



W A V E R L E Y  
COUNCIL

## COUNCIL MEETING

A meeting of Waverley Council will be held at Waverley Council Chambers,  
Cnr Paul Street and Bondi Road, Bondi Junction at:

**7.00 PM, TUESDAY 12 APRIL 2022**

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

Emily Scott  
**General Manager**

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

### **Live Streaming of Meetings**

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

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

## PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

- |    |                                                              |                                                                                                                                       |           |
|----|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1. | <b>Apologies/Leaves of Absence</b>                           |                                                                                                                                       |           |
| 2. | <b>Declarations of Pecuniary and Non-Pecuniary Interests</b> |                                                                                                                                       |           |
| 3. | <b>Obituaries .....</b>                                      |                                                                                                                                       | <b>5</b>  |
| 4. | <b>Addresses by Members of the Public</b>                    |                                                                                                                                       |           |
| 5. | <b>Confirmation and Adoption of Minutes</b>                  |                                                                                                                                       |           |
|    | CM/5.1/22.04                                                 | Confirmation of Minutes - Council Meeting - 15 March 2022.....                                                                        | 6         |
|    | CM/5.2/22.04                                                 | Adoption of Minutes - Waverley Traffic Committee Meeting - 24 March 2022 .....                                                        | 39        |
| 6. | <b>Mayoral Minutes .....</b>                                 |                                                                                                                                       | <b>50</b> |
| 7. | <b>Reports</b>                                               |                                                                                                                                       |           |
|    | CM/7.1/22.04                                                 | Draft Community Strategic Plan 2022-2032 and Long Term Financial Plan 6 (2022-2033) - Exhibition.....                                 | 51        |
|    | CM/7.2/22.04                                                 | Draft Strategic Asset Management Plan 6 (SAMP 6) - Exhibition .....                                                                   | 59        |
|    | CM/7.3/22.04                                                 | Draft Environmental Action Plan 2022-2032 - Exhibition .....                                                                          | 63        |
|    | CM/7.4/22.04                                                 | Draft Delivery Program 2022-2026, Operational Plan 2022-2023 including Budget and Pricing Policy, Fees and Charges - Exhibition ..... | 93        |
|    | CM/7.5/22.04                                                 | Delegations Review .....                                                                                                              | 104       |
|    | CM/7.6/22.04                                                 | Investment Portfolio Report - March 2022.....                                                                                         | 117       |
|    | CM/7.7/22.04                                                 | Returns Disclosing Interests of Councillors and Designated Persons .....                                                              | 138       |
|    | CM/7.8/22.04                                                 | Australian Local Government Association - National General Assembly 2022 .....                                                        | 140       |

CM/7.9/22.04	Electric Vehicle Chargers in Eastgate Car Park.....	162
CM/7.10/22.04	Planning Proposal - War Memorial Hospital - Birrell Street Sites - 99-117 Birrell Street, Waverley .....	166
CM/7.11/22.04	Voluntary Planning Agreement - 18-20 Allens Parade, Bondi Junction.....	187
CM/7.12/22.04	Ocean Lovers Festival 2022 - Fee Waiver .....	211

## 8. Notices of Motions

CM/8.1/22.04	Carrington Road, Bronte Road and Victoria Street Intersection, Waverley - Red Light Speed Camera .....	217
CM/8.2/22.04	Miller Street, Bondi - Streetscape Upgrade .....	219
CM/8.3/22.04	St Charles' Primary School, Waverley - Bus Stop Removal .....	222
CM/8.4/22.04	Moden Slavery Act 2018 (NSW) .....	224

## 9. Questions with Notice

There are no questions with notice.

## 10. Urgent Business..... 227

## 11. Closed Session ..... 228

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

CM/11.1/22.04	CONFIDENTIAL REPORT - Community Tenancies - Award of Leases	
CM/11.2/22.04	CONFIDENTIAL REPORT - Bondi Pavilion Restoration and Conservation Project - Quarterly Report	
CM/11.3/22.04	CONFIDENTIAL REPORT - Bondi Festival - Switzerland Tourism Sponsorship	
CM/11.4/22.04	CONFIDENTIAL REPORT - Organisation Development Program and Structure Review	

## 12. Resuming in Open Session ..... 230

## 13. Meeting Closure



## OBITUARIES CM/3/22.04

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



Scott Field  
Paul Goodchild

*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/5.1/22.04



**Subject:** Confirmation of Minutes - Council Meeting - 15 March 2022

**TRIM No:** SF21/6063

**Author:** Richard Coelho, Executive Manager, Governance and Risk

---

### RECOMMENDATION:

That the minutes of the Council meeting held on 15 March 2022 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 Council meetings must be confirmed at a subsequent meeting of Council, in accordance with section 375 of the *Local Government Act 1993*.

### Attachments

1. Council Meeting Minutes - 15 March 2022 .



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 15 MARCH 2022**

**Present:**

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Emily Scott	General Manager
George Bramis	Acting Director, Planning, Environment and Regulatory
Sharon Cassidy	Acting Director, Community, Assets and Operations
Meredith Graham	Acting Director, Customer Service and Organisation Improvement
Richard Sheridan	Interim Director, Finance and Governance

*At the commencement of proceedings at 7.00 pm, those present were as listed above.*

*At 9.47 pm, following the vote on item CM/7.2/22.03, the meeting adjourned for a short break. At 9.53 pm, the meeting resumed.*

*At 10.41 pm, during consideration of item CM/8.1/22.03, Cr Kay left the meeting and did not return.*

*At 10.42 pm, following the vote on item CM/8.1/22.03, Cr Burrill left the meeting and did not return.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

**1. Apologies/Leaves of Absence**

**CM/1.1/22.03 Request for Leave of Absence - Crs Betts and Nemesh (A03/0029)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconder: Cr Wy Kanak

That Council grants a leave of absence to Crs Betts and Nemesh for the Council meeting on 15 March 2022 for medical reasons.

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

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

- 2.1 Cr Gray declared a pecuniary interest in item CM/5.2/22.03 – Adoption of Minutes – Waverley Traffic Committee Meeting – 24 February 2022 – TC/V.01/22.02 – Chaleyer Street, Rose Bay – Passing Bays and informed the meeting that she owns property in Chaleyer Street, Rose Bay.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/7.3/22.03 – Rejected Agenda Business and informed the meeting that he lodged the motion.
- 2.3 Cr Burrill declared a less than significant non-pecuniary interest in item CM/8.1/22.03 – Annual Volunteer Fair and informed the meeting she is the organiser of Bondi Beach Playgroups, which is one of the volunteer organisations.

**3. Obituaries**

Pamela Meyers

Mary Annabella Corowa Ivey Kanak

*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 K Brimaud – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.2 D Caretti (on behalf of Waverley Action Group) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.3 M Rose – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.4 R Rychter – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.5 S von Muenster – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.6 Representative of owners of 121, 123, 125 and 127 Carrington Road – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.7 J McAlpin (on behalf of Charing Cross Precinct) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.8 P Aston (on behalf of the Board of Eastern Suburbs Legion Club) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.9 S Anderson – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.10 D Pal – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.11 N Solomon (on behalf of Larcombe and Solomon Architects) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.12 D Whitten (on behalf of the proponent, Barbary Coast Investments Pty Ltd) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.13 S Gouge (on behalf of Ethos Urban) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.14 A resident – CM/7.11/22.03 – Waverley Park Management Plan – Consultation.
- 4.15 P Lovitt (on behalf of Eastern Suburbs Cricket Club) – CM/7.11/22.03 – Waverley Park Management Plan – Consultation.
- 4.16 A Bhasin (on behalf of BIKEast) – CM/8.3/22.03 Bondi Junction Cycleway – Safety.
- 4.17 H Warn – CM/9.2/22.03 – Thomas Hogan Reserve – Maintenance.

**ITEMS BY EXCEPTION****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

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

CM/5.1/22.03 Confirmation of Minutes – Council Meeting – 15 February 2022.

- CM/7.4/22.03      Audit, Risk and Improvement Committee Meeting – 23 September 2021 – Minutes.
- CM/7.5/22.03      Investment Portfolio Report – February 2022.
- CM/7.9/22.03      A New Approach to Rezoning – Submission.
- CM/7.10/22.03      SSROC Electricity Procurement.
- CM/7.13/22.03      Youth Week Grant 2022.
- CM/11.2/22.03      CONFIDENTIAL REPORT – Shop 1A, Bondi Pavilion Fit-out – Procurement Exemption.
- CM/11.3/22.03      CONFIDENTIAL REPORT – 14–26 Ebley Street, Bondi Junction – Lease to Officeworks Ltd.
- CM/11.4/22.03      CONFIDENTIAL REPORT – Eastgate Car Park Ground Floor, Bondi Junction – Licence to Odessa Enterprises Pty Ltd.
- CM/11.5/22.03      CONFIDENTIAL REPORT – 65 Ebley Street, Bondi Junction – Lease to Ebley Street Holdings Pty Ltd (Metro Storage).
- CM/11.6/22.03      CONFIDENTIAL REPORT – Tender Evaluation – Safety By Design in Public Places – Bondi Junction.

## 5. Confirmation and Adoption of Minutes

### CM/5.1/22.03      Confirmation of Minutes - Council Meeting - 15 February 2022 (SF21/6063)

#### MOTION / DECISION

Mover:      Cr Masselos

Seconder:      Cr Lewis

That the minutes of the Council meeting held on 15 February 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### CM/5.2/22.03      Adoption of Minutes - Waverley Traffic Committee Meeting - 24 February 2022 (SF21/6066)

*Cr Gray declared a pecuniary interest in this item and informed the meeting that she owns property in Chaleyer Street, Rose Bay. Cr Gray was not present at, or in sight of, the meeting for the vote on this item.*

#### MOTION / UNANIMOUS DECISION

Mover:      Cr Masselos

Seconder:      Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 February 2022 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.01/22.02 – Chaleyer Street, Rose Bay – Passing Bays.

And that this item be dealt with separately below.

**CM/5.2.1/22.03      Adoption of Minutes - Waverley Traffic Committee Meeting - 24 February 2022 -  
TC/V.01/22.02 - Chaleyer Street, Rose Bay - Passing Bays (A20/0069)**

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

*Cr Gray declared a pecuniary interest in this item and informed the meeting that she owns property in Chaleyer Street, Rose Bay. Cr Gray was not present at, or in sight of, the meeting for the vote on this item.*

**MOTION**

Mover: Cr Lewis

Seconder: Cr Murray

That Council adopts the Traffic Committee's recommendation subject to the addition of a new clause such that the recommendation now reads as follows:

That Council:

1. Installs 'No Parking' zones across the driveways of the following addresses along Chaleyer Street, Rose Bay, as shown in Figure 4 of the report:
  - (a) 117 and 119.
  - (b) 91 and 95.
  - (c) 56 and 58.
  - (d) 28 and 30.
  - (e) 23.
  - (f) 6 and 8.
  - (g) 1 and 457 Old South Head Road.
2. Officers review the effect of the installation of the 'No Parking' zones on traffic flow and congestion and prepare a report to Council after six months from the time the zones have been installed.
3. Officers investigate the addition and/or extension of 'No Stopping' zones at each end of Chaleyer Street, with a report to be prepared for the Traffic Committee.

THE MOVER OF THE MOTION THEN ACCEPTED THE DELETION OF CLAUSES 1(b) and 1(d) AND THE ADDITION OF A NEW CLAUSE.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council adopts the Traffic Committee's recommendation subject to the deletion of clauses 1(b) and 1(d) and the addition of new clauses such that the recommendation now reads as follows:

That Council:

1. Installs 'No Parking' zones across the driveways of the following addresses along Chaleyer Street,

Rose Bay, as shown in Figure 4 of the report:

- (a) 117 and 119.
  - (b) 56 and 58.
  - (c) 23.
  - (d) 6 and 8.
  - (e) 1 and 457 Old South Head Road.
2. Defers for three months the installation of 'No Parking' zones across the following addresses along Chaleyer Street for further discussion with residents
- (a) 91 and 95 because one was against and one was no response.
  - (b) 28 and 30 because one was against and one was no response.
3. Officers review the effect of the installation of the 'No Parking' zones on traffic flow and congestion and prepare a report to Council after six months from the time the zones have been installed.
4. Officers investigate the addition and/or extension of 'No Stopping' zones at each end of Chaleyer Street, with a report to be prepared for the Traffic Committee.

## 6. Mayoral Minutes

### CM/6.1/22.03 Net Zero Community Greenhouse Gas Emissions Target by 2035 (A02/0131)

#### MOTION

Mover: Cr Masselos

That Council:

1. Adopts an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.
2. Requests that a report be prepared outlining:
  - (a) Feasible and costed actions on how Council can support and enable the community to achieve this target
  - (b) Other potential activities, such as increasing the penetration of solar on Waverley houses, strata and businesses in combination with the grid decarbonising, i.e. moving away from fossil fuels towards 100% renewable energy.
3. Receives this report by August 2022.

#### Background

Council currently has a community greenhouse gas emissions target of being carbon neutral by 2050. A 2050 target is not in accordance with the latest scientific reports such as the latest Intergovernmental Panel



on Climate Change (IPCC) report which again emphasises the impacts of climate change currently occurring with a 1.09°C temperature rise and that there is an increasingly urgent need to rapidly reduce greenhouse gas emissions so that a low global emissions scenario can be achieved. A 2035 target is slightly later than Council's own net zero target by 2030, as Council is better able to manage and reduce emissions from its own assets.

While a net zero target by 2035 is ambitious, there is a pathway to achieve this by reducing our community emissions from electricity and gas consumption, transport and waste. Electricity makes up 60% of the community's scope 1 and 2 emissions, and in recent years the Waverley community has been reducing its electricity use through the installation of solar panels, increased energy efficiency, and the movement to 100% renewable energy in the grid will enable a net zero target to be achieved close to 2035. Combined with the increasing electrification of transportation, heating and cooling, increasing the levels of active transport and diverting waste from landfill, a net zero 2035 target is ambitious but can mobilise and accelerate action, and make this aspirational goal achievable.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 4 AND 5 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.
2. Requests that a report be prepared outlining:
  - (a) Feasible and costed actions on how Council can support and enable the community to achieve this target
  - (b) Other potential activities, such as increasing the penetration of solar on Waverley houses, strata and businesses in combination with the grid decarbonising, i.e. moving away from fossil fuels towards 100% renewable energy.
3. Receives this report by August 2022.
4. Notes that Council has declared a climate and biodiversity emergency.
5. Notes that the General Manager has entered into a contract on behalf of Council with ZEN Energy for 100% renewable energy.

**FORESHADOWED MOTION (LAPSED)**

Mover: Cr Kay

That the motion be adopted subject to clause 1 being amended to read as follows:

'Investigates an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.'

**AMENDMENT**

Mover: Cr Kay  
Seconder: Cr Burrill

That clause 1 be amended to read as follows:

'Adopts in principle an ambitious community greenhouse gas emission target of net zero by 2035 and that

this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

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

#### **UNANIMOUS DECISION**

That Council:

1. Adopts an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.
2. Requests that a report be prepared outlining:
  - (a) Costed actions on how Council can support and enable the community to achieve this target.
  - (b) Other potential activities, such as increasing the penetration of solar on Waverley houses, strata and businesses in combination with the grid decarbonising, i.e. moving away from fossil fuels towards 100% renewable energy.
3. Receives this report by August 2022.
4. Notes that Council has declared a climate and biodiversity emergency.
5. Notes that the General Manager has entered into a contract on behalf of Council with ZEN Energy for 100% renewable energy.

#### **CM/6.2/22.03                      Bus Privatisation Complaints (A03/0189)**

#### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

That Council:

1. Notes:
  - (a) The very high usage of public transport, especially buses, by Waverley commuters.
  - (b) That the People, Movement and Places policy supports the role of public transport in making Waverley safer and more walkable for pedestrians, while working to reduce traffic congestion.
  - (c) That in October 2020, the State Government announced the privatisation of the last public-operated bus regions, including region 9 (Eastern Suburbs). Waverley's privatised service, to be operated by Transdev John Holland, commences in April this year.
  - (d) That in 2021, the State Government cut or modified 49 bus routes, as well as moving or removing over 50 bus stops.

- (e) The NSW Upper house Inquiry into the Privatisation of Bus services, with submissions due by 31 March 2022
  - (f) That the Mayor of Waverley has written to the then Minister Constance on at least two occasions strongly objecting to the bus cuts
2. Establishes a range of channels by which to receive any complaints about potential drops in the service quality and delivery of timely bus services, and the impact of the reduction of bus stops in time for the commencement of privatised services. These channels include:
- (a) A dedicated webpage on Council's website.
  - (b) A dedicated bus complaints email address.
  - (c) Council's Customer Service Centre being geared up to receive complaints via telephone.
3. Promotes these complaints channels through its various networks.

**CM/6.3/22.03                      Flood Relief Donations (A02/0065)**

**MOTION**

Mover:        Cr Masselos

That Council:

1. Recognises that the recent floods have left many communities and people in need and that the Waverley community is ready to provide assistance in the best way we can.
2. Notes that Resilience NSW has requested that financial support should be channelled through the GIVIT platform.
3. Endorses and promotes GIVIT as the preferred option to support victims of the recent NSW floods.
4. Requests the Mayor write to the flood-affected local government areas in NSW to offer support by way of staff resources and equipment as and when appropriate.

