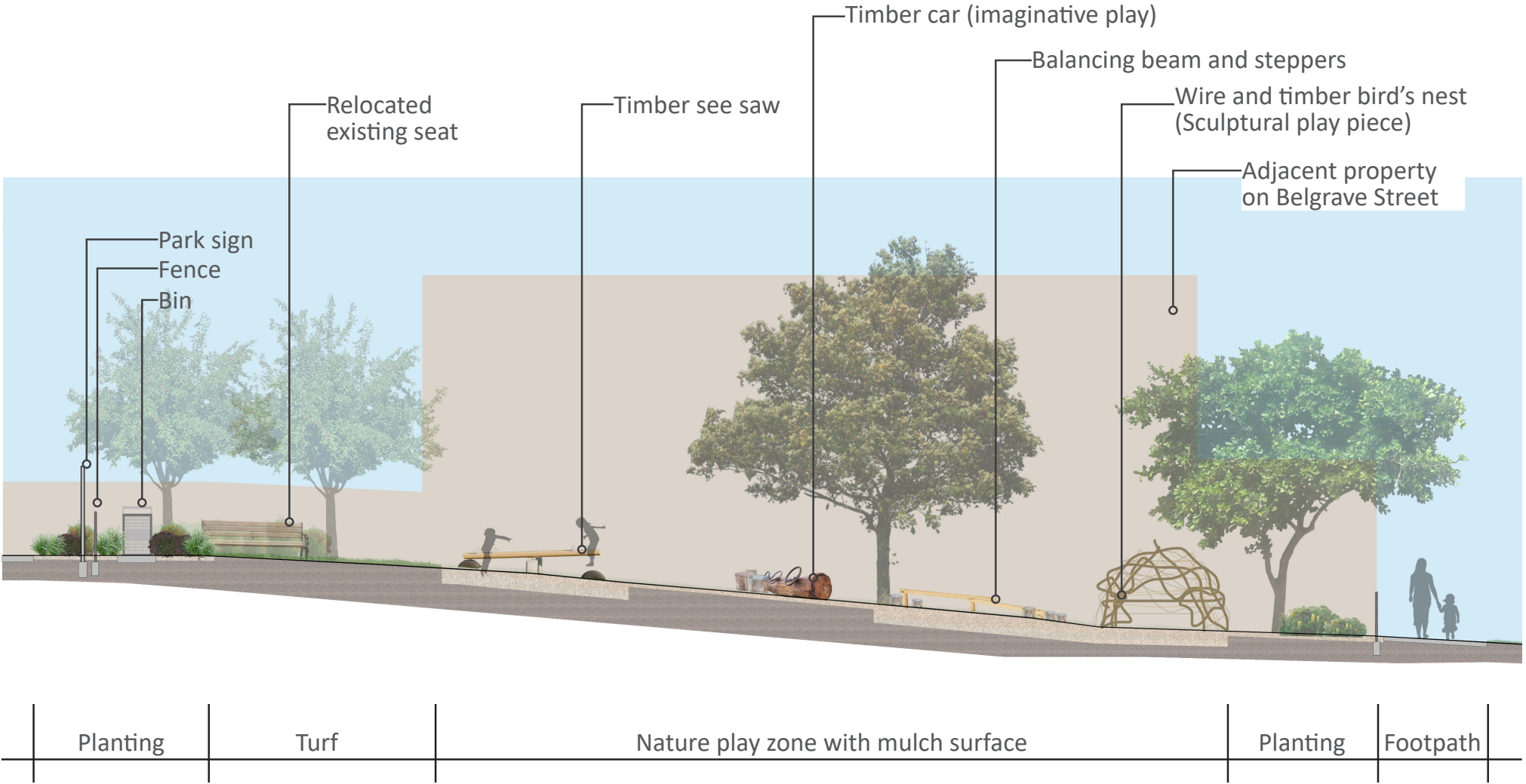
During an initial consultation, the community was asked for ideas in upgrading this park. Some key ideas Council has incorporated in this design are:

- Improve turf by re-turfing the park and increase the size of the lawn
- Provide nature play incorporating natural materials
- Increasing the area of the park where possible, its therefore recommended that the fence move toward the street edge and to increase planting in the street verge
- Imaginative play and we are providing a sculptural play “bird’s nest” and a “timber car”