**Background**

Communities in our city, our state and our country are again in crisis. The recent persistent flooding has left many communities in need and people of Waverley would like to help, and to know where best to direct their efforts.

Specialists, such as volunteer surf lifesavers, have been providing emergency support in the Hawkesbury, and I acknowledge and applaud those efforts.

Now, communities urgently need cash for fuel, cleaning materials, pharmacy items, emergency accommodation and emergency supplies, including food, baby food and pet food. Communities in crisis need agency and choice to buy the things they need to survive and recover. They do not need unwanted or surplus goods from others, that do not meet their needs.

Resilience NSW has asked people to direct financial support through the GIVIT platform. With GIVIT, a specific amount can be donated for a specific item, such as fuel, pet food, groceries, sanitary products, underwear, towels etc. GIVIT purchases products in or near the town affected by the disaster, and then

distributes it directly to the people who require it.

It's important that we help our community to direct their goodwill to those most impacted, and also prevent the secondary waste disaster that has occurred in previous events.

100% of publicly donated funds received by GIVIT will be used to purchase exactly what's needed by people and communities impacted by storms and flooding. This enables residents and councils of Sydney meaningfully and quickly to contribute to the recovery, at their own pace.

I recommend Waverley endorse and publicise GIVIT as a way for us to support flood-impacted communities.

During the 2019–2020 bushfire season, Council supported impacted communities by offering staff and resources, when appropriate, to local councils that requested our assistance. It is proposed that Council offer similar support to flood-affected local government areas when and where appropriate and that the Mayor write to impacted communities offering support.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 4.

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

#### **UNANIMOUS DECISION**

That Council:

1. Recognises that the recent floods have left many communities and people in need and that the Waverley community is ready to provide assistance in the best way we can.
2. Notes that Resilience NSW has requested that financial support should be channelled through the GIVIT platform.
3. Endorses and promotes GIVIT as the preferred option to support victims of the recent NSW floods.
4. Requests the Mayor write to the flood-affected local government areas in NSW within seven days to offer support by way of staff resources and equipment as and when appropriate.

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

#### **CM/6.4/22.03                  Harmony Walk (A21/0062)**

##### **MOTION**

Mover:        Cr Masselos

That Council:

1. Is against racism of all forms and is actively working to reduce racism in Waverley through the United to End Racism Campaign.
2. Notes that there have been a number of major 'walks' to celebrate multiculturalism and show respect for all and community harmony against hate speech and bigotry such as:
  - (a) 'Walk for Respect' organised by Tony Burke MP to object against the changes to section 18C of the *Racial Discrimination Act 1975*.

- (b) 'Harmony Walks' organised by the Moving Forward Together Association, which are humanitarian and seek to promote treating people with dignity and respect regardless of race, colour, religion, gender and nationality.
- 3. Joins Randwick and Bayside Councils to participate in the Moving Forward Together Association's Harmony Walk on 1 May 2022.
- 4. Requests the Mayor's Office to liaise with the organisers to ensure a strong presence by Council.

### Background

10 years ago, Council was involved the first Harmony Walk in Coogee. Since then, many 'walks' have occurred. This year, the Harmony Walk is returning to the east.

The Moving Forward Together Association has been set up by Ernie Friedlander and he has been a champion of community harmony. He has run a Harmony Day poster and song-writing competition, which has since been consolidated with the Harmony Walks 10 years ago.

Last year, the Association launched the Stop Racism Now campaign in Parliament House.

On 1 May, the Harmony Walk will again be conducted, bringing together the communities of the Eastern Suburbs, including residents from the Randwick and Bayside local government areas.

In addition to supporting the Stop Racism Now campaign, the Walk will feature diverse cultural entertainment.

Council's participation would be a welcome addition and I commended our participation.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 5.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

### DECISION

That Council:

- 1. Is against racism of all forms and is actively working to reduce racism in Waverley through the United to End Racism Campaign.
- 2. Notes that there have been a number of major 'walks' to celebrate multiculturalism and show respect for all and community harmony against hate speech and bigotry such as:
  - (a) 'Walk for Respect' organised by Tony Burke MP to object against the changes to section 18C of the *Racial Discrimination Act 1975*.
  - (b) 'Harmony Walks' organised by the Moving Forward Together Association, which are humanitarian and seek to promote treating people with dignity and respect regardless of race, colour, religion, gender and nationality.
- 3. Joins Randwick and Bayside Councils to participate in the Moving Forward Together Association's Harmony Walk on 1 May 2022.
- 4. Requests the Mayor's Office to liaise with the organisers to ensure a strong presence by Council.

5. Promotes community harmony by installing temporary 'Racism Not Welcome Here' signs at various points in the Waverley local government area along the Harmony Walk for the duration of the Harmony Walk on 1 May 2022.

## 7. Reports

### **CM/7.1/22.03                      Councillor Superannuation (SF20/1538)**

#### **MOTION / DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Wy Kanak

That Council:

1. Endorses the payment of superannuation contribution payments to Councillors in accordance with section 254B of the *Local Government Act 1993*.
2. Defers payment of superannuation contribution payments to Councillors until 1 July 2023.

### **CM/7.2/22.03                      Finance, Operations and Community Services Committee (A17/0515)**

#### **MOTION / DECISION**

Mover:        Cr Murray  
Seconder:    Cr Keenan

That Council:

1. Makes no changes to the membership, delegations, order of business and meeting schedule of the Finance, Operations and Community Services Committee.
2. Notes that the Finance, Operations and Community Services Committee will consider additional finance matters within its delegations, including but not limited to:
  - (a) Financial sustainability.
  - (b) Strategic financial reviews.
  - (b) Financial performance.
  - (d) Progress updates on operational and capital projects and spend against budget.
  - (e) External audit.
  - (f) Policy and changes to Office of Local Government codes.

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

**CM/7.3/22.03                      Rejected Agenda Business (A09/1010)**

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

**MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That Council notes that the General Manager excluded a notice of motion from Cr Wy Kanak from the February Council meeting agenda, in accordance with clause 3.22 of the Code of Meeting Practice.

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

**CM/7.4/22.03                      Audit, Risk and Improvement Committee Meeting - 23 September 2021 - Minutes (SF21/529)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 23 September 2021 attached to the report.

**CM/7.5/22.03                      Investment Portfolio Report - February 2022 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for February 2022 attached to the report.
2. Notes that the Interim 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/7.6/22.03                      Planning Proposal - Draft Waverley Local Environmental Plan 2022 (A18/0594)****MOTION**

Mover: Cr Lewis

Seconder: Cr Fabiano

That Council:

1. Supports the planning proposal attached to the report to repeal the *Waverley Local Environmental Plan 2012* and establish the *Waverley Local Environmental Plan 2022*.
2. Notes that the War Memorial Hospital Complex is proposed to be listed as a Heritage Conservation Area in the heritage planning proposal.

3. Notes the matters raised in the submissions made on the public exhibition of the draft *Waverley Local Environmental Plan 2022* planning proposal.
4. Forwards the submissions, planning proposal and exhibition report to the Department of Planning and Environment, and requests that they take the post-exhibition changes into consideration in the post-Gateway assessment, as set out in Table 1 of the report.
5. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the new Local Environmental Plan.
6. Notifies property owners of Council's decision.

**AMENDMENT 1**

Mover: Cr Kay  
Seconder: Cr Burrill

That clause 1 be amended to read as follows:

'Supports the planning proposal attached to the report to repeal the *Waverley Local Environmental Plan 2012* and establish the *Waverley Local Environmental Plan 2022*, subject to deleting the reference that supports the introduction of the previously proposed land acquisition map (last paragraph of section 2.4, page 87 of Attachment 4 of the report).'

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

**AMENDMENT 2**

Mover: Cr Keenan  
Seconder: Cr Wy Kanak

That the following clause be added to the motion:

'Notes that despite the 10-week consultation period for the *Waverley Local Environmental Plan 2022*, the 10 weeks occurred during the time of the Council caretaker period, the Council elections of 2021, as well as the six-week Christmas school holiday period, hampering community engagement and the consultation period. '

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Supports the planning proposal attached to the report to repeal the *Waverley Local Environmental Plan 2012* and establish the *Waverley Local Environmental Plan 2022*, subject to deleting the reference that supports the introduction of the previously proposed land acquisition map (last paragraph of section 2.4, page 87 of Attachment 4 of the report).
2. Notes that the War Memorial Hospital Complex is proposed to be listed as a Heritage Conservation Area in the heritage planning proposal.
3. Notes the matters raised in the submissions made on the public exhibition of the draft *Waverley Local Environmental Plan 2022* planning proposal.



4. Forwards the submissions, planning proposal and exhibition report to the Department of Planning and Environment, and requests that they take the post-exhibition changes into consideration in the post-Gateway assessment, as set out in Table 1 of the report.
5. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the new Local Environmental Plan.
6. Notifies property owners of Council's decision.
7. Notes that despite the 10-week consultation period for the *Waverley Local Environmental Plan 2022*, the 10 weeks occurred during the time of the Council caretaker period, the Council elections of 2021, as well as the six-week Christmas school holiday period, hampering community engagement and the consultation period.

**Division**

**For the Motion:** Crs Burrill, Goltsman, Gray, Kay, Lewis, Masselos and Murray.

**Against the Motion:** Crs Fabiano, Keenan and Wy Kanak.

**CM/7.7/22.03 Planning Proposal - Charing Square - Post-Exhibition (PP-1/2020)****MOTION**

Mover: Cr Masselos

Second: Cr Keenan

That Council:

1. Does not support the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 203–231 Bronte Road and 94–98 Carrington Road, Waverley for the following reasons:
  - (a) Primarily the proposal lacks strategic merit:
    - (i) It does not align with the Council endorsed Our Liveable Places Centres Strategy, which identifies that any LEP floor space ratio or height increase is inappropriate for the Charing Cross centre.
    - (ii) The site is too small to warrant strategic merit—only one landowner (the proponent) supports this planning proposal, with the other three landowners not supportive, meaning this planning proposal effectively only applies to the Whitten Family land. This was a key reason the State Planning Panel refused the original planning proposal and the Department of Planning and Environment (DPE) and the community have also raised this matter.
  - (b) The proposal also lacks site-specific merit regarding the following matters, which are considered to be secondary issues:
    - (i) Heritage disruption: the general scale is inappropriate for the Charing Cross Heritage Conservation Area.
    - (ii) Waste, parking and traffic Issues: the management of these issues is significantly affected by the lack of a single, coordinated development across all sites subject to this planning proposal.

- (iii) Residential amenity Issues: overshadowing, visual bulk, noise, view loss and overlooking are concerns for neighbours.
  - (iv) Staging issues: other landowners affected by the proposal are strongly against the proposal. As such, it is unlikely that the redevelopment of all sites would occur and that the proposed public benefits of a large and functional public square and through site link would be delivered.
  - (c) Despite highlighting the aforementioned reasons numerous times with the proponent throughout the post-Gateway determination process, there was little to no co-operation on these issues and no amendments made to the scheme. Any deferral or further extension of time will not resolve the strategic merit issue and is also unlikely to resolve site-specific merit issues.
- 2. Notes the submissions received during public exhibition from the community and agencies.
  - 3. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* and decide not to make the proposed local environmental plan.

**FORESHADOWED MOTION (LAPSED)**

Mover: Cr Burrill

That Council defers this item to provide additional time for:

- 1. The proponent to work with Council to finalise public benefit calculations.
- 2. The proponent to address issues raised by the community submissions.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**UNANIMOUS DECISION**

That Council:

- 1. Does not support the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 203–231 Bronte Road and 94–98 Carrington Road, Waverley for the following reasons:
  - (a) Primarily the proposal lacks strategic merit:
    - (i) It does not align with the Council endorsed Our Liveable Places Centres Strategy, which identifies that any LEP floor space ratio or height increase is inappropriate for the Charing Cross centre.
    - (ii) The site is too small to warrant strategic merit—only one landowner (the proponent) supports this planning proposal, with the other three landowners not supportive, meaning this planning proposal effectively only applies to the Whitten Family land. This was a key reason the State Planning Panel refused the original planning proposal and the Department of Planning and Environment (DPE) and the community have also raised this matter.
  - (b) The proposal also lacks site-specific merit regarding the following matters, which are considered to be secondary issues:
    - (i) Heritage disruption: the general scale is inappropriate for the Charing Cross Heritage

Conservation Area.

- (ii) Waste, parking and traffic Issues: the management of these issues is significantly affected by the lack of a single, coordinated development across all sites subject to this planning proposal.
  - (iii) Residential amenity Issues: overshadowing, visual bulk, noise, view loss and overlooking are concerns for neighbours.
  - (iv) Staging issues: other landowners affected by the proposal are strongly against the proposal. As such, it is unlikely that the redevelopment of all sites would occur and that the proposed public benefits of a large and functional public square and through site link would be delivered.
- (c) Despite highlighting the aforementioned reasons numerous times with the proponent throughout the post-Gateway determination process, there was little to no co-operation on these issues and no amendments made to the scheme. Any deferral or further extension of time will not resolve the strategic merit issue and is also unlikely to resolve site-specific merit issues.
2. Notes the submissions received during public exhibition from the community and agencies.
3. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* and decide not to make the proposed local environmental plan.

#### Division

**For the Motion:** Crs Burrill, Fabiano, Goltsman, Gray, Kay, Keenan, Lewis, Masselos, Murray and Wy Kanak.

**Against the Motion:** Nil.

*K Brimaud, D Caretti (on behalf of Waverley Action Group), M Rose, R Rychter, S von Muenster, representatives of owners of 121, 123, 125 and 127 Carrington Road, J McAlpin (on behalf of Charing Cross Precinct), P Aston (on behalf of the Board of Eastern Suburbs Legion Club), S Anderson, D Pal, N Solomon (on behalf of Larcombe and Solomon Architects), D Whitten (on behalf of the proponent, Barbary Coast Investments Pty Ltd) and S Gouge (on behalf of Ethos Urban) addressed the meeting.*

#### **CM/7.8/22.03 Planning Proposal - Employment Zones Reform (A21/0539)**

#### **MOTION**

Mover: Cr Lewis  
 Seconder: Cr Burrill

That Council:

1. As part of the State Government's Employment Zones Reform, endorses the translation of the following zone changes as set out in the report:
- (a) Existing B1 Neighbourhood Centre zone to E1 Local Centre.
  - (b) Existing B3 Commercial Core and B4 Mixed Use to MU1 Mixed Use.
  - (c) Select B4 Mixed Use centres to E1 Local Centre.

2. Endorses the changes in land use tables and zone objectives, as set out in the report.
3. Notes the mandatory Department of Planning and Environment proposed changes in land use tables and zone objectives, as set out in the report.
4. Directs the community via Council's website to the NSW Government ePlanning Portal to ensure that the community is informed of the change and can make submissions to the NSW Government, noting that the change is led by the NSW Government, that there will be no change to development standards of height and floor space ratio, and that the Development Control Plan 2012 character chapter E3 Local Villages will remain.
5. As part of a future planning proposal, investigates further changes to zoning and development standards in Bondi Junction to emphasise commercial office and jobs to reinforce Bondi Junction's status as the primary commercial centre for the Eastern Suburbs and the classification as a Strategic Centre in the Eastern City District Plan.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1 AND 4 AND THE ADDITION OF NEW CLAUSES 6 AND 7.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

## DECISION

That Council:

1. As part of the State Government's Employment Zones Reform, endorses the translation of the following zone changes:
  - (a) Existing B1 Neighbourhood Centre zone to E1 Local Centre.
  - (b) In the Bondi Junction Strategic Centre only, existing B3 Commercial Core to E2 Commercial Centre and existing B4 Mixed Use to MU1 Mixed Use.
  - (c) Existing B4 Mixed Use centres at Bondi Beach, Bondi Road, Charing Cross, Curlewis Street (Old South Head Road end), Rose Bay North and Rose Bay South to E1 Local Centre.
2. Endorses the changes in land use tables and zone objectives, as set out in the report.
3. Notes the mandatory Department of Planning and Environment proposed changes in land use tables and zone objectives, as set out in the report.
4. Directs the community via Council's website, social media platforms, media release and adverts in local papers to the NSW Government ePlanning Portal to ensure that the community is informed of the change and can make submissions to the NSW Government, noting that the change is led by the NSW Government, that there will be no change to development standards of height and floor space ratio, and that the Development Control Plan 2012 character chapter E3 Local Villages will remain.
5. As part of a future planning proposal, investigates further changes to zoning and development standards in Bondi Junction to emphasise commercial office and jobs to reinforce Bondi Junction's status as the primary commercial centre for the Eastern Suburbs and the classification as a Strategic Centre in the Eastern City District Plan.
6. Notes that the Employment Zones Reform framework is not supported by Council officers in principle as it reduces the ability to establish a clear centre hierarchy and undermines the

findings of Waverley's Our Liveable Places (OLP) Centres Strategy and the changes proposed under the LSPS Implementation Planning Proposal (draft comprehensive *Waverley Local Environmental Plan 2022*).

7. Informs all Precinct committees of the changes.

**Division**

**For the Motion:** Crs Burrill, Fabiano, Goltsman, Gray, Kay, Keenan, Lewis, Masselos and Murray.

**Against the Motion:** Cr Wy Kanak.

**CM/7.9/22.03                    A New Approach to Rezoning - Submission (SF22/190)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council endorses the submission to the NSW Department of Planning and Environment attached to the report on the discussion paper titled *A new approach to rezonings*.

**CM/7.10/22.03                    SSROC Electricity Procurement (A17/0463)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council notes that the General Manager entered into a contract on behalf of Council with ZEN Energy for the supply of 100% renewable energy from 1 July 2022 till 31 December 2026, with the option to extend till 31 December 2030.

**CM/7.11/22.03                    Waverley Park Management Plan - Consultation Outcomes (A20/0656)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray

Seconder: Cr Fabiano

That Council:

1. Notes the results and recommendations from initial Waverley Park Plan of Management community consultation.
2. Proceeds to second stage community consultation to confirm fitness station concept design.
3. Notes that the playspace and intergenerational fitness designs will be reported to Council at the May 2022 Council meeting.
4. Notes the feedback received on the proposed Indoor Cricket Nets Facility concept design.
5. Does not include provision for an Indoor Cricket Net Facility in the draft Waverley Park Management Plan
6. Collaborates with Eastern Suburbs Cricket Club Cricket to address shortfalls in indoor training

facilities, including consideration of appropriate existing facilities across the local government area.

7. Notes that Council officers will present a report to Council on the draft Waverley Park Management Plan for endorsement and approval for community consultation in April 2022, which will also include sending the draft to the Minister for Planning for approval.

*A resident and P Lovitt (on behalf of Eastern Suburbs Cricket Club) addressed the meeting.*

**CM/7.12/22.03 Council Chambers Refurbishment - Review of Environmental Factors - Exhibition (SF21/3221)**

**MOTION**

Mover: Cr Murray

Seconder: Cr Keenan

That Council:

1. Publicly exhibits the Review of Environmental Factors (REF) for the Council Chambers Refurbishment Project attached to the report for 28 days.
2. Notes the planning detailed design for Option 3 for the Council Chambers Refurbishment Project, as set out in Attachments 2 and 3 of the REF.
3. Officers prepare a report to Council following the exhibition period summarising the consultation process, key feedback and recommending revision to concept design, as necessary.

**FORESHADOWED MOTION (LAPSED)**

Mover: Cr Kay

That Council places the exhibition of the Review of Environmental Factors (REF) on hold until a further detailed investigation into constructing a new Council Chambers with maximum floor space on the Bondi Road site has been completed and a comparison report is presented to Council for consideration that includes, but is not limited to, a concept design for each floor level, and the pros and cons, opportunities and risks.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Publicly exhibits the Review of Environmental Factors (REF) for the Council Chambers Refurbishment Project attached to the report for 28 days.
2. Notes the planning detailed design for Option 3 for the Council Chambers Refurbishment Project, as set out in Attachments 2 and 3 of the REF.
3. Officers prepare a report to Council following the exhibition period summarising the consultation process, key feedback and recommending revision to concept design, as necessary.

**Division**

**For the Motion:** Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

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

**CM/7.13/22.03 Youth Week Grant 2022 (A03/2784)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council, under section 356 of the *Local Government Act*, grants up to \$3,600 in financial assistance to WAYS Youth and Family to run activities that involve and benefit a diverse group of young people for Youth Week 2022.

**8. Notices of Motions****CM/8.1/22.03 Annual Volunteer Fair (A16/0638)**

*Cr Burrill declared a less than significant non-pecuniary interest in this item and informed the meeting she is the organiser of Bondi Beach Playgroups, which is one of these organisations.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray

Seconder: Cr Gray

That Council:

1. Investigates hosting an annual Volunteer Fair for volunteer organisations in Waverley to promote their organisations and for residents and others to find volunteer organisations.
2. Officers liaise with large volunteer organisation in the area such as One Big Kitchen, St Vincent de Paul, Wayside, Surf Clubs, Lions, Rotary, SES and others to gauge interest and need for such an event.
3. Aims to hold the first Volunteer Fair in 2022.
4. Officers prepare a report to Council by August 2022 that outlines the costs, timelines, consultation outcomes, and requirements of this project including any procurement issues.

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

**CM/8.2/22.03 Raleigh Street and Lola Street, Dover Heights - Drainage Pit (A03/0804)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Murray

That Council:

1. Notes the severe flooding in Raleigh Street and Lola Street, Dover Heights, as a result of the recent heavy rainfall.
2. Notes the officers' determination that an additional drainage pit is required at or near the junction of Raleigh Street and Lola Street and that a new pipeline will be constructed.
3. Directs officers to carry out any further investigations as may be required and prepare a design for the construction of the drainage pit and pipeline as a matter of urgency.

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

**CM/8.3/22.03                      Bondi Junction Cycleway - Safety (A14/0193)**

**MOTION**

Mover:        Cr Burrill

Seconder:    Cr Kay

That Council:

1. Notes that the Bondi Junction Cycleway is nearing completion, with only the section in front of the bus depot on West Oxford Street yet to commence. The cycleway from St James Road to Waverley Mall is expected to be operational from late March/April 2022.
2. Notes that 'Safety by Design' initiatives will be introduced into the Oxford Street Mall in the second half of 2022.
3. Investigates ways to improve the safety of pedestrians and cyclists in Bondi Junction resulting from the introduction of the new cycleway, such as:
  - (a) Clearly distinguishing between the footpath and the cycleway on Spring Street by, for example, tactile paving, blisters and/or spaced planter boxes.
  - (b) Installing temporary educational cyclist 'Give Way and Stop' signs on the cycleway at conflict points.
  - (c) Installing 'No Cycling' and 'Cyclist Detour' signage at each end of the Oxford Street Mall at an appropriate time to allow transition for using the new cycleway.
  - (d) Reducing the regulatory speed limit in the Oxford Street bus transit lane between Bronte Road and Adelaide Street from 50 km/h to 30 km/h.
  - (e) Commencing an education campaign to encourage cyclists to ride through Spring Street rather than through Oxford Street Mall.
  - (f) Improving compliance with bin placement on Spring Street.
  - (g) Improving 'No Entry, Buses, Taxis Excepted' compliance into Grosvenor Street by additional signage in Bronte Road, both on poles and on the road.
4. Immediately commences the process to update the Bondi Junction cycle route in the Waverley Bike Plan 2013 to reflect the new cycleway route via Spring Street.
5. Officers prepare a report on the above matters for Council, and where relevant Traffic Committee, consideration.

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

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

**UNANIMOUS DECISION**

That Council:



1. Notes that the Bondi Junction Cycleway is nearing completion, with only the section in front of the bus depot on West Oxford Street yet to commence. The cycleway from St James Road to Waverley Mall is expected to be operational from late March/April 2022.
2. Notes that 'Safety by Design' initiatives will be introduced into the Oxford Street Mall in the second half of 2022.
3. Investigates ways to improve the safety of pedestrians and cyclists in Bondi Junction resulting from the introduction of the new cycleway, such as:
  - (a) Clearly distinguishing between the footpath and the cycleway on Spring Street by, for example, tactile paving, blisters and/or spaced planter boxes.
  - (b) Installing temporary educational cyclist 'Give Way and Stop' signs on the cycleway at conflict points.
  - (c) Installing 'No Cycling' and 'Cyclist Detour' signage at each end of the Oxford Street Mall at an appropriate time to allow transition for using the new cycleway.
  - (d) Reducing the regulatory speed limit in the Oxford Street bus transit lane between Bronte Road and Adelaide Street from 50 km/h to 30 km/h.
  - (e) Commencing an education campaign to encourage cyclists to ride through Spring Street rather than through Oxford Street Mall.
  - (f) Improving compliance with bin placement on Spring Street.
  - (g) Improving 'No Entry, Buses, Taxis Excepted' compliance into Grosvenor Street by additional signage in Bronte Road, both on poles and on the road.
4. Immediately commences the process to update the Bondi Junction cycle route in the Waverley Bike Plan 2013 to reflect the new cycleway route via Spring Street.
5. Takes appropriate steps to:
  - (a) Move commercial rubbish bins placed on the Spring Street cycleway.
  - (b) Educate owners and occupiers in Spring Street of the correct location to place commercial bins.
  - (c) Issue fines for repeated offenders if appropriate.
6. Officers prepare a report on the above matters for Council, and where relevant Traffic Committee, consideration.

*A Bhasin (on behalf of BIKEast) addressed the meeting.*

**CM/8.4/22.03                    Disaster Relief (A02/0065)****MOTION / DECISION**

Mover:        Cr Wy Kanak

Seconder:    Cr Fabiano

That Council:

1. Provides relief funding as well as assisting local charities and relief organisations to redirect clothing and other suitable goods and services to the growing number of people becoming vulnerable and destitute due to climate change from floods and other natural disasters.
2. Calls on the state and federal governments to support the urgent establishment of permanent fully funded Rapid Response Disaster Teams to reflect the fact that disasters like the current flooding are no longer rare events but the new normal.
3. Calls on the NSW State Government to double the disaster recovery payment to \$2,000 and expand its eligibility so more people can get help.

*Crs Burrill and Kay were not present for the vote on this item.***CM/8.5/22.03                    Equal Pay for Equal Play (A22/0083)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Fabiano

Seconder:    Cr Keenan

That Council:

1. Ensures that sporting organisations and clubs that receive grants and funding from Council provide:
  - (a) Equal prize money for both boys and girls, and men and women, at all levels of competition.
  - (b) Equal opportunity (entry positions, space, time, training, resources) for girls and boys, and men and women to participate in events including competitions and training.
  - (c) An actionable strategy to increase the participation, engagement and ongoing support of women and girls at all levels of competition.
2. Affirms that organisations and clubs that do not currently satisfy these criteria can still receive support if they have concrete plans to implement these by 2025.

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

## 9. Questions with Notice

### CM/9.1/22.03 Racism Not Welcome Street Signs (A02/0447)

#### QUESTION

The following question was submitted by Cr Fabiano:

When does Council expect the street sign #racismnotwelcome to be placed in busy places in Waverley?

#### Background

As extract from:  
Waverley Cultural Diversity Strategy (WCDS) 2021–2031  
Ideas for future funding

Racism not welcome street signs

In February 2021, Council passed a resolution to refer to the Multicultural Advisory Committee for discussion and guidance on ways to implement the 'Racism Not Welcome' street signs and associated campaign in the Waverley local government area, with support from Council and its officers.

Our idea is to implement the campaign in busy places in Waverley.

Each sign could have English on one side and a language, from Aboriginal through the range of other tongues spoken, on the other side.

Over time, Waverley would become populated with dozens of languages on signs speaking the same message of welcome and peace.

#### General Manager's answer

Last year, the Multicultural Advisory Committee (MAC) was actively engaged in broader discussions about Waverley's anti racism approach including the installation of 'Racism not Welcome' signs. There was no consensus reached supporting rollout of this program

Comments/concerns raised by MAC members at the 21 October 2021 meeting and included in the draft minutes include:

- Questions were raised as to whether the 'Racism not Welcome' message, prompts people to reflect on their own attitudes and if a more positive message would be more effective.
- MAC members expressed their interest in being informed by evaluations undertaken by other Councils who have implemented the street sign campaign.

These discussions will continue to include the IHRA definition and Council's resolution at the next meeting on 23 March.

Council officers are progressing well with the implementation of the Cultural Diversity Strategy. Last December, we had a Welcome Picnic organised in partnership with Settlement Services International and Uniting. The event was covered by Plus61j Media and the coverage did well in making a connection with the Jewish refugee experience.

We are also making good progress on our anti-racism campaign, which will be launched soon to run until September. We're mindful of people's different views and experiences and in our consultation with the

MAC around campaign objective and anticipated outcomes, will be focusing on designing inclusive community activities that will bring people together.

In summary, we've developed/are still working on a range of temporary activations/activities and events connected to the campaign including:

- Strategic placement of street decals with wording recommended from the MAC.
- Further consideration of the 'Racism not Welcome' signs.
- A generic holding statement condemning racist incidents within Waverley.
- A web page to link to resources and information, which will be accessible through QR codes (on decals, posters etc).
- An art competition to be launched in March for two Sea Wall panels with anti-racism messaging
- Storytelling workshops.
- Supporting consultation for the National Anti-Racism Framework.

**Sharon Cassidy**

**Acting Director, Community, Assets and Operations**

**CM/9.2/22.03                      Thomas Hogan Reserve - Maintenance    (A03/1399)**

#### **QUESTION**

The following questions were submitted by Cr Kay:

The questions relate to the upper portion of the Thomas Hogan Reserve ('the Reserve') with its southern boundary at Martins Avenue.

1. Acknowledging that there has generally been an informal 6-week scheduled cycle for maintenance of the Reserve which has not always been realised, how has Action A3 of the Reserve's Plan of Management 2011-2021 been implemented over the duration of the Plan to ensure a measured maintenance frequency that guarantees the Reserve's sustainability? Action A3 states 'Develop an outcomes-based maintenance schedule to maintain and assess the infrastructure and landscaping of the Reserve.'
2. How is the necessary pruning and removal of dying branches from the mature Morton Bay Fig and other large trees monitored, reported and actioned to ensure pedestrian and infrastructure safety?
3. What is the plan and time frame to eradicate inundating weeds in this section of the Reserve?
4. How has Council fulfilled the requirements of the Ecological Restoration Action Plan (ERAP) and revegetation plans?

#### **General Manager's answer**

For each question the current status and next steps are outlined:

*Question 1 – Acknowledging that there has generally been an informal 6-week scheduled cycle for maintenance of the Reserve which has not always been realised, how has Action A3 of the Reserve's Plan of Management 2011-2021 been implemented over the duration of the Plan to ensure a measured maintenance frequency that guarantees the Reserve's sustainability? Action A3 states 'Develop an outcomes-based maintenance schedule to maintain and assess the infrastructure and landscaping of the*

*Reserve.'*

There are several adopted strategies that sit above the Thomas Hogan Plan of Management that guide the operational functions of Council including:

- Open Space and Recreation Strategy (OSRS).
- Waverley Strategic Asset Management Plan (SAMP).
- Waverley Environmental Action Plan.
- Thomas Hogan Environmental Restoration Action Plan.

The adopted OSRS directly addresses Action A3. The adopted OSRS applied a classification system to our parks and reserves based around several criteria including things like size, complexity, uses, user catchment, profile or prestige. It also aligns with the hierarchy applied to play spaces in our Play Space Strategy.

Parks that have significant visitation and high usage and broad catchment require more resources to manage and maintain while smaller spaces require far less. Adopting a classification or hierarchy system enables Council to allocate our finite budgets and resources more sustainably, equitably and effectively across the 79 parks we maintain. With each classification of park, the OSRS defines a maintenance and servicing framework. Thomas Hogan is classified as a neighbourhood park. The OSRS (Appendix A) details the maintenance activities undertaken for a Neighbourhood Park with the general service frequency being 6 weeks to 3 months. It should be noted there are some maintenance activities including for example herbicide spraying that are undertaken at longer intervals.

Council officers are currently reviewing the adopted versus the current maintenance regime.

*Question 2 – How is the necessary pruning and removal of dying branches from the mature Morton Bay Fig and other large trees monitored, reported and actioned to ensure pedestrian and infrastructure safety?*

Council manages its public domain trees in accordance with its Tree Management Policy and Street Tree Masterplan.

In addition to its regular maintenance schedule, Council responds to requests for work on specific trees. Work is prioritised according to urgency. Issues of public safety must be given more immediate attention. Accordingly, every request for tree work is placed in one of the following categories:

Category	Example
Urgent	Broken branches over property or footpath
Potentially Hazardous	Branches contacting electricity lines
Routine Maintenance	Canopy requires thinning or pruning off property
Unnecessary Work	Pruning for views; pruning to reduce leaf or flower drop

Work placed in the routine maintenance category will be carried out as priorities allow and the availability of staff and equipment in particular areas. There may therefore be some delay in attending to such requests. However, they remain on record and will be attended to.

The fig referred to in the motion was assessed by external Arborist in 2015 who determined it was in good health and structural condition with a safe and useful life expectancy of greater than 40 years.

Merit has a history of request for inspections and pruning of this tree over several years. The last request was in February 2021 to address safety concerns of falling branches. Council Arborist's attended site and determined that only small branches of 1-2mm of die back were present and these do not present hazard or any significant risk. The last major pruning was performed February 2020 for property clearances. It

should be noted that this tree is in a very difficult to access site requiring external contractors to access as the works are dangerous.

Council officers will continue to manage these tree assets in accordance with Tree Management Policy and customer requests logged via Merit.

*Question 3 – What is the plan and timeframe to eradicate inundating weeds in this section of the Reserve?*

Restoration and revegetation of bushland areas is an ongoing process and takes many years of ongoing dedication to manage a living ecosystem.

Continual eradication of all weeds is unrealistic as the site has decades of weed infestation. Weeds are contained in soil profiles that can take generations to reduce, weeds can be ingested and carried by animals such as birds and deposited into the park, some weeds work on wind dispersion, some are carried by water or rain and other coming from adjoining private properties which are out of the control and management of Council.