Project:	Drawing Name:	Date:
Belgrave Street Reserve Upgrade	Landscape Design	10.11.2021
	Drawing No:	Drawn:
	SK-002	IC
Issue:	Scale:	
A	1:150 @ A3	





Project:
Belgrave Street Reserve Upgrade

Drawing Name: **Landscape Section**
Drawing No: **SK-003**
Issue: **A**

Date: **10.11.2021**
Drawn: **IC**
Scale: **1:125 @ A3**



REPORT
CM/7.12/21.11

Subject: Bondi Pavilion - First Floor Bar - Trial

TRIM No: A21/0525

Author: Andrew Best, Executive Manager, Property and Facilities

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

RECOMMENDATION:

That Council:

1. Endorses an expression of interest (EOI) process with the three food and beverage operators recently awarded leases at the Bondi Pavilion to provide bar services on the first floor of the Pavilion for a trial period, to commence upon the reopening of the building.
2. Officers prepare a report to Council following the EOI process summarising outcomes.

1. Executive Summary

The Bondi Pavilion will recommence operations in mid-2022. The Bondi Pavilion bar on the first floor is being fully refurbished as part of the current upgrade project and at its reopening will once again provide bar services to building patrons.

The Bondi Pavilion Operational Readiness Steering Committee is currently finalising the details of how each space within the Pavilion will be managed. This includes the Pavilion Theatre and the upstairs rooms that have previously accommodated functions and events.

Management of bar services is not a core function of Council. To ensure a high-quality offering is provided to patrons of the building, it is proposed to outsource the management to a third-party hospitality specialist under licence.

The quantum of demand for bar services in the refurbished building will not be known until the management models of the first-floor venues are known and the building has been in operation for some time. As such, it would pose a risk to Council to tender to appoint an operator on a long-term licence.

The internal Operational Readiness Steering Group, which is tasked with ensuring that the Pavilion is operationally ready at its reopening, has supported officers undertaking a trial of bar operations. It is proposed that a bar operator for the trial be appointed through a select expression of interest (EOI) process, to be undertaken with the three food and beverage tenants recently awarded leases within the Pavilion building for the reasons outlined in the report.

2. Introduction/Background

The first-floor bar at the Pavilion has historically provided bar services to patrons of the Pavilion Theatre and those attending functions and events held in the northern section of the first floor, including the Seagull Room. Council's liquor licence has historically only permitted sale of liquor on the first floor of the Pavilion, with the licence area being extended to facilitate specific events.

From 2010 to 2015, the Pavilion bar was operated by the resident theatre company Tamarama Rocks surfers, under licence. Following the theatre company's departure from the building in late 2015, Council took over the direct management of the bar operations. This arrangement remained in place up to the closure of the building at the commencement of the upgrade project, in early 2020. During this period of direct management, Council's Facilities team operated the bar utilising bar staff sourced through a specialist temporary staffing agency and purchasing stock from local liquor outlets. This arrangement meant that Council was paying elevated rates for staffing and for the purchasing of stock, as Council was not able to obtain bulk wholesale pricing. As a result of this, the bar under Council's direct management did not make significant profit and at times only covered the operating costs. The direct management model also required a significant commitment of existing staff time that took them away from their core duties. The Co-ordinator of Bondi Pavilion took on many of the administrative roles, with a Venue Officer acting as Bar Manager. The administrative tasks related to managing the bar such as staff rostering, training, risk management, purchasing of stock, stock control, licensing meetings and police liaison were all absorbed into the existing staffing structure. While the operation was successful in continuing to provide bar services to building patrons, the lack of internal expertise in operating a bar also presented a degree of risk to Council.

To ensure a high-quality bar service is provided upon the reopening of the building and to mitigate risk, it is prudent to outsource the management of bar services to a third-party hospitality specialist. At its meeting on 20 July 2021, Council endorsed the operating model for the Bondi Pavilion. This model sees Council retain direct management of the Pavilion, while entering partnerships with third party operators for the management of specific spaces within the building. The proposal to appoint a third-party operator to manage the bar is in keeping with this model.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 July 2021	CM/7.9/21.07	<p>That:</p> <ol style="list-style-type: none"> Council approves the implementation of operating model Option 3 for the Bondi Pavilion, as detailed in the report, subject to the additional requirement that all partnerships should be aligned to the vision and purpose of Bondi Pavilion as a community cultural centre in accordance with clause 2. Council notes the operating principles in the Bondi Pavilion Stakeholder Committee Report, specifically: <ol style="list-style-type: none"> 'Bondi Pavilion is a community cultural centre. It follows that priority of use and function should be given to community use and to cultural use. Commercial operations should be aligned to the vision and purpose of the Bondi Pavilion and clearly defined by policies and effective management. Bondi Pavilion represents our cultural heritage in its broadest sense, and provides services and programming of great value to Waverley residents.' 'The Committee believes that the Bondi Pavilion should be financially sustainable but not be required to be self-funding.'