Council undertook extensive slope stabilisation works to embankments either side of the stairs as part of the stair upgrade project in late 2019 with Bushcare contractors undertaking several visits a month during the planting establishment period.

Before restoration works, the slope was covered with Madeira and Ipomea. Madeira tubers remain viable in the soil for several years requiring ongoing management.

Ongoing maintenance of the lower portion of the stairs is covered under the Ecological Restoration Action Plan (ERAP) referred to as Zone 1A and Zone 2. The upper portion of the stairs is maintained in accordance with the OSRS maintenance and servicing framework for a neighbourhood park as described in response to Question 1.

*Question 4 – How has Council fulfilled the requirements of the Ecological Restoration Action Plan (ERAP) and revegetation plans.*

The ERAP is based around 4 zones (1A, 1B, 2 and 3) and Council has established zone 1A (the south east corner) with an understory of plantings that have had good rates of survival. Zone 2 (the north west corner), has had ongoing understory weed management, problem tree management and some infill planting and is actively progressing including into the edge of zone 1B. This work has taken longer as potentially dangerous trees have been required to be pruned or removed. The area around the stairs (zones 1A and 1B) has been successfully planted out and is requiring less maintenance as the groundcovers are becoming established. Except on the border Zone 1B work has largely not commenced with only some weed suppression occurring. Due to the slope and weed density of zone 1B, and the resources available Council is waiting for the other zones to establish before commencing active work in this area. Ongoing work is dependent on annual budget and resourcing availability.

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

*H Warn addressed the meeting.*

## **10. Urgent Business**

There were no items of urgent business.

**11. Closed Session****CM/11/22.03 Closed Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

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 reasons specified:

**CM/11.1/22.03 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 10.45 pm, Council moved into closed session.*

**CM/11.1/22.03 CONFIDENTIAL REPORT - Rowe Street Project - Update (SF22/143)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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 finalised Project Management Agreement attached to the report (Attachment 1).
3. Notes the finalised Probity Plan attached to the report (Attachment 2).
4. Affirms the appointment of Blare Management as external project manager representing both parties.
5. Notes the finalised Project Agreement between Council and Zondaro Pty Ltd for the Rowe Street DA Project attached to the report (Attachment 3).

6. Authorises the General Manager to execute both the Project Agreement and the Project Management Agreement.

**Division**

**For the Motion:** Crs Fabiano, Goltsman, Gray, Keenan, Lewis, Masselos and Murray.

**Against the Motion:** Nil.

*Crs Burrill, Kay and Wy Kanak were not present for the vote on this item.*

**CM/11.2/22.03                      CONFIDENTIAL REPORT - Shop 1A, Bondi Pavilion Fit-out - Procurement Exemption (A06/1246)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Approves a procurement exemption to engage Sitform Projects Pty Ltd to undertake the fit-out of Shop 1A, Bondi Pavilion, for the reasons set out in the report.
3. Authorises the General Manager to complete all necessary negotiations and execute all documents associated with the matter.

**CM/11.3/22.03                      CONFIDENTIAL REPORT - 14-26 Ebley Street, Bondi Junction - Lease to Officeworks Ltd (A02/0239)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Grants a lease to Officeworks Ltd for 14–26 Ebley Street, Bondi Junction, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete all necessary documentation to finalise the matter.



**CM/11.4/22.03                      CONFIDENTIAL REPORT - Eastgate Car Park Ground Floor, Bondi Junction - Licence to Odessa Enterprises Pty Ltd (A08/1284)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Second:      Cr Lewis

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Grants a licence to Odessa Enterprises Pty Ltd for the premises located on the ground floor of Eastgate Car Park, Ebley Street, Bondi Junction, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete all necessary documentation to finalise the matter, including any future assignment of the licence.

**CM/11.5/22.03                      CONFIDENTIAL REPORT - 65 Ebley Street, Bondi Junction - Lease to Ebley Street Holdings Pty Ltd (Metro Storage) (A02/0256)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Second:      Cr Lewis

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Grants a lease to Ebley Street Holdings Pty Ltd (trading as Metro Storage) for 65 Ebley Street, Bondi Junction, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete negotiations and execute all necessary documents to complete the matter.

**CM/11.6/22.03                      CONFIDENTIAL REPORT - Tender Evaluation - Safety By Design in Public Places - Bondi Junction (A21/0576)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Second:      Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(e) of the *Local Government Act 1993*. The report contains information that would, if disclosed, prejudice the maintenance of law.

2. Declines to accept any of the tenders for construction phase services for the Safety By Design in Public Places – Bondi Junction project, in accordance with clause 178(1)(b) of the *Local Government (General) Regulations 2021*.
3. Declines to invite fresh tenders or application as referred to in clause 178(1)(b)-(d) of the *Local Government (General) Regulation 2021*
4. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with the top ranked tenderer, as shown in the tender evaluation attached to the report, to agree contract terms.
5. Authorises the General Manager, or delegated representative, to finalise and agree terms, entering into a contract on behalf of Council with the preferred tenderer following negotiations.
6. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

## 12. Resuming in Open Session

**CM/12/22.03                      Resuming in Open Session**

### **MOTION / DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That Council resumes in open session.

*At 10.49 pm, Council resumed in open session.*

### ***Resolutions from closed session made public***

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

## 13. Meeting Closure

**THE MEETING CLOSED AT 10.51 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**12 APRIL 2022**

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/22.04



**Subject:** Adoption of Minutes - Waverley Traffic Committee Meeting - 24 March 2022

**TRIM No:** SF21/6066

**Author:** Richard Coelho, Executive Manager, Governance and Risk

---

### RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 March 2022 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 - 24 March 2022 .

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE  
MEETING HELD BY VIDEO CONFERENCE ON  
THURSDAY, 24 MARCH 2022**



**Voting Members Present:**

Cr P Masselos	Waverley Council – Chair
Snr Cst A Birchansky	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr P Pearce	Representing Marjorie O’Neill, MP, Member for Coogee
Mr R Sritharan	Transport for NSW – Network and Safety Officer

**Also Present:**

Mr B Gidiess	State Transit – Traffic and Services Manager (Eastern Region)
Mr B Midgley	PDC Consultants – Principal Traffic Engineer
Mr D Joannides	Waverley Council – Executive Manager, Infrastructure Services
Mr C Hutcheson	Waverley Council – Service Manager, Traffic and Transport
Mr N Zervos	Waverley Council – Manager, Asset Systems and Planning
Mr M Almuhanha	Waverley Council – Senior Traffic Engineer
Mr P Cai	Waverley Council – Traffic Engineer
Mr S Shaw	Waverley Council – Co-ordinator, Sustainable Energy and Resilience
Ms B Wang	Waverley Council – Professional Engineer, Traffic and Development
Cr L Fabiano	Waverley Council
Cr T Kay	Waverley Council

---

*At the commencement of proceedings at 10.00 am, those present were as listed above.*

**Apologies**

Apologies were received and accepted from Ms J Zin (representing Gabrielle Upton, MP, Member for Vaucluse).

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

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

1. Cr P Masselos declared a less than significant non-pecuniary interest in item TC/C.01/22.03 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi, and informed the meeting that she lives in Murray Street.

**Adoption of Previous Minutes by Council - 24 February 2022**

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 24 February 2022 were adopted by Council at its meeting on 15 March 2022 with the following change:

1. TC/V.01/22.02 – Chaleyer Street, Rose Bay – Passing Bays.

Council adopted the recommendation of the Traffic Committee subject to the deletion of clauses 1(b) and 1(d) and the addition of new clauses such that the recommendation now reads as follows:

That Council:

1. Installs 'No Parking' zones across the driveways of the following addresses along Chaleyer Street, Rose Bay, as shown in Figure 4 of the report:
  - (a) 117 and 119.
  - (b) 56 and 58.
  - (c) 23.
  - (d) 6 and 8.
  - (e) 1 and 457 Old South Head Road.
2. Defers for three months the installation of 'No Parking' zones across the following addresses along Chaleyer Street for further discussion with residents
  - (a) 91 and 95 because one was against and one was no response.
  - (b) 28 and 30 because one was against and one was no response.
3. Officers review the effect of the installation of the 'No Parking' zones on traffic flow and congestion and prepare a report to Council after six months from the time the zones have been installed.
4. Officers investigate the addition and/or extension of 'No Stopping' zones at each end of Chaleyer Street, with a report to be prepared for the Traffic Committee.

**ITEMS BY EXCEPTION**

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

TC/C.02/22.03	37 Llandaff Street, Bondi Junction – 'P Disability Only' Zone.
TC/C.03/22.03	13/1 Silva Street, Tamarama – 'P Disability Only' Zone.
TC/C.04/22.03	20 Illawong Avenue, Tamarama – Construction Zone.
TC/V.01/22.03	Anzac Day – Ramsgate Avenue and Campbell Parade, North Bondi – Temporary Road Closure.
TC/V.02/22.03	Oceanview Avenue east of Old South Head Road, Vaucluse – Double Centre (BB) Line Marking.
TC/V.03/22.03	38 and 40 Roscoe Street, Bondi Beach – 'P Motor Bikes Only' Parking Zone.
TC/V.04/22.03	5 Strickland Street, Rose Bay – 'P Motor Bikes Only' Parking Zone.
TC/V.05/22.03	203 Military Road, Dover Heights – 'P Motor Bikes Only' Zone and 'No Stopping' Zone.
TC/V.06/22.03	82 Ramsgate Avenue, Bondi Beach – Construction Zone.
TC/V.07/22.03	10 Hastings Parade, North Bondi – Construction Zone.

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

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

**TC/C      STATE ELECTORATE OF COOGEE****TC/C.01/22.03      40 km/h Speed Limit Changes - Traffic Control Devices - Park Parade and Dickson Street at Birrell Street, Bondi (A18/0579)**

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

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Endorses the designs for the intersections of Park Parade/Birrell Street and Dickson Street/Birrell, as set out in Appendix D of the report by PDC Consultants attached to the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to the addition of a new clause 3 such that the recommendation now reads as follows:

That Council:

1. Endorses the designs for the intersections of Park Parade/Birrell Street and Dickson Street/Birrell, as set out in Appendix D of the report by PDC Consultants attached to the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.
3. Together with Transport for NSW (TfNSW) and prior to any construction work proceeding, investigates the impacts of a 'No Right Turn' from Dickson Street into Birrell Street from 7.30 am to 9.30 am and officers prepare a report to the Traffic Committee, noting that a Traffic Management Plan is required in accordance with TfNSW requirements.

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

*G Beard (on behalf of Bronte Precinct) addressed the meeting.*

**TC/C.02/22.03                    37 Llandaff Street, Bondi Junction - 'P Disability Only' Zone (A20/0534)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 6 metre 'P Disability Only' parking zone in front of 35–37 Llandaff Street, Bondi Junction.

**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.03/22.03                    13/1 Silva Street, Tamarama - 'P Disability Only' Zone (A20/0534)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 5.4 m 'P Disability Only' parking zone on the northern side of Dellview Lane near Silva Street, Tamarama.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.04/22.03            20 Illawong Avenue, Tamarama - 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 on the southern side of Illawong Avenue near 20 Illawong Avenue, Tamarama.
2. Requires the applicant to notify 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 Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

**TC/V            STATE ELECTORATE OF VAUCLUSE****TC/V.01/22.03            Anzac Day - Ramsgate Avenue and Campbell Parade, North Bondi - Temporary Road Closure (A19/0394)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the Traffic Control Plans attached to the report for the temporary closure of Ramsgate Avenue and Campbell Parade, North Bondi, on 25 April 2022 between 4 am and 8 am, subject to the applicant:
  - (a) Submitting a Traffic Management Plan to Transport for NSW for approval.
  - (b) Providing public liability insurance for the event.
  - (c) Obtaining NSW Police Force approval and assessment of the event classification.
  - (d) Notifying the State Transit Authority, NSW Ambulance Service and NSW Fire and Rescue (Bondi, Woollahra, and Randwick fire stations) at least seven days prior to the event.
  - (e) Notifying local residents and businesses at least seven days prior to the event.
  - (f) Using traffic controllers accredited by Transport for NSW to regulate traffic.
  - (g) Covering all costs associated with traffic control.
  - (h) Submitting a copy of the approved road occupancy licence to the Executive Manager,



Infrastructure Services, prior to the event taking place.

2. Delegates authority to Executive Manager, Infrastructure Services, to modify the Traffic Control Plans should on-site circumstances warrant changes.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.02/22.03                      Oceanview Avenue east of Old South Head Road, Vaucluse - Double Centre (BB) Line Marking (A03/0042-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs 10 metres of double centre (BB) line marking in Oceanview Avenue east of Old South Head Road, Vaucluse, as shown in Figure 1 of the report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.03/22.03                      38 and 40 Roscoe Street, Bondi Beach - 'P Motor Bikes Only' Parking Zone (SF22/504)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 'P Motor Bikes Only' zone in the kerbside lane between the driveways of 38 and 40 Roscoe Street, Bondi Beach.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the 'P Motor Bikes Only' parking zones, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.04/22.03            5 Strickland Street, Rose Bay - 'P Motor Bikes Only' Parking Zone (SF22/496)****COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 'P Motor Bikes Only' parking zone between the driveways of 3A and 5 Strickland Street, Rose Bay.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.05/22.03            203 Military Road, Dover Heights - 'P Motor Bikes Only' Zone and 'No Stopping' Zone (SF22/952)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 'P Motor Bikes Only' parking zone between the driveways of 203 and 205 Military Road, Dover Heights.
2. Reduces the length of the 28.5 metre 'No Stopping' zone in front of 199, 201 and 203 Military Road to 10 metres.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the 'P Motor Bikes Only' parking zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.06/22.03            82 Ramsgate Avenue, Bondi Beach - Construction Zone (A03/2514-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs an 8 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in front of 82 Ramsgate Avenue, Bondi Beach.
2. Removes the '2P 8 am–10 pm Permit Holders Excepted Area 6' (left and right) sign in front of 82 Ramsgate Avenue for the period during which the construction zone is used.
3. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being

installed.

4. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.07/22.03            10 Hastings Parade, North Bondi - 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 in front of 10 Hastings Parade, North Bondi.
2. Requires the applicant to notify 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: NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

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

**TC/CV.01/22.03            Guide for On-street Mobility Parking Spaces (A20/0534)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Endorses the process outlined in the report for the assessment of on-street mobility parking applications.
2. Endorses the Guide for On-street Mobility Parking Spaces in the Waverley Local Government Area attached to the report.
3. Publishes the guide on Council's website.

4. Delegates authority to Executive Manager, Infrastructure Services, to modify the assessment process or guide.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to the deletion of clause 1, amendments to clauses 2 and 4 and the addition of a new clause such that the recommendation now reads as follows:

That Council:

1. Endorses the Guide for On-street Mobility Parking Spaces in the Waverley Local Government Area attached to the report subject to steps 2 and 3 in the process (on page 3 of the Guide) being amended to read as follows:
  - (a) Step 2: 'The application is assessed by a Council officer. The Council officer may contact the applicant for more details. A site inspection and review of on-street parking demands is performed.'
  - (b) Step 3: 'A report is prepared for the Waverley Traffic Committee if the application satisfies the eligibility criteria. If the criteria are not satisfied, the applicant is notified.'
2. Publishes the guide on Council's website.
3. Delegates authority to Executive Manager, Infrastructure Services, to modify the guide.
4. Officers conduct a review of on-street Mobility Parking spaces as it could apply to carers, such as where the applicant does not have off-street parking and does not have a vehicle registered to the subject address, and prepare a report for the Traffic Committee's consideration.

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

**TC/CV.02/22.03      Craig Avenue, Trafalgar Street, Castlefield Street and Calga Place - Electric Vehicle Charging Stations (A17/0477)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a single 'No Parking Electric Vehicles Excepted Only While Charging' parking zone and associated equipment at each of the following locations:

1. The eastern side of Craig Avenue, east of Diamond Bay Road, Vaucluse.
2. The southern side of Trafalgar Street, south of Pembroke Street, Bronte.
3. The eastern side of Castlefield Street, outside 15 Castlefield Street, Bondi.
4. The eastern side of Calga Place, south of Macpherson Street, Bronte.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**THE MEETING CLOSED AT 11.04 AM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**12 APRIL 2022**

:

## MAYORAL MINUTES CM/6/22.04

**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/7.1/22.04**

**Subject:** Draft Community Strategic Plan 2022-2032 and Long Term Financial Plan 6 (2022-2033) - Exhibition

**TRIM No:** SF21/5734

**Author:** Teena Su, Executive Manager, Finance  
Sneha Sabu, Co-ordinator, Corporate Planning and Reporting

**Director:** Richard Sheridan, Interim Director, Finance and Governance

---

**RECOMMENDATION:**

That Council:

1. Publicly exhibits the draft Community Strategic Plan 2022-2032 (Waverley 2032) and the draft Long Term Financial Plan 6 (2022–2033) attached to the report (Attachments 1 and 3) for 28 days.
2. Receives and notes the Waverley Community Strategic Plan Community Engagement Outcomes Report 2022–2023 attached to the report (Attachment 2).
3. Notes that the Long Term Financial Plan (LTFP):
  - (a) Will be reviewed annually in line with the Operational Plan and Annual Budget development.
  - (b) Sets out the projects and initiatives that Council intends to invest in and the associated resource requirements for the next 10 years. It considers and utilises a range of options for achieving balanced budgets over the life of LTFP 6 likely including realising efficiencies and cost reductions within Council operations, applying reserve funds earlier than forecast in LTFP 6, reducing or rescheduling the capital expenditure program and increasing revenue to fund specific programs and initiatives.
4. Authorises the General Manager to make any necessary editorial and content changes to the draft Waverley 2032 and LTFP documentation for public exhibition to give effect to Council's resolution.
5. Officers prepare a report to Council following the exhibition period.

**1. Executive Summary**

This report is seeking Council approval to place the draft Community Strategic Plan 2022-2032 (Waverley 2032) and Long Term Financial Plan 6 (2022-2033) on public exhibition for the period 20 April 2022 to 18 May 2022. A further report will be presented to the Council which reports on any public submissions received and sets out any proposed changes in response to these submissions, before the final adoption of these documents.

**2. Introduction/Background**

All NSW councils are required to facilitate the development of a Community Strategic Plan (with a minimum 10-year outlook) along with a Delivery Program (based around the four-year term of the Council) and an

Operational Plan (which looks at yearly activities to be undertaken). These plans are informed by a Resourcing Strategy that is made up of a Long Term Financial Plan, a Strategic Asset Management Plan, and a Workforce Management Strategy.

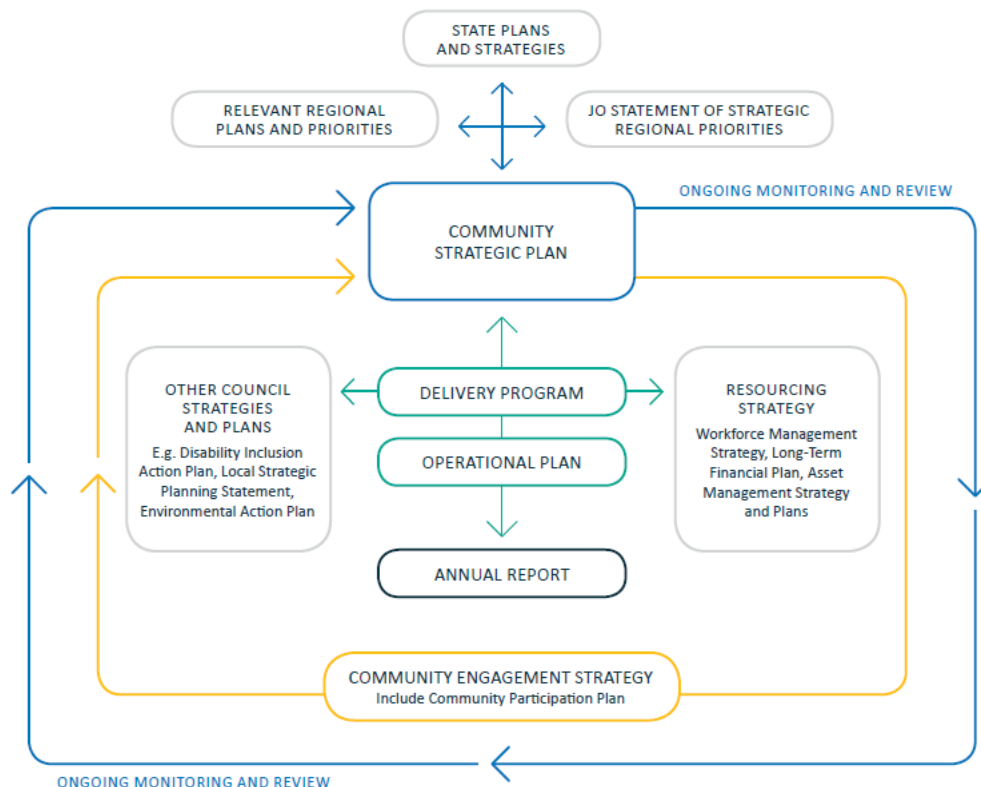


Figure 1. The Integrated Planning and Reporting (IP&R) Framework

The Integrated Planning and Reporting (IP&R) Framework consists of an inter-related hierarchy of plans which aims to ensure a more sustainable local government sector. Waverley Council has in place a hierarchy of integrated plans consisting of a Community Strategic Plan, Delivery Program and an Operational Plan.

The IP&R framework requires councils to constantly review their plans to ensure they remain relevant and in-tune with changing community needs. Section 402(3) of the *Local Government Act* requires that:

*‘Following an ordinary election of councillors, the council must review the community strategic plan before the 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.’*

With the delayed local government elections due to the COVID-19 pandemic, the time available to engage the community was limited. To address this issue, Council presented a Community Engagement Plan with options for engagement to the outgoing Council in June and September 2021. Council engaged the community from July 2021 to February 2022 to understand the community vision and priorities for the draft Community Strategic Plan 2022-2032 (Waverley 2032).

Each newly elected Council must develop a new Delivery Program that will run for their term in office. The Delivery Program must draw upon the broad directions and strategies defined in the Community Strategic Plan and set out the specific Waverley Council strategies and activities (services and projects) it will undertake during its term to help the community move closer to attaining its long-term vision and



aspirations. The draft Delivery Program 2022-26 (Waverley 2026) sets out the strategies and deliverables Council will need to deliver in the first four years of the 10-year draft Community Strategic Plan 2022-2032.

Every year the Council is also required to develop an Operational Plan (which is a sub-plan of the Delivery Program) setting out the specific activities (services and projects) it will undertake in that year. Operational Plan 2022-23 (Waverley 2023 ) sets out the key activities (deliverables), actions, budget and performance measures Council will employ during the 2022-23 financial year. A report on Delivery Program and Operational Plan is part of this Council meeting agenda and will be discussed separate to this report.

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

Nil.

### **4. Discussion**

In accordance with section 406 of the *Local Government Act*, the Office of Local Government (OLG) has published Guidelines and a Handbook to support the administration of integrated planning and reporting. The draft Community Strategic Plan 2022-32 (Waverley 2032) and Long Term Financial Plan 2022-2033 have been developed in accordance with the OLG Guidelines and Manual.

#### **Waverley Community Strategic Plan 2022-2032 (Waverley 2032) and Waverley Community Strategic Plan Community Engagement Outcomes Report 2022-2023 (Attachments 1 and 2)**

The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future, and plan strategies to achieve them. These strategies are required to take into consideration the issues and pressures that may affect the community and the level of resources that will realistically be available. While Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area, it is not wholly responsible for its implementation. Other partners, such as state agencies and community groups may also be engaged in delivering the long term objectives of this Plan.

The Community Strategic Plan essentially addresses four key questions for the community:

- Where are we now?
- Where do we want to be in 10 years' time?
- How will we get there?
- How will we know we've arrived?

The Council's role is to guide the community through these important discussions and to document the response in a meaningful Community Strategic Plan. However, it is important to stress that it is not the Council's responsibility to deliver every aspect of the Community Strategic Plan. Also, it is important to understand that Community Strategic Plan is not a 'council' plan but rather a 'community' plan. Council's primary role is to facilitate its creation.

Council undertook an extensive community engagement program that sought to ensure everyone in the community had the opportunity to contribute. The aim was to determine where we are now, where we want to be and how we will get there. The community consultation commenced in July 2022. During this phase we asked our community what they love about Waverley, what needs to change, and to provide feedback on priority areas for our local government area to focus on.

More than 975 community members took the opportunity to share their aspirations for Waverley and tell us our community concerns, vision, future priorities and service levels should be. The Waverley Community Strategic Plan Community Engagement Outcomes Report 2022-2023 attached to this report summarises key findings from community engagement.

### **Long Term Financial Plan (LTFP 6) (Attachment 3)**

Each year, we review our Long Term Financial Plan (LTFP) alongside with the annual budget preparation. The LTFP sets out the services, projects, and initiatives we intend to invest in to make Waverley more resilient and vibrant to Council continue to be meeting the needs of our community and resident's needs, how much these may cost and how much they will be funded.

This is a summary of our long-term financial planning assumptions covering revenue, expenditure, assets and our overall ability to deliver intended levels of service.

The financial information has been prepared based on best estimate assumptions as to the future events which the Council expects will occur. It takes account of recent economic shifts and conditions in the Australian economy. It is noted that individual financial year forecasts will be varied on an annual basis as time goes by as more accurate information comes to hand and program, income and expenditure forecasts become more accurate.

The basis for the forecast cost indices comes from independent industry advice from TCorp, and Prudential Financial Advisers for local authorities to use in their budget processes consistent with the long-term financial plan (LTFP). These cost indices have been used for both operating and capital budgets as appropriate.

The LTFP 6 covers an 11-year period. Assumptions are necessary to ensure that there is a consistent and justifiable basis for the preparation of the financial forecasts.

The following key assumptions are applied to the LTFP 6 forecasts:

#### *Key income assumptions*

- Rate peg at CPI increase.
- Building construction activities average over time at 2022–23 level.
- No policy or legislative change impact on parking revenue.
- Financial Assistant Grant remains static at the 2022–23 level.
- Continued availability of Government grants to contribute to specific community building upgrade and major infrastructure projects.
- Other items CPI increase where applicable.
- No new borrowing proposed (subject to ongoing review for financial advantage).

#### *Key expenditure assumptions*

- Salaries/wages increase in line with CPI after the expiry of current Award.
- Fixed term positions cease where applicable and no further staffing increase.
- Improved WHS and claims management is expected to graduate reduction in Council's workers compensation premium by 30% to the \$2.22 million mark in 2024-25, thereafter increase in line with CPI.
- Other items increase by CPI where applicable.

### **How have the impacts of COVID-19 been considered?**

The Council's Long Term Financial Plan is being prepared in an environment of heightened uncertainty given the global and national impacts of COVID-19. Incorporating assumptions on the impacts of COVID-19 is essential. Some of the key COVID-19 macroeconomic assumptions are:

- No more lockdowns.

- Economic activities rebound better than the pre-COVID levels.
- Return of international visitors will reinvigorate the tourism sector.
- Domestic tourism spending increases given the government's encouragement in domestic travel.

### Balancing the budget over time

LTFP works on the basis that Council will consider and utilise a range of options for achieving balanced budgets over the life of the Plan that may vary from forecasts at this time. These are likely to include combinations of realising efficiencies and cost reductions within Council operations, applying reserve funds earlier than forecast in LTFP 6, reducing or rescheduling the capital expenditure program and increased grant revenue from Federal and State Governments for the investment in specific infrastructure projects identified in the capital works program (Attachment 3).

The draft LTFP 6 forecasts a balanced budget during the planning period. The medium-term operational budget deficits are predominately due to the heavy investments of the capital works program and the ICT strategy program during those periods.

Council staff are currently working through several initiatives that will assist in managing the future financial sustainability of the organisation. These include

- ICT strategy and resulting process and productivity efficiencies, estimated a \$24.8m financial benefit over the LTFP planning period from the ICT modernisation project investment.
- Employee Leave Management strategy to achieve a 10% leave reduction.
- Council-wide service reviews.

Financial benefits anticipated from Initiatives 1 and 2 have been incorporated into the LTFP. Initiative 3 is not quantifiable, with no financial benefits included in the LTFP.

In regard to the fit-for-future operating performance ratio, Council projects to meet the ratio in 2022/23. Council will not be able to meet this ratio in 2023–24 and 2024–25 while we are implementing the ICT modernisation project. The ratio returns to positive from 2025–26 as we are realising the efficiency benefits from ICT implementation, as illustrated below.

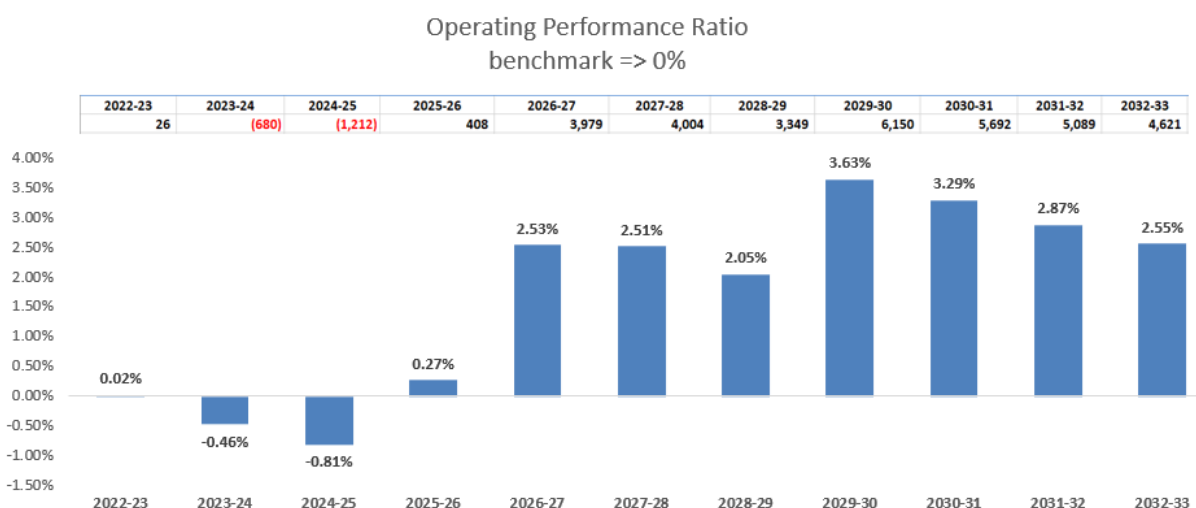


Figure 1. Operating Performance Ratio.

The LTFP 6 forecasts a cash and cash investments balance to be \$122 million and a reserve balance of \$108 million at the end of this planning period 30 June 2033, as illustrated in the following figure.

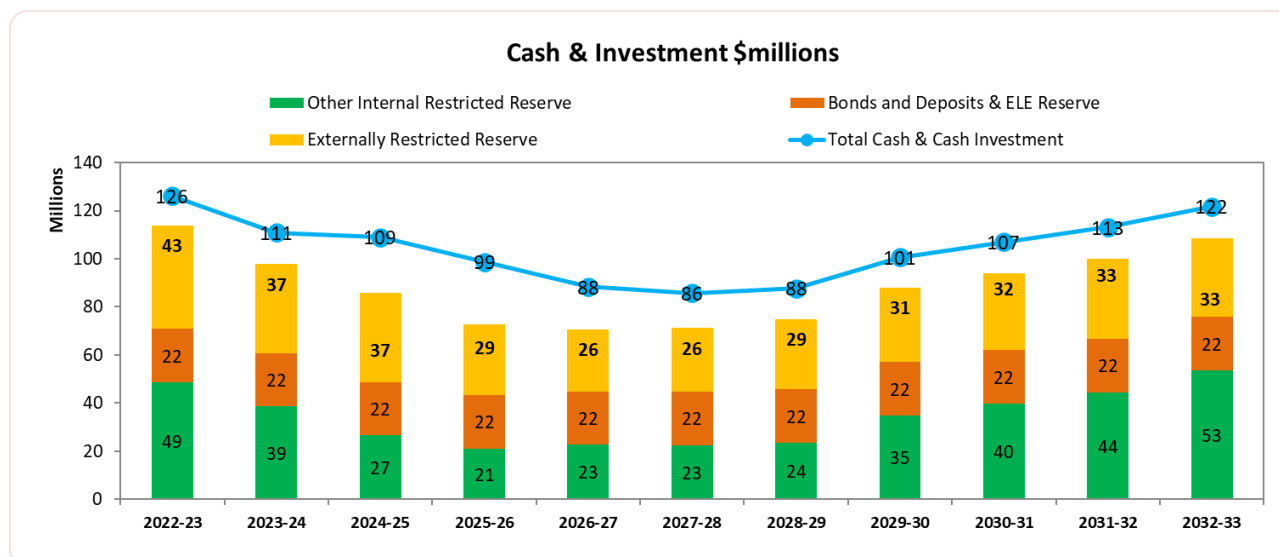


Figure 2. Cash and investments balance.

### LTFP 6 Capital Works Program

Investing in our infrastructure assets is vital to make sure we are delivering services to Waverley residents in the most effectively and efficiently manner, and make Waverley an even better place to live, work, play and visit as we go into the future. A total of \$404 million capital works program investment to renew our infrastructure assets as summarised in the following table. Refer to the LTFP 6 Appendix 1 for further detail.

Table 2. LTFP 6 Capital Works Program.

LTFP 6 Capital Works Program	11 years (2022-23 to 2032-33)		
Programme Description - '\$'000	Expense	Grants/ Contributions Income	% of grant funding
Building Infrastructure	101,835	9,283	9.12%
Living Infrastructure	20,366	610	3.00%
Parking Infrastructure	4,885		0.00%
Public Domain Infrastructure	78,170	33,156	42.42%
Recreational & Public Spaces Infrastructure	32,645	4,731	14.49%
Road Infrastructure	158,449	33,957	21.43%
Sustainability Infrastructure	7,770	4,088	52.61%
<b>Total</b>	<b>404,121</b>	<b>85,825</b>	<b>21.24%</b>

In summary, the LTFP 6 forecasts a balanced budget for every individual year throughout this planning period to 2032–33. It forecasts a cash and cash investments balance to be \$122 million and a reserve balance of \$108 million at the end of this planning period 30 June 2033.