		<p>3. The following additional points be added to the list of operating principles in the report:</p> <p>(a) Bondi Pavilion will have its own website.</p> <p>(b) It is recognised that Bondi Pavilion may require additional resources, including artistic program management.</p> <p>4. Council notes that the original budget for the Bondi Pavilion in the Long Term Financial Plan was \$25 million for the building upgrade only. The current estimate of \$39.65 million for the total project includes an expansion of the scope of the project to the surrounding landscaping, paving and vehicle access to the Pavilion and surf club, as well as increased underpinning requirements to the foundation and works to protect the heritage façade.</p> <p>5. Council notes that in 2016 the proposed refurbishment of less than half of the Pavilion was costed at \$15.2 million.</p> <p>6. Council approves the implementation of operating model Option 3 for the Boot Factory, as detailed in the report.</p> <p>7. Council investigates alternative larger venues for the Innovation Civic Hall to ensure the operating model's financial sustainability.</p> <p>8. Council notes that, if Council approves the recommended operating models, implementation will commence immediately to ensure operational readiness of the Bondi Pavilion and Boot Factory in early 2022.</p>
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4. Discussion

To comply with Council's Procurement Policy, a third-party operator would be required to be appointed through an open tender process, with the scope and specification of the service to be procured clearly defined in the documentation. However, the management model for the theatre and the function area on the first floor are yet to be finalised, which means that the detailed information that would be required to be included in a tender in relation to the number, frequency, type, and estimated patronage of theatre shows and functions etc. is unknown. It is necessary to provide this information to allow prospective operators to assess the quantum of trade and therefore determine a rental offer and assess the level of risk in entering a contract to provide the service.

To ensure that there is the ability to provide bar and catering services from the commencement of operations in the new building it is proposed to undertake an expression of interest (EOI) process early next year with the three food and beverage operators recently awarded leases at the building, to appoint one operator to provide bar services for a trial period. All three food and beverage tenants are highly experienced in the provision of food and liquor services and are ideally placed to provide the services under the proposed trial and their location within the building and ready access to staff and stock will allow them to easily upscale and downscale operations to respond to the fluctuations in demand.

It is proposed that Council would enter a short-term licence for the trial. The licence would include clauses that required the operator to provide monthly reports on bar operations, which include information in relation to patron numbers, bar takings, incident reporting etc. This will ensure Council has access to important details in relation to the quantum of trade under the trial and any issues identified through the trial period. This information would then be included in the specification of the tender documentation to be put to open tender at the end of the trial period, when Council will be in a position to enter into a longer-term licence. Providing clear information in relation to the quantum of trade will allow Council to attract a full and fair market rent through the future tender process.

The EOI evaluation criteria would necessarily include a price component. It might be that this comes in the form of a profit share arrangement, which may benefit both parties as it would guarantee revenue for Council while removing the risk from the operator should the level of trade take some time to build up and not immediately achieve the levels they anticipated if they were to offer a lump sum rent for the trial period.

It is expected that the opportunity to undertake a trial for bar operations in the Pavilion will be an attractive proposition to the three businesses. However, if officers are not able to finalise negotiations and enter a licence with a preferred operator through this process, the EOI would be opened up to the market to identify a business to participate in the trial.

5. Financial impact statement/Time frame/Consultation

It is difficult to estimate the revenue the trial period will generate for Council, as the price component of the engagement is not finalised. As outlined above a profit share arrangement may generate the best return for Council.

It is anticipated that officers will release the EOI documentation early in 2022 and complete the process at the end of the first quarter, and therefore be in a position to enter into a licence in time for bar services to commence at the reopening of the upgraded building.

6. Conclusion

The first-floor bar at the Bondi Pavilion provides an important function within the building, and it is desirable that Council sources a suitable qualified hospitality specialist to deliver a high-quality professional offering, that meets the expectations of building patrons.