### LTFP 6 sensitivity analysis

The Office of Local Government (OLG) Guidelines for development of long-term financial plans require councils to consider optimistic and pessimistic scenarios and predict potential variations to model results. The LTFP 6 forecasts are sensitive to multiple influences over any 10-year period. Sensitivity scenarios analysed in previous versions of the LTFP 5.3 have been revised for LTFP 6. Items to be considered sensitive and has a material financial impact on the LTFP 6 forecasts have been examined and applied to the sensitivity scenarios analysis, as following:

<b>Table 6: Positive &amp; Negative Effects of Modelled Sensitivities on Financial Outcomes for LTFP 6</b>				
<b>Item</b>	<b>Optimistic Scenario</b>		<b>Pessimistic Scenario</b>	
	<b>Positive effect on modelled results - \$'000</b>		<b>Negative effect on modelled results - \$'000</b>	
<b>Rate Peg</b>	Rate peg is higher than current projection by 1%;	33,049	Rate peg is lower than current projection by 1%;	(31,126)
<b>Planning Agreement Contribution</b>	Increase due to achieving additional 20% of the current projection	2,945	Decrease due to achieving 20% less than the current projection	(2,945)
<b>S7.12 Contribution</b>	Increase due to achieving additional 20% of the current projection	973	Increase due to achieving additional 20% of the current projection	(944)
<b>Staff Award Rate</b>	Staff Award rate is lower than CPI by 1.5%;	56,059	Staff Award rate is higher than CPI by 1.5%;	(76,398)
<b>Staff Turnover</b>	Consistent staff turnover rate, hence, the step progress increase is not required.	6,675	Consistent staff turnover consistent with current rate	
<b>Grant Income</b>	Grant income consistent with current projection		Grant income is lower than the current projected level by 40%	(35,098)
<b>Temporary Positions</b>	Realistic at current projection		Temporary positions continue after the current term expiry.	(8,857)
<b>Rental Returns</b>	Enhance properties returns resulting from the Strategic Property Review.	4,977	Consistent with the current projection	
<b>Bondi Pavilion</b>	Bondi Pavilion operating model breakeven after depreciation	15,313	Consistent with the current projection	
<b>Parking Revenue</b>	Parking revenue increase by 10%	28,525	Parking revenue decrease by 10%	(28,525)
<b>Covid-19 Impact</b>	Consistent with the current projection		COVID-19 continues impact on Council's revenue stream by up to \$10m in the first two years of the LTFP 6 planning period	(10,000)
<b>ICT Modernisation Impact</b>	Consistent with the current projection		ICT modernisation project's financial benefits are not able to materialise	(24,850)
<b>Special Variation</b>	Consistent with the current projection		The 2.5% special variation application is not successful. The base-year rate increases only by 0.8%.	(9,845)
<b>Total</b>		<b>148,517</b>		<b>(228,589)</b>

The above table demonstrates the impact of the sensitivities to the Council's long-term financial outlooks. It emphasises the need for Council to be financial vigilant and continually monitoring the performance of Council.

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

The draft Community Strategic Plan 2022-2032 is funded by the Long Term Financial Plan 2022-2033.

Council is forecasting a balanced budget through the period until 2032–33 in supporting the current services level and council's key strategic priorities.

### Time frame

- Council meeting – 12 April 2022.
  - Council endorses the Integrated Planning and Reporting suite of documents for purposes of public exhibition.
- Public exhibition – Exhibition dates: 20 April 2022 to 18 May 2022.
  - The Integrated Planning and Reporting suite of documents is placed on public exhibition for a period of at least 28 days, as per statutory requirement.
- Council meeting – 21 June 2022.
  - Council adopts the Integrated Planning and Reporting suite of documents as required under the Integrated Planning and Reporting framework.

## **6. Conclusion**

Before adopting the Community Strategic Plan, Delivery Program and Operational Plan, Council must place these documents on public exhibition for a statutory period of 28 days. This report is seeking Council approval to place the draft Waverley Community Strategic Plan 2022-2032 (Waverley 2032) and Long Term Financial Plan 2022-2033 on public exhibition. The submission period is likely to close on 18 May 2022.

Once the submission date is closed a further report will be presented to the Council incorporating any public comment at its meeting in June 2022 where Council will be required to adopt the final plans. These documents will become effective on 1 July 2022.

## **7. Attachments**

1. Draft Waverley Community Strategic Plan 2022-2032 (Waverley 2032) (under separate cover)
2. Waverley Community Strategic Plan Community Engagement Outcomes Report 2022 (under separate cover)
3. Long Term Financial Plan (LTFP 6) (under separate cover) .

## REPORT CM/7.2/22.04



**Subject:** Draft Strategic Asset Management Plan 6 (SAMP 6) - Exhibition

**TRIM No:** SF22/882

**Author:** Nikolaos Zervos, Manager, Asset Systems and Planning

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

---

### RECOMMENDATION:

That Council:

1. Publicly exhibits the draft Strategic Asset Management Plan 6 attached to the report (Attachment 1) for 28 days.
2. Officers prepare a report to Council following the exhibition period.

#### 1. Executive Summary

This report is seeking Council approval to place the Strategic Asset Management Plan 6 (SAMP 6) on public exhibition for the period 20 April 2022 to 18 May 2022. A further report will be presented to Council at its 21 June 2022 meeting which reports on any public submissions received and sets out any proposed changes in response to these submissions, prior to the final adoption of the plan.

#### 2. Introduction/Background

SAMP 6 is the sixth reiteration of Council's plans on how Council's assets are managed with the use of policy, strategy and effective long term financial planning.

The purpose of SAMP 6 is to:

- Build on and update previous SAMPs, quantifying the extent of works necessary to bring assets in all categories to an acceptable condition as defined by the community.
- Assess the cost of those works.
- Do this within the context of Council's IP&R Framework, including:
  - Community Strategic Plan.
  - Environmental Action Plan.
  - Long Term Financial Plan – Long Term Financial Plan 6 (LTFP 6).
  - Workforce Plan.

In general, the purpose of past, present and future SAMPs is to achieve sustainability in asset management.

We define sustainable asset management as everything we must do to make sure our assets are maintained at a satisfactory standard in a "quadruple bottom line" sense.

SAMP 6 summarises the actions required to continue with our progress towards sustainability in asset management and develops a framework to facilitate sound asset management practices.

Achieving sustainable asset management requires Council to integrate its strategic asset planning with its financial planning. The IP&R Framework provides the means of achieving this integration.

Costs to meet these targets as set out in SAMP 6 have been translated directly into Council's Long Term Financial Plan 6 (LTFP 6).

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

Nil.

### **4. Discussion**

Council has developed Asset Management Plans to identify required expenditure in respect to the management of its assets. Asset plans help Council with budgeting for the renewal, expansion, operating and maintenance costs of its assets over the period of the LTFP.

SAMP 6 is made up of:

- Asset Management Policy.
- Asset Management Strategy (AMS) .
- Eight individual Asset Management Plans (AMPs).
- Enhanced capital works LTFP.

The purpose of SAMP 6 is:

- To provide framework, ensuring that Waverley Council's infrastructure assets are operated, maintained, renewed and upgraded to meet the Levels of Service set by the community
- Demonstrate Council compliance and commitment to IP&R framework and International Infrastructure Management Manual guidelines.
- Reassess the cost required to meet service levels and integrate with the Long Term Financial Plan.
- Ensure the SAMP 6 supports the objectives set out in Community Strategic Plan – and other Council documents.
- To outline the processes, structures, roles and responsibilities necessary to establish and maintain advanced asset management practices.

As part of Council's financial reporting, Council must report on a number of indicators relating to its infrastructure assets. These indicators are shown in the 'Report on Infrastructure Assets SS7' of Council's annual financial statements. These indicators can be used by Council and the community to get a better understanding of the condition of Council's infrastructure assets.

Two of these indicators relate directly to the condition of Council's infrastructure, namely the cost to bring assets to a satisfactory condition and the cost to bring assets to an agreed service level.

Using the new valuation and condition results, asset backlog has been calculated which is taken as 'cost to satisfactory'. Council's current combined backlog, based on current knowledge is \$12.08 million or 1.99%. Comparing to the industry benchmark of 2%, Waverley's backlog ratio is well placed performing within the healthy range.

Minimum condition targets set out in SAMP 4 and that were subsequently used for SAMP 5 were developed from community consultation undertaken in the leadup to SAMP 4. For the development of



SAMP 6 a new community engagement process was undertaken to assess service level expectations in comparison to previous targets.

A framework to measure service level outcome has been established, it includes accessibility, quality/condition, responsiveness, customer satisfaction, affordability, and sustainability. These factors combined resulted in some changes to service levels. Overall, Waverley Council has very high service levels which is primarily driven by the community's expectations.

Council budgeting in the LTFP ensures adequate funds are available for renewal and maintenance of Council's assets. Figures used to develop the LTFP include:

- SAMP 6 budgeted renewal expenditure is \$404m (LTFP amount).
- Backlog cost to meet satisfactory is \$12.08m.
- Cost to Service Level is \$21m.

The SAMP 6 LTFP will be used by Council to develop delivery plans for renewal programs. It is anticipated that these will be developed on an annual basis and will be driven by best practice asset management techniques.

Furthermore, an enhanced LTFP chapter will provide guidance on the Council programs and projects that are either uncoded or not included in the funded LTFP. The purpose of this enhanced LTFP is to highlight all of Council's capital works priorities and allow prioritisation of projects/programs and seeking funding through the available income streams and grants programs.

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

SAMP 6 outlines the required funding to manage all of Council's assets and has recommendations that informed budgeted expenditure in the Draft Long Term Financial Plan 6 which is being presented to Council in a separate report.

With the delayed local government elections due to the COVID-19 pandemic, the time available to engage the community was limited. To address this issue, Council presented a Community Engagement Plan with options for engagement to the outgoing Council in June and September 2021. Council engaged the community from July 2021 to February 2022 to understand the community's expectations on service levels and priorities for SAMP 6.

In developing SAMP 6 Council undertook varying approaches to engage with the community including undertaking a topline survey, an online asset prioritisation survey and the collaborative engagement panel of 22 community members. In particular, the engagement panel provided detailed feedback on all asset classes and their respective service levels which underpin the set service levels in SAMP 6. The Community Outcomes Summary Report is attached to this report (Attachment 2).

The steps in the process towards adoption of the SAMP 6 are as follows:

- Council meeting – 12 April 2022
  - The draft Strategic Asset Management Plan 6 to be considered by Council as part of the resourcing strategy including Draft Capital Expenditure Program and LTFP 6.
  - Council adopts the Draft Strategic Asset Management Plan and related documents for purposes of public exhibition.
- Public exhibition – Exhibition dates: 20 April 2022 to 18 May 2022.
  - The draft Strategic Asset Management Plan is to be placed on public exhibition for a period of at least 28 days, as per statutory requirement.
- Council meeting – 21 June 2022

- Council adopts the Strategic Asset Management Plan as part of Council's Resourcing Strategy as required under the Integrated Planning and Reporting framework including expenditure included in the Long Term Financial Plan (LTFP 6).
- Council notes the latest version of the Strategic Asset Management Plan (SAMP 6).

## **6. Conclusion**

The Draft Strategic Asset Management Plan 6 has been prepared as part of the resourcing strategy for Council. The SAMP is reviewed every election cycle assisting Council with management of its infrastructure through strategic asset management and adequate budgeting in the LTFP.

Before adopting this Strategic Asset Management Plan 6, Council must place this information on public exhibition for a statutory period of 28 days. This report is seeking Council approval to place the draft Strategic Asset Management Plan 6 on public exhibition. Once the submission date is closed a further report will be presented to the Council incorporating any public comment at its meeting in June 2022 where Council will be presented with the final plans. These documents will become effective on 1 July 2022.

## **7. Attachments**

1. Draft Strategic Asset Management Plan 6 (under separate cover)
2. Engagement Panel Summary Report (under separate cover) .

## REPORT

### CM/7.3/22.04



**Subject:** Draft Environmental Action Plan 2022-2032 - Exhibition

**TRIM No:** A08/1210

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

**Director:** George Bramis, Acting Director, Planning, Environment and Regulatory

#### RECOMMENDATION:

That Council:

- Publicly exhibits the draft Environmental Action Plan 2022–2032 attached to the report for 28 days.
- Officers prepare a report to Council following the exhibition period.

#### 1. Executive Summary

This report is seeking Council approval to put the draft Environmental Action Plan 2022-2032 (EAP) on public exhibition. A further report will then be presented to the June 2022 Council meeting which will report back on any public submissions received and set out any proposed changes in response to these submissions, prior to the final adoption of the Plan.

#### 2. Introduction/Background

Council produced their first Environmental Action Plan in 2009. This is the fifth iteration of the plan and outlines environmental targets for Council and the Waverley community in the areas of Urban Ecology, Water, Waste and Energy and Climate Change and the actions and strategies by which these targets can be achieved.

The Plan and its actions are integrated into other key Council Strategies including the Draft Community Strategic Plan, Waverley 2032, the Draft Delivery and Operations Plan. The Community Strategic Plan (CSP) includes the two pillars of sustainability and resilience which supports the targets and strategies of the EAP. The EAP has also been prepared in coordination with the Draft Waverley Strategic Asset Management Plan 5 to ensure that Council's assets are sustainable and resilient. All these Council Strategies are proposed to be put on public consultation in April and May 2022.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 March 2022	CM/6.1/22.03	<p>That Council:</p> <ol style="list-style-type: none"> <li>Adopts an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.</li> <li>Requests that a report be prepared outlining:</li> </ol>

		<ul style="list-style-type: none"> <li>(a) Costed actions on how Council can support and enable the community to achieve this target.</li> <li>(b) Other potential activities, such as increasing the penetration of solar on Waverley houses, strata and businesses in combination with the grid decarbonising, i.e. moving away from fossil fuels towards 100% renewable energy.</li> </ul> <ul style="list-style-type: none"> <li>3. Receives this report by August 2022.</li> <li>4. Notes that Council has declared a climate and biodiversity emergency.</li> <li>5. Notes that the General Manager has entered into a contract on behalf of Council with ZEN Energy for 100% renewable energy.</li> </ul>
Council 15 February 2022	CM/8.1/22.02	<p>That Council:</p> <ul style="list-style-type: none"> <li>1. Liaises with industry and local sustainability experts to recommend best practice options for Council to enable the uptake of rooftop solar and battery storage (where feasible) in residential flat buildings and other buildings with residential use (e.g. mixed use development, shop top housing development, dual occupancy, boarding houses) in the Waverley local government area.</li> <li>2. Identifies any eligible grants from bodies such as the Australian Renewable Energy Agency (ARENA) that may be able to support the implementation of the project.</li> <li>3. Officers prepare a report to Council that includes an outline of the feasibility, options, costs, timelines and requirements of this program, including any procurement issues.</li> <li>4. Assuming its feasibility, integrates the program into the next draft Environmental Action Plan.</li> </ul>
Council 20 July 2021	CM/7.7/21.07	<p>That Council:</p> <ul style="list-style-type: none"> <li>1. Updates its greenhouse gas emission target to achieve net zero for scope 1 and 2 emissions based on the 2003–04 baseline by 2030.</li> <li>2. Amends the next Environmental Action Plan to reflect the new target.</li> <li>3. Notes that the 2021–2022 Operational Plan and Long Term Financial Plan 5.3 support the net zero target.</li> </ul>

Council 19 June 2018	CM/7.4/18.06	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopts the Environmental Action Plan 2018–2030 attached to this report.</li> <li>2. Notes the inclusion of the Environmental Action Plan 2018–2030 as part of Council’s resourcing strategy for the purposes of integrated planning and reporting.</li> </ol>
-------------------------	--------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### 4. Discussion

The draft Environmental Action Plan 2022-2032 includes chapters on:

- Sustainability Leadership.
- Urban Ecology.
- Sustainable Water.
- Managing Waste and Sustainable Materials.
- Climate Resilience.

The EAP continues to have targets for both Council and for the Waverley Local Government Area (LGA). A number of targets have been updated in this iteration of the EAP. The Council greenhouse gas (GHG) emission target has been brought forward to be net zero by 2030, Council will purchase 100% renewable energy by 2030 and Council will be carbon neutral. These targets will be achieved by purchasing all renewable electricity, removing natural gas from our assets and electrifying, decarbonising our transport fleet through electric vehicles and carbon offsets.

The community greenhouse gas target has been brought forward to 2035 reflecting the need for urgent and ambitious greenhouse gas reductions that the latest scientific reports have shown are required to avoid temperature rise of 2 degrees or more into the future. Amongst many actions, this will require the broader electricity grid to quickly transition to 100% renewable and for electric vehicles to be standard in Waverley in 10 years’ time.

The waste targets have been updated to align with the NSW Government Waste and Sustainable Materials Strategy target of 80% average recovery rate from all waste streams and a 50% reduction in organic waste sent to landfill by 2030. Key to achieving this will be through increasing the quantity of food organics (FO) that is separated and composted in addition to the garden organics (GO) that Council already collects. Council will prepare an updated Waste Strategy in 2022 to outline the pathway to achieving this and the changes that will be required to Council’s waste collection and processing.