As the management models of several of the Pavilion spaces are yet to be finalised and the quantum of demand for the bar services is unknown, it is proposed to undertake a select EOI process with the three experienced hospitality businesses that were recently awarded leases within the Pavilion building to appoint an operator for the bar.

The engagement would be for a trial period, at the end of which a report will be presented to Council on the outcome of the trial seeking endorsement to undertake an open tender process to provide bar and catering services under a longer-term licence.

7. Attachments

Nil.

REPORT
CM/7.13/21.11

Subject: Waverley Park Cafe - Lease - Post-exhibition

TRIM No: A02/0373

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

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

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 under section 47A of that Act of Council's proposal to grant a five-year lease of the Waverley Park Café.
2. Notes that a leasing campaign is currently underway to identify a preferred lessee for the Waverley Park Café.
3. Authorises the General Manager to grant the lease at the end of the lease procurement process, and to finalise negotiations and execute all necessary lease documentation to finalise the process.

1. Executive Summary

At its meeting on 22 June 2021, Council endorsed placing the intent to lease Waverley Park Café on public exhibition in accordance with section 47A of the *Local Government Act 1993*.

Council received two submissions during the public exhibition period. This report presents and addresses the main themes of the responses received for Council's review and consideration.

In the report to Council in June 2021, it was noted that a procurement process would commence shortly, and since then officers have engaged an agent to undertake a marketing campaign to appoint a suitable operator for the café. It is hoped to have an operator in place prior to Christmas to allow them to establish the business through the warmer months.

Given that Council has entered the caretaker period prior to the local government elections, officers are seeking for the General Manager to be granted the authority to award the lease at the completion of the leasing process current being undertaken.

2. Introduction/Background

The previous lessee of the Waverley Park Café vacated the premises in March 2020. An agreement was reached to surrender the lease due to the lessee experiencing poor trading conditions and being behind with her rental payments.

A decision was made not to try and lease the café immediately, as shortly after it closed restrictions and lockdowns commenced with the first wave of public health orders in response to the COVID-19 pandemic.

Throughout this period, it was obvious there was a lack of business confidence associated in signing leases and setting up a new business. This period of vacancy has also allowed work to be undertaken on the Waverley Park Plan of Management and the incorporation of potential future leasing and licencing within that document.

At its meeting on 22 June 2021, Council endorsed publicly exhibiting the intent to lease the café for a term of five years.

Appointing a new operator for the café will further activate the Margaret Whitlam Recreation Centre building while providing food and beverage services to local residents, visiting sporting teams and park visitors, in addition to providing revenue for Council.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 22 June 2021	CM/7.18/21.06	<p>That Council:</p> <ol style="list-style-type: none">1. In accordance with section 47A of the <i>Local Government Act 1993</i>, publicly notifies and exhibits for a minimum of 28 days Council's intent to grant a lease of five years in relation to the Waverley Park Café at the Margaret Whitlam Recreation Centre.2. Notes that, in accordance with section 47A 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.

4. Discussion

Submissions received to public exhibition period

The public exhibition period ran from 25 August 2021 until 22 October 2021. Notification letters were delivered to local residents, signs were displayed on the premises, a public notice advertised the intent to lease in the local media and a Have Your Say page was created on Council's website.

There were 38 visitors to the Have Your Say page during the exhibition period, with two submissions being received.

Section 47(4) of the *Local Government Act 1993* requires that before granting the lease at the Waverley Park Café, Council must consider all submissions duly made to it. The submissions have been summarised below. Officer comments have been provided in response to each of the objections.

Submission 1

'Supportive.'

Officer comment: As the submission is in favour of leasing the café, no comment is required.

Submission 2

'5 years may be too long for someone to try to start a business under the current circumstances given there's no dine in option and limited time allowed out of homes.'

Officer comment: officers are mindful of the current trading conditions and the fact that there may be a future development of the site within the five-year term. Officers therefore propose to structure the lease as a two-year initial term, with three one-year options at the lessee's discretion. This provides the lessee flexibility in terms of deciding whether to continue to operate through for the full term of lease after assessing the risks. The details of a potential future development at the building will be disclosed to all prospective tenants through the provision of a Retail Disclosure Statement, which is a requirement of the *Retail Leases Act 1994*.

It should also be noted that the COVID-19 restrictions have eased significantly in recent weeks, which will allow the new operator to trade at capacity from the commencement of the lease.