Achieving ambitious targets for Council will require significant effort but achieving community targets is more difficult as we have lower levels of control and influence. This will require Council to actively lead by example and deliver demonstrable results within our own assets. Council will proactively work with key community and government stakeholders while also fostering and enabling community-led environmental action to enable water, canopy, waste, and greenhouse gas emissions targets to be achieved.

The Draft EAP now includes an updated climate change scenario which includes modelled temperature rise and sea level rise predictions for Waverley. This will support Waverley in the delivery of the Resilience Framework which aims to strengthen Waverley’s capacity to adapt and thrive as our climate changes. This involves several areas of Council including emergency management, strategic planning, community programs, asset management and environmental sustainability working cooperatively to plan and prepare for our changing climate.

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

The key deliverables of the Draft Environmental Action Plan 2018-2030 are costed in the Long Term Financial Plan (LTFP) capital expenditure and as part of the Sustainable Waverley operational budget. Council has prepared an enhanced budget layer as part of the LTFP as it is recognised that ambitious environmental targets may require additional resources so that they can be achieved.

The EAP is proposed to go on public consultation from 20 April to 18 May 2022. A report will be prepared on the outcomes of this consultation for the June 2022 Council meeting so that the EAP can potentially be adopted from 1 July 2022.

In addition to this draft being proposed for public exhibition, Council undertook detailed consultation on the Environmental Action Plan through a deliberative panel of local community residents at the end of 2021. Council also undertook a community environment survey in 2020 and the outcomes of the Community Strategic Plan have been considered and integrated into this plan. Council Officer research and analysis in preparing the plan has involved extensive consultation with other Councils, industry experts and feedback from State Government and their policies and strategies. Finally, the Environmental Advisory and Sustainability Committee (ESAC) has provided detailed input on multiple aspects of the Plan and the outcomes of the Plan including electrification of transport, building efficiency, GHG targets and the Resilience Framework.

## **6. Conclusion**

The Environmental Action Plan 2022-2032 outlines Council's ambitious environmental targets and actions to achieve them. Following public exhibition, a report to Council will be prepared so that the final EAP can be adopted by Council.

## **7. Attachments**

1. Draft Environmental Action Plan 2022 [↓](#) .



# Environmental Action Plan

2022 – 2032



second  
nature



## ENVIRONMENTAL ACTION PLAN

# Contents

<b>A Message from our Mayor</b>	<b>03</b>	<a href="#">← Click here</a>
<b>Waverley's Climate Scenario</b>	<b>04</b>	
<b>01 Sustainability Leadership</b>	<b>06</b>	
Our Targets	08	
Key Deliverables	09	
<b>02 Climate resilience</b>	<b>10</b>	
Our Targets	12	
Key Deliverables	13	
<b>03 Sustainable water</b>	<b>14</b>	
Our Targets	16	
Key Deliverables	17	
<b>04 Managing Waste and Sustainable Materials</b>	<b>18</b>	
Our Targets	20	
Key Deliverables	21	
<b>05 Urban Ecology</b>	<b>22</b>	
Our Targets	24	
Key Deliverables	25	
<b>Waverley's Resilience Framework</b>	<b>26</b>	

We pay respect to the Bidjigal and Gadigal people, who traditionally occupied the Sydney coast and the land and sea country of Waverley, and to Elders past and present. We acknowledge the survival and ongoing resilience of indigenous ways of knowing, being and doing, and work to ensure the programs and activities in this Environmental Action Plan help strengthen connection to culture and community. By respecting Aboriginal and Torres Strait Islander peoples' intrinsic relationship with the land and waters, we can value, learn and strengthen protection of our environment.



## A Message from our Mayor

Waverley is known for its spectacular coastline, but also for a community that is passionate about the environment and sustainability.

Waverley Council was one of the first local governments to set ambitious environmental targets for its organisation and community through a detailed and funded 10-year plan. Now in its fifth iteration, this Environmental Action Plan includes strengthened long-term targets and actions to realise our goals in:

- Reducing greenhouse gas emissions and preparing for climate change
- Protecting and enhancing biodiversity
- Conserving water and improving water quality
- Improving waste management and recycling

Through award winning programs, progressive education and implementation, and embedding Council wide approaches and actions, Waverley has enjoyed many successes. Our 2021 State of the Environment report confirms that we have met Council's water, energy and emission reduction goals, we have doubled our remnant vegetation in good condition and reduced kerbside and problems wastes significantly over the last few years.

But environmental challenges remain. Waverley is densely populated and welcomes millions of visitors each year. Plastic pollution and waste on our beaches and streets threaten our marine ecosystems. We must work hard to protect and restore our unique biodiversity and waterways, and we must ensure our residents, many living in apartments, have access to the support and knowledge they need to live a more sustainable life.

As well as eliminating greenhouse gas emissions from Council operations by 2030, we are also committed to reducing community greenhouse gas emissions, to net zero by 2035. This will not be easy, however to avoid the worst effects of climate change, we must urgently act together. This plan details how we will harness the values and motivations of our local residents, businesses and visitors to address our local and global environmental challenges, which will make our organisation and our community stronger, resilient and safer in the future.

**Paula Masselos,**  
**Mayor of Waverley**



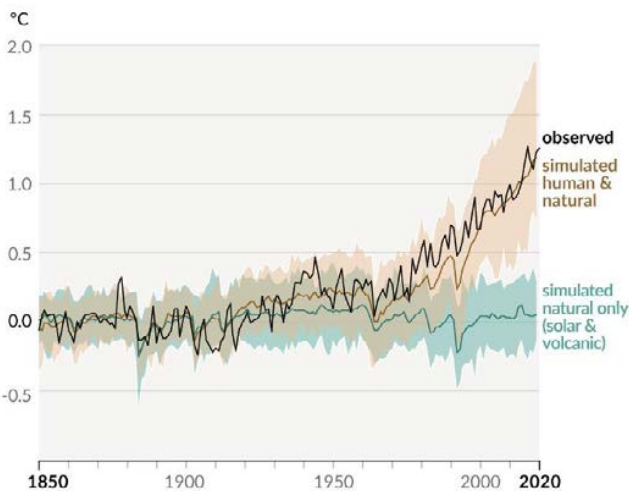


# Waverley's Climate Scenario

**Human activities are causing atmospheric concentrations of heat-trapping greenhouse gases to rise higher and faster than the past two million years. This is driving changes in the frequency, intensity, and duration of different weather events and patterns in Australia.**

Australia's climate has warmed consistently since 1910. Rainfall is declining in the southeast, most notably in winter, extreme fire weather has increased, and oceans are acidifying, warming and expanding. Sea level rise and more frequent extreme weather events are increasing the risk of inundation and damage to coastal infrastructure and communities.

The impact of intensifying natural hazards, under rising global greenhouse gas emissions, increases climate change risks to human health and wellbeing, ecosystems, infrastructure and services, and will significantly impact our economy through damage costs.



But while climate change is a global phenomenon, the impacts of climate change are experienced locally. So local responses are fundamental to planning, preparing and managing to local climate change impacts.

Historically, Waverley has warm to hot summers and mild to cool winters. Seasonal variation is minimal due to our coastal location. Annual rainfall is ~1200mm with significant variability year on year (between 809mm-2165mm over the last 50 years).

**Going forward Waverley can expect:**

- Average temperatures to increase yearly
- More frequent extreme heat (days above of 35°C)
- Extended drought periods
- Changing seasonality of rainfall
- Increased intense rainfall events
- Increased air quality risks associated with regional bushfire
- Longer summers and shorter winters, with a likelihood of increased storm activity in Summer Autumn
- Increasing coastal risks. Under current emissions rates, Sydney's mean sea levels are projected to rise 15cm by 2030 and 50cm by 2070, but storms and wave setup can also increase local water levels (BMT 2021).

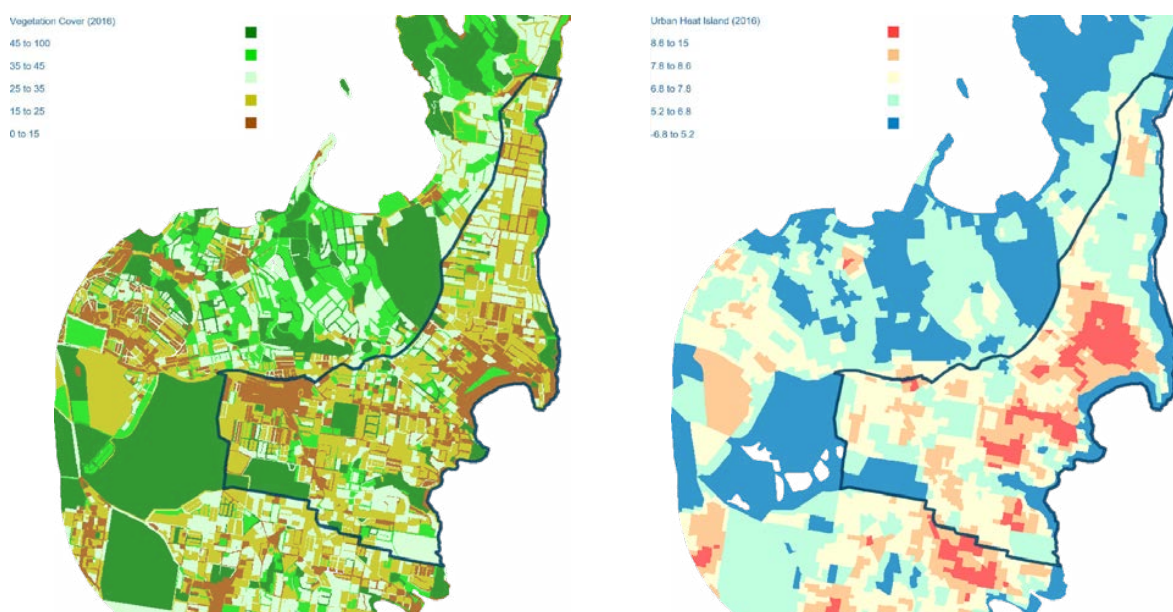


## How can we Plan and Respond?

It's important we plan to reduce climate related vulnerabilities in Waverley now, as risks are likely to increase in the future. Planning and responding to changes in climate can involve adaptation to practices, policies, designs and materials. There is no single solution, but by working together with community, business and government we can increase our climate resilience.

### We can:

- Increase and protect urban vegetation to provide cooling and health and wellbeing benefits
- Engage with communities to prepare for emergencies resulting from extreme weather
- Ensure appropriate design of buildings (e.g. shaded windows, insulation and effective ventilation).
- Protect essential services at risk from climate hazards (e.g. transport, telecommunications and water infrastructure).
- Identify thresholds for unacceptable change in natural areas.
- Incorporate future sea level rise risk into coastal infrastructure planning.
- Develop community led responses to build neighbourhood resilience to climate change.



Maps of Waverley Council showing the correlation between Vegetation Coverage and Urban Heat Island Effect, where colour represents degrees of temperature difference to a natural surface (vegetation) on a hot day. (NSW DPIE 2019)





## 01 Sustainability Leadership

# Circular, Resilient and Sustainable Council

Council leading by example and delivering results

Positive impact of operations, policies and processes

Fostering advocacy and community-led environmental action



**This Environmental Action Plan outlines how Council will continue to be a leader in environmental sustainability by implementing targeted measures in emission reductions including transport, climate resilience, urban ecology, water management and waste and sustainable materials. To meet community expectation, we hold Council to the highest standards of environmental performance and stewardship of our local area.**

Waverley’s ambitious environmental goals are informed by our commitments to the Climate and Biodiversity Emergency, circular economy principles and a long-standing commitment to embed environmental sustainability in Council’s operations and outcomes. Our targets

are informed by science, best practice and developed collaboratively to ensure ongoing positive impact on our local environment, people and the planet. This includes supporting all staff with the right tools and knowledge, championing leadership by council decisions makers, and reflecting our environmental values in key strategies including investments, planning and asset management.

Actions by Council alone won’t be enough to tackle environmental issues and meet the vision of the community for a vibrant and resilient community, that takes care of each other, our natural environment and local places. Partnering with the community and advocating for positive change can influence action by other levels of government and stakeholders to achieve better environmental results.





# Our targets

Net Zero

council emissions  
by 2030 (scope  
1, 2 and 3)

100%

Renewable  
Energy

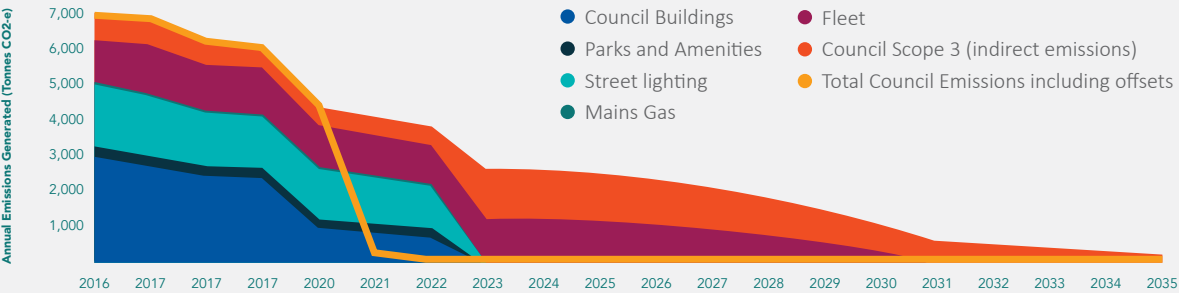
0%

increase in  
Council  
Water use

Improve

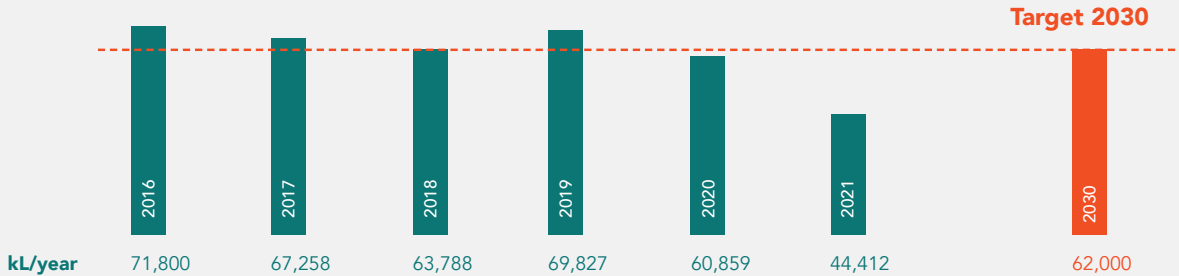
Council's sustainability  
performance

## Waverley Council Net Zero Emissions 2030



Source: Waverley Council

## Annual Council water consumption



Source: Waverley Council (NB Temporary decreases in 20/21 were due to major projects under development)





## Key Deliverables

### Net Zero Emissions for Council Operations

Waverley Council will achieve Net Zero emissions by 2030 by pursuing ongoing energy efficiency, purchasing 100% renewable energy, and ending fossil fuel use for Council operations, buildings and facilities. From 2020 Waverley Council has been carbon neutral. Forward actions will include identifying solar and battery opportunities, fleet transition to electric vehicles and quantification of waste, transport, procurement and embodied carbon impacts. Accredited offsets will be obtained where required, to maintain our climate neutrality supported by rigorous monitoring and reporting.

### Second Nature Engagement and Education

Delivering community education, engagement and behaviour change programs that create positive impact and enable the achievement of Council goals and program outcomes. This includes working with schools on sustainability challenges, delivering coordinated engagement with residents in houses and multi-unit dwellings on energy, water and waste as well as delivering knowledge and workshops that build community capacity to be sustainable and resilient.

### Improve Council Sustainability Performance

Shifting from compliance-led sustainability performance to systemic achievement of goals and targets by providing leadership, staff training and resources to achieve no increase in water use, increasing procurement of recycled and recyclable materials, embedding sustainability in design and operation of Major Projects, and moving towards zero waste and low impact events.

### Support Community-led Environmental Action

Continuing to support community and business led initiatives and advocacy to tackle environmental issues by enabling collective impact programs and activities such as Power to the Future and, working with government stakeholders to enable effective delivery of programs and activities such as community gardening and composting. Building the capacity of local community groups and continuing our Environmental Small Grants program to support local on-ground sustainability initiatives.





## 02 Climate resilience

# Reduce Community emissions and prepare for climate risks

Increase uptake of renewable energy and electric vehicles

Energy efficient buildings and infrastructure

Identify and manage climate risks





**Urgent greenhouse gas emissions reductions are required across all sectors of society, and the sooner achieved, the sooner the impacts of climate change will be reduced, not only in Waverley but globally. Therefore, action on climate change is the responsibility of every level of government, each organisation and individuals.**

Historically, achieving Waverley’s community emissions targets has been extremely challenging. However, over the next decade significant emissions reductions will be realised through the “greening of the grid”, which is being

driven by renewable energy and net zero policies and targets.

Waverley is striving for Net Zero greenhouse gas emissions in the community by 2035 by ensuring our homes, workplaces, schools and transport choices support this exciting transition. Council will provide infrastructure, education, financing support and leadership that reflects our community’s ambition for a safe climate; and respond with the urgency of action required to avoid the worst social, economic, and environmental impacts of climate change, honouring our Climate and Biodiversity Emergency Declaration of 2019.