Appointment of a new lessee

The marketing campaign to appoint a new operator for the café is currently away. Officers have received several enquiries over the past few months and the agent is following up on these leads, as well as meeting with additional prospective operators who have subsequently responded to the marketing campaign.

It is desirable that the new operator be appointed as soon as practicable to allow them to establish the new business in the warmer months. As Council has entered the caretaker period prior to the local government elections on 4 December, officers are seeking council endorsement for the General Manager to be given the delegation to award the lease to the preferred operator, at the completion of the procurement process.

5. Financial impact statement/Time frame/Consultation

Local residents and businesses were notified of the public exhibition process by letter and provided with the opportunity to make a submission on Council's intent to lease the café for a term of five years.

There is no financial impact to Council from the process of reviewing the actual submissions received under section 47A of the *Local Government Act*.

6. Conclusion

Council publicly exhibited the intent to lease the Waverley Park Café as required under section 47(4) of the *Local Government Act 1993*. There were two submissions received through the process with no objections.

Council's consideration of these submissions means all required steps pursuant to the Act have been completed and, as such, the lease process can be finalised.

To enable a new operator of the café to be appointed as soon as possible, it is recommended that the General Manager be authorised to conclude negotiations and agree terms once a lessee is found through the completion of the lease procurement process.

Appointing a new operator for the café will further activate the Margaret Whitlam Recreation Centre building while providing food and beverage services to local residents, visiting sporting teams and park visitors, in addition to providing revenue for Council.

7. Attachments

Nil.

NOTICE OF MOTION CM/8.1/21.11



Subject: Citizenship Ceremonies and Correspondence with Mayor

TRIM No: A16/0020

Submitted by: Councillor Betts
Councillor Nemesh

MOTION:

That Council:

1. Requests the Mayor to respond to correspondence dated 13 September 2021 from Mr Dave Sharma MP, Member for Wentworth, relating to his offer of assistance in recommencing citizenship ceremonies.
2. Notes that as at 15 October 2021, no response has been received by Mr Sharma.
3. Reiterates to the Mayor the importance of responding to correspondence as a courtesy to the initial correspondent.
4. Puts in place a process to ensure that correspondence to the Mayor is responded to in a timely manner.

General Manager's comment

In response to the letter to the Mayor dated 13 September 2021 from Mr Dave Sharma MP, Member for Wentworth, a staff member from the Mayor's office contacted Mr Sharma's office by telephone on 14 September 2021 and advised the following:

- Citizenship ceremonies hosted by Council were resuming and would be conducted online.
- The first of these online ceremonies was being arranged for 27 September 2021.
- Upon confirmation of dates for the ceremonies by the Department of Home Affairs, details would be progressively provided to Mr Sharma.

On 15 September 2021, a staff member from the Mayor's office emailed Mr Sharma confirming 11 am on 27 September 2021 as the time and date for first online ceremony, and inviting him to attend. Mr Sharma replied by email on the same day (15 September 2021) confirming his attendance and that he would perform the role of reading out the Immigration Minister's message, as usual.

In addition to the above correspondence and subsequent regular email and phone contact between the Mayor's office and Mr Sharma's office regarding citizenship ceremonies, a formal response from the Mayor to Mr Sharma dated 3 November 2021 was sent.

Evan Hutchings
Director, Finance and Governance

NOTICE OF MOTION CM/8.2/21.11



Subject: Accessibility

TRIM No: A21/0205

Submitted by: Councillor Burrill
Councillor Kay

MOTION:

That:

1. Council officers identify what needs to be done to optimise accessibility and inclusion in the physical environment in order for Waverley to become the most accessible place in NSW.
2. The above work informs Council's Disability Inclusion Action Plan, which is currently on public exhibition until 20 December 2021.

Background

We believe that Waverley could become the most accessible place in NSW and that we should identify the actions that need to occur for this to be achieved. 'Sydney, Australia' is listed as one of the top 25 most accessible cities in the world by [travelpulse.com](https://travelpulse.com/gallery/destinations/25-of-the-worlds-most-disability-friendly-cities): travelpulse.com/gallery/destinations/25-of-the-worlds-most-disability-friendly-cities.

The Destination NSW website sydneyforall.com currently only provides information on activities in Sydney CBD and Manly for those with a disability.

General Manager's comment

Through Council's first Disability Inclusion Action Plan (DIAP), which took a regional approach, strategies and actions continued to include a strong focus on improving accessibility and inclusion of Waverley's physical environment. With Waverley's challenging topographical features and ageing infrastructure, optimising accessibility requires prioritisation and ongoing commitment.

Over the last few years, much has been achieved, including works under the Access Bondi project. Improved accessibility and inclusion are important marketing tools, acting as strong attractors in any tourism strategy promoting Waverley's reputation in this area.

Improvements to accessibility and inclusion in the physical environment could mean a lot of different things for people with different kind of impairments; for example, continuous paths of travel, improved transport and parking services, accessible accommodation, shopping and restaurants, welcoming and inclusive recreation and entertainment opportunities, etc.

Council is developing a new DIAP to work towards improving community inclusion and access over the next four years. It is currently out for community consultation to gather information on the community's experiences and ideas. To address this notice of motion, the draft DIAP could include actions to:

- Conduct access audits of commercial and villages centres to plan and prioritise continuous paths of travel and installation of kerb ramps, accessible toilets, seating, lighting, safe crossings and pick-up/drop-off parking spaces.
- Update 'Discover Waverley' with the information from the audits to help people plan their journey.
- Progressively upgrade play spaces as outlined in the Inclusive Play Space Study and Open Space Strategy.
- Develop an Inclusive Tourism strategy and link information into the NSW Destination website.
- Establishing a walking and mobility working group to progress pedestrian access under the DIAP and People, Movement and Places Strategy. The working group could have representatives from the Access and Inclusion Panel and Cycling Advisory Committee, and staff from Community Services and Transport Planning services.

Sharon Cassidy

Acting Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.3/21.11



Subject: Customer Service Centre - Extended Opening

TRIM No: A21/0461

Submitted by: Councillor Burrill
Councillor Kay

MOTION:

That Council:

1. Investigates Saturday morning openings (physical and by phone) for the Customer Service Centre on a six-month trial, with a report including staff costs and a potential communications action plan to come back to Council.
2. Notes that Council is upgrading technology to improve and expedite the customer experience.
3. Notes that Council is currently consulting on the Customer Experience Strategy.

Background

Council's Customer Service Centre at 55 Spring Street, Bondi Junction, is open Monday to Friday, 9 am–5 pm, and an after-hours telephone service is available to leave a message. Residents can now arrange for parking permits by email, but some interaction is better face to face, especially for our seniors.

We have received representation from many residents for the Customer Service Centre to open on Saturday mornings, with many residents unable to visit the Centre on weekdays.

General Manager's comment

Council officers have recently commenced work, including consultation, on a draft Customer Experience Strategy, which will be used to help guide future service delivery based on customer preferences and expectations. If resolved by Council, officers can present a report back to Council on an investigation into Saturday morning openings for the Customer Service Centre as part of the Customer Experience Strategy.

Rachel Hensman

Acting Director, Customer Service and Organisation Improvement

QUESTION WITH NOTICE CM/9.1/21.11



Subject: Waverley Park Playground

TRIM No: A21/0103

Submitted by: Councillor Kay

QUESTION

The following question was submitted by Cr Kay:

Some of the Waverley Park playground is in a state of disrepair. The slide has been closed since 2018, the rocket ship for some 10 years, and play equipment inside the gated area is currently (at the time of writing) broken and fenced off. Families and precincts have been waiting a long time for the district level playground upgrade and have made regular representations to me about its timing. The answers to these questions would provide a level of certainty to the community.

1. Will the playground upgrade (with expanded footprint) require the Waverley Park Plan of Management (PoM) to be endorsed by Council before construction commences? When is the PoM expected to come to Council for adoption?
2. Will the playground upgrade (with expanded footprint) require a development application (DA) to be lodged, assessed and approved before construction can commence?
3. Acknowledging that the playground upgrade may require referral to Crown Lands and to the Heritage Council, amongst others, and may require the PoM and DA to be approved first, can you provide estimated timetables (best case, worst case and most likely case) for the key project steps to complete the playground upgrade construction?

General Manager's answer

Construction of the Waverley Park playground upgrade, including an expanded footprint, does not require the Waverley Park Plan of Management (PoM) be endorsed by Council, as the playground upgrade is considered exempt development under the *State Environmental Planning Policy (Infrastructure) 2007*. The Waverley Park PoM is expected to be reported to Council in September 2022 for adoption. There are many project milestones that need to be met to achieve this deadline, most importantly Council and Crown Land approval of the draft PoM.

Playgrounds, including their equipment, soft landing surfaces, fencing and paths, are deemed as exempt development under clause 66(1)(vii) the *State Environmental Planning Policy (Infrastructure) 2007*. As such, a development application is not required.

A concept plan for the playground will be presented to Council early next year for approval for a final stage of community consultation. Consultation is expected to be held in February and March 2022. Once feedback is received and the plans updated, detailed design and documentation is to take place. Procurement for a contractor is scheduled in June and July to start works on site in September, with construction finishing in December 2022. Any heritage approvals required will need to be determined by June/July 2022.

Waverley Park is identified as a landscape conservation area of local significance. The playground is located within this area. The playground will therefore need to demonstrate that it does not adversely impact the heritage character of the park. To demonstrate this, an impact assessment or heritage management plan may be required. Council is the consent authority that will assess the impact of the playground on the landscape character area.

Waverley Park also contains items of State heritage significance, namely the Sydney Water reservoirs. The curtilage for the reservoirs extends to the toe of the embankment where the playground is located. While the playground is not contained in this area, the embankment slide is currently within this area. In discussion with Sydney Water, Council has been advised that the embankment slide had minimal impact on the reservoir's heritage status; however, a heritage management plan or impact assessment should be prepared and be submitted to the Heritage Council. Further discussion with the Heritage Council needs to take place to agree on the planning pathway for this component on the playground. Most of the playground, however, is not likely to be impacted by the State heritage listing. If the embankment slide proves to be unfavourable, it can be removed from the scope of works.

Sharon Cassidy

Acting Director, Community, Assets and Operations

QUESTION WITH NOTICE CM/9.2/21.11



Subject: Barracluff Avenue, Bondi Beach - Traffic Calming and Traffic Counts

TRIM No: A20/0334

Submitted by: Councillor Wy Kanak

QUESTION

The following question was submitted by Cr Wy Kanak:

With the one-year pilot of the traffic calming in Barracluff Avenue about to start soon, can Council please outline if it will, and how it will, ensure that traffic counts and traffic volume/speed will be measured in all surrounding streets—that is, Sir Thomas Mitchell Road, O'Brien Street, Wellington Street and Francis Street—both prior to the commencement of the trial and then once calming is in place?

General Manager's answer

At its meeting on 20 April 2021, Council approved a traffic calming scheme for Barracluff Avenue as a one-year trial and further resolved that 'Officers monitor traffic speeds and movement in Barracluff Avenue post-installation of the traffic calming scheme.'

This trial does not include monitoring of other streets. Council will commission a one-week survey of traffic volumes and speeds in Barracluff Avenue before Christmas. The installation of the devices and changes in parking are expected to occur in early 2022. A second survey of traffic will occur 12 months later.

However, in addition to this, Council will be undertaking a Local Area Traffic Management (LATM) study in the area bounded by Bondi Road, Penkivil Street, Hall Street and Campbell Parade, as shown in the map below.

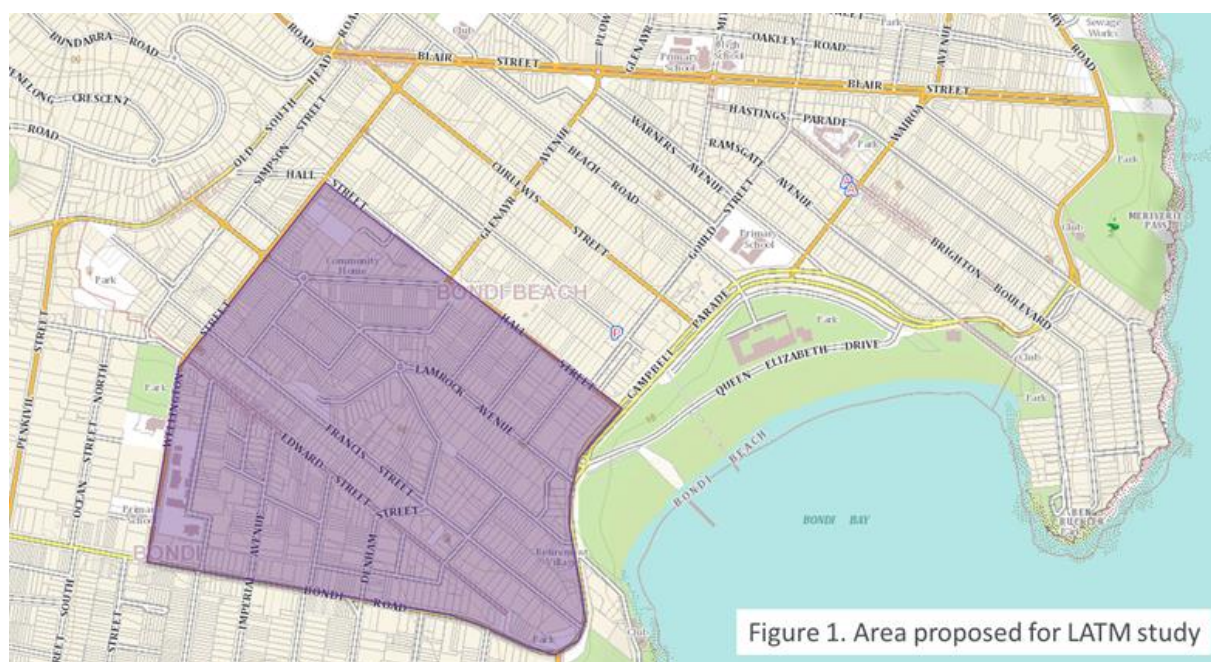


Figure 1. Area proposed for LATM study

Commencement of the LATM study is dependent on the status of COVID-19 lockdowns and people returning to work and normal routines, as we need baseline traffic survey data to undertake the study. This study would include measurement of traffic volumes and speeds in the streets listed in the question with notice.

Sharon Cassidy

Acting Director, Community, Assets and Operations

QUESTION WITH NOTICE
CM/9.3/21.11**Subject:** Rickard Avenue, Bondi Beach - Reopening**TRIM No:** A20/0069**Submitted by:** Councillor Wy Kanak

QUESTION

The following question was submitted by Cr Wy Kanak:

Can Council please outline for the public record what community consultation schedule and Council administrative process would be required to trigger a review and reopening of Rickard Avenue in relation to the Waverley Traffic Committee and associated Council processes?

General Manager's answer

The Waverley Traffic Committee and Council approved the permanent closure of Rickard Avenue at Lamrock Avenue. Also, Council has allocated capital funds to construct a permanent closure and beautify the closure.

To review changes to the operation of particular street (closure, one-way, resident parking, etc), Council would require a petition from that street with a majority of residents agreeable to the changes. An investigation and report would then be prepared for consideration of the Traffic Committee and Council. This was the process followed with the closure of Rickard Avenue.

However, if Council wished to proceed with the opening of Rickard Avenue, it would require a resolution of Council. An investigation and report to the Traffic Committee and to Council would then be prepared for consideration, similar to the process when the decision was made to close Rickard Avenue.

Sharon Cassidy
Acting Director, Community, Assets and Operations

QUESTION WITH NOTICE CM/9.4/21.11



Subject: Bondi Pavilion - 'Jedda' Film Poster

TRIM No: A05/0416

Submitted by: Councillor Wy Kanak

QUESTION

The following question was submitted by Cr Wy Kanak:

Council has recently received an offer from Mr Bill Lambert relating to the film poster painting from the movie *Jedda* previously on display at the Bondi Pavilion Community Cultural Centre. The film poster painting, which features Robert Tudawali's 'Marbuk' character and Aunty Rosalie Kunoth-Monks, is currently in Council storage after having been removed from its inset on the stairs that lead from the ground foyer up to the Bondi Pavilion Theatre. Can Council please arrange access for Mr Lambert to view the film poster painting?

General Manager's answer

Council officers confirm that the *Jedda* posters previously displayed in Bondi Pavilion are being held in Council's storage facility at Bondi Junction. Access to the facility can be arranged with appropriate notice to ensure staff availability and that the facility is accessible to external visitors.

Rachel Hensman

Acting Director, Customer Service and Organisation Improvement

URGENT BUSINESS
CM/10/21.11**Subject:** Urgent Business**Author:** Emily Scott, General Manager

In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

CLOSED SESSION
CM/11/21.11

Subject: Moving into Closed Session

Author: Emily Scott, General Manager

WAVERLEY
COUNCIL

There are no confidential reports for consideration.

Introduction/Background

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.