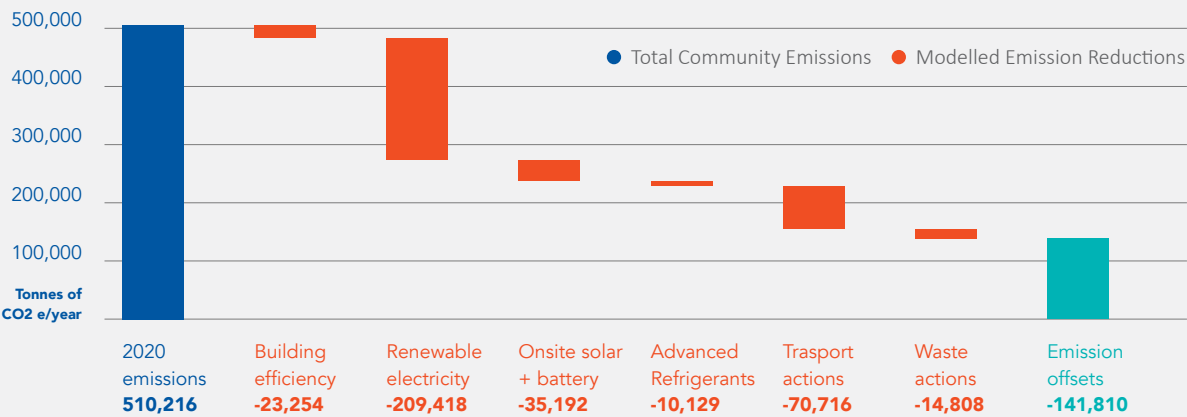


# Our targets

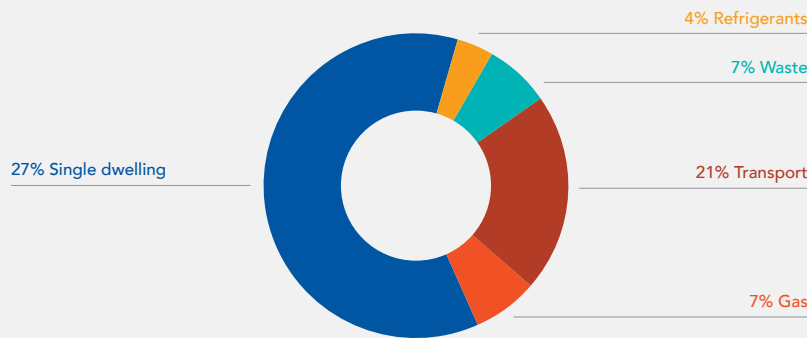
Net Zero  
community emissions  
by 2035

Waverley's  
climate resilience  
is enhanced

## Net Zero Community Target 2035



## Waverley greenhouse gas emissions by source 2019/20



Source: Resilient  
Sydney and  
Waverley Council



## Key Deliverables

### Strive for Net Zero community emissions

Waverley has committed to an ambitious Net Zero target for community emissions by 2035, to support the NSW Future Energy Action Plan 2020-2025. This will involve ongoing community education and engagement, the phase out of fossil fuels, advocacy for 100% renewable energy in the grid, support for installing solar and batteries locally and renewable energy purchasing.

### Improve Efficiency of Buildings

Targeted support to increase renewables, optimize energy efficiency and capture opportunities for efficient technologies will be offered across residential and commercial sectors, through programs including Building Futures, Energy Smart Cafes and Solar my Suburb. We will promote incentives for the electrification of buildings and the removal of potent greenhouse gases. Council will advocate for high sustainability standards and the consideration of future climate in building controls.

### Support Environmental Upgrades and incentives

Council will leverage incentives to support affordable emissions reductions for homes and businesses, including through Environmental Upgrade Finance and capturing cost effective opportunities from the NSW Energy Savings Scheme and other available rebates.

### Encourage Low Emissions Mobility

Council will encourage the uptake of Electric Vehicles and active transport, supporting the deployment of charging stations and aligning with the NSW Electric Vehicles Strategy 2022. We will support shared vehicles as well as separated bike paths and optimised walking options.

### Assess and Address Climate Risks

While reducing emissions is vital, we must also plan and respond for the climate impacts we cannot avoid. Climate change is already contributing to changing seasonality and intensity of extreme weather. Council will prepare to manage risks including increasing temperatures, storms and coastal hazards, and apply an integrated Resilience framework to reduce vulnerabilities across Planning, Environmental, Community, Emergency and Infrastructure programs. Collaboratively, we will develop projects, investments and policies to strengthen Waverley's capacity to survive, adapt and thrive in the face of increasing uncertainty and disruptions from climate change.

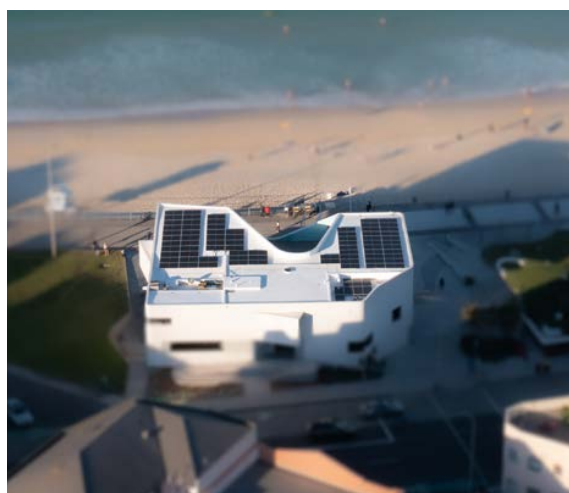


Image Credit - Gergo Rugli



### 03 Sustainable Water

# Conserving water and improving water quality

Water harvesting  
and Recycled Water  
infrastructure

Stormwater Quality  
Improvement and Water  
Sensitive Urban Design

Water conservation and  
quality initiatives, through  
controls and engagement





**Managing Waverley's water resources will be increasingly challenged by population growth and unpredictable impacts of climate change, such as extended droughts and floods. Securing clean and sustainable water sources will help conserve water, protect our waterways and support recreation, cooling and greening in Waverley.**

Waverley's beaches consistently achieve good ratings through the NSW Government's Beachwatch program, which measures and reports water quality at Bondi, Bronte and Tamarama. However, water quality issues at our beaches do occur, particularly after rain due to stormwater run-off and also in our receiving catchments of Sydney Harbour and Centennial Parklands. Council manages Gross Pollutant Traps at our beaches and integrates Stormwater Quality Improvement Devices to remove pollutants from runoff and protect our

waterways from the impacts of urban development and visitation. Council has been actively working with Sydney Water to connect the remaining areas in Watsons Bay, Vaucluse and Rose Bay that aren't connected to the sewerage treatment system so that untreated effluent no longer enters the coast at Diamond Bay and near to Eastern Reserve.

While achieving community water savings is challenging, Council will maintain its community water target at no net increase based on 2006 levels. We will continue to support the community to manage and conserve water through education, planning controls and programs such as WaterFix to target Apartments and Commercial water users. While water use can be influenced by annual temperature and rainfall fluctuations, last year's 10% reduction in community water use was most likely influenced through the impacts of COVID restrictions on commercial properties, and will be difficult to maintain into the future.





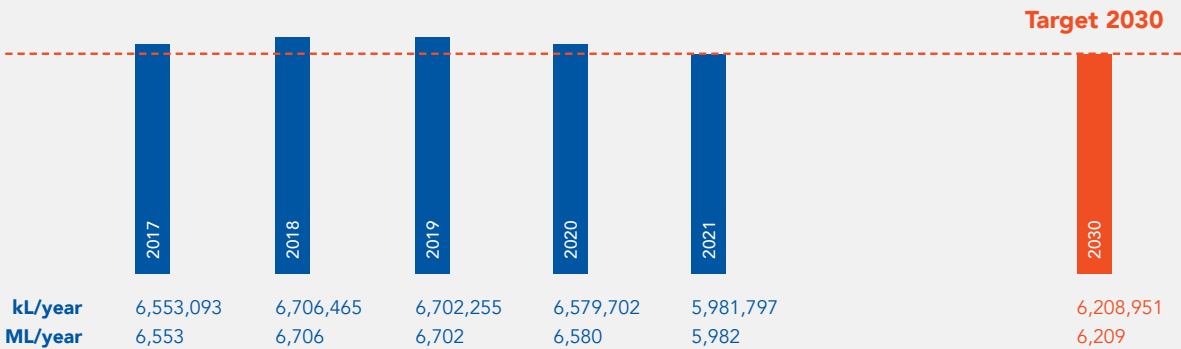
# Our targets

**0%**  
increase in community water use by 2030 (based on 2005/06 level of 6,208,915KL)

**Pollution**  
in waterways is minimised by 2030

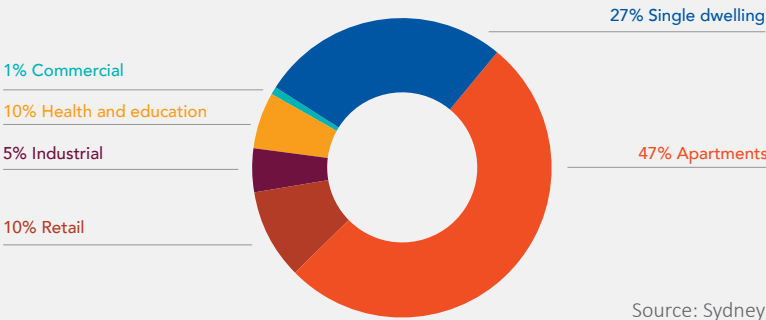
**Good**  
or better Beachwatch ratings for all beaches

## Annual community water consumption



Source: Sydney Water.

## Water Use by Sector 2019-20



Source: Sydney Water and analysed by Resilient Sydney, 2022



## Key Deliverables

### Maintain and optimise recycled water use to manage and minimise water use.

The ongoing use of recycled water and stormwater harvesting at Bondi, Tamarama and Bronte Beaches and Barracluff and Waverley Park is key to minimising Council's potable water use. This will be done in conjunction with smart irrigation systems and ongoing digital leak detection.

### Improve and maintain stormwater management by removing remove sediment and pollutants.

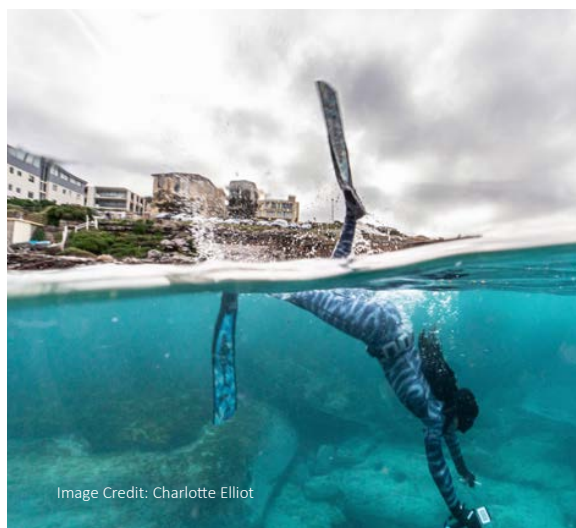
Council will continue to remove multiple tonnes of waste and sediment to protect water quality at our beaches and support the marine environment and recreation. Future works will be focused on North Bondi and in the Sydney Harbour, Open Coast and Centennial Park catchments.

### Water Sensitive Urban Design embedded in design of Major Projects and Council assets.

Council streetscapes, cycleways, parks and stormwater assets, will maximise permeable surfaces and include raingardens, trees and other interventions to improve water quality and support urban greening and canopy on Council streets.

### Work with neighbouring councils and Centennial Parklands, residents and businesses.

Council will collaboratively develop Eastern Beaches and Sydney Harbour Coastal Management Programs. We will promote and leverage water efficiency opportunities, including Sydney Water's WaterFix programs for local commercial, strata and small business customers and work to prevent and promptly respond to local pollution incidents.





## 04 Managing Waste and Sustainable Materials

# Moving towards a Zero Waste Community and a Circular Economy

Recycling right  
and problem  
wastes disposal

Organics  
separation  
opportunities

Education and  
enforcement to reduce  
litter and illegal dumping





**Traditional linear waste processing is no longer sustainable. Going forward, Council waste management approaches will focus on circular economy principles to eliminate waste and reduce the continual use of new resources. This will ensure we can safely manage our waste, and minimise impacts on our environment and community.**

Since 2016, Council has increased waste recovery from 32% to 58%, by diverting waste from landfill. Our kerbside red-lid bin waste, including food waste, is processed through a new Mechanical and Biological Treatment facility at Woodlawn where metals and contaminants are separated out, and remaining organic material is directed to the rehabilitation of a mine tailings dam.

Transitioning toward a circular economy reflects Waverley targets for waste minimisation and increased resource recovery. It enshrines Waverley's commitment to managing waste

generated in our community from households, businesses as well as the public domain. By designing out waste, using resources more effectively to keep them in the system for longer, and ensuring a sustainable end of life of all materials, we can generate jobs, create a more robust economy, increase the accessibility of local suppliers, maximise the value of resources and reduce waste.

The [NSW Waste and Sustainable Materials Strategy 2041 Stage 1 plan: 2021–2027](#) outlines actions required to meet legislated targets in waste reduction and greenhouse emissions, reducing harm to our environment, and boosting innovation to help drive the economy. Council is aligning its domestic waste service and targets with this strategy, which mandates halving organic waste sent to landfill by 2030. To meet this target, Council is working closely with its waste processing contractor to scope food and organics waste separation and recovery opportunities so that organic waste used at its highest potential.





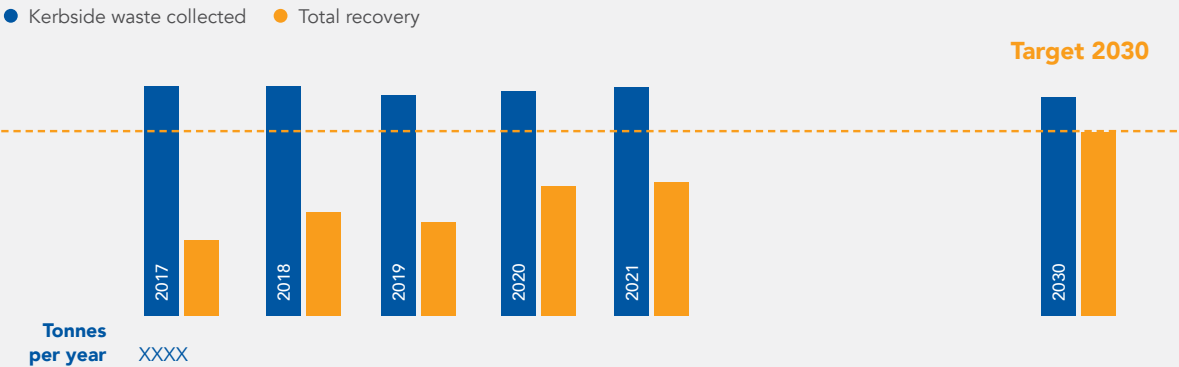
# Our targets

80%  
recovery rate from all waste streams by 2030 from 2017/18 levels

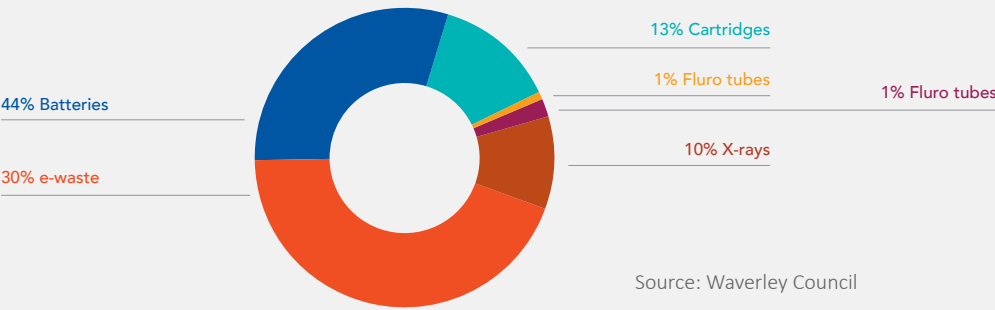
50%  
reduction in organic waste sent to landfill by 2030 from 2017/18 levels

60%  
reduction in litter by 2030 from 2009 levels

## Residential Waste and Recovery



## Proportion of problem station materials collected in 2020-21





## Key Deliverables

### Meet the NSW Waste and Sustainable Materials Targets

Council will prepare an updated Waste Strategy so that an optimal waste and recycling collection service for the Waverley Community delivered. Key to this will be increasing the organics collected and diverted from landfill. As part of this Council will continue the phase out of single use plastics and increase the recycled content in our own assets and procurement.

### Deliver Community education and advocacy for waste avoidance and reuse

Community-focused Circular Economy programs will raise awareness about waste avoidance, reuse, recycling and repurposing, before sending materials to landfill, and will target residents, businesses, and school communities, including focussed engagement and education on recycling, problem waste recovery and Food and Organics separation and recovery opportunities. Waste education at day-care centres and primary schools, beach-side events, and clean-ups, and knowledge sharing through webinars and face to face events will build knowledge and support behaviour change.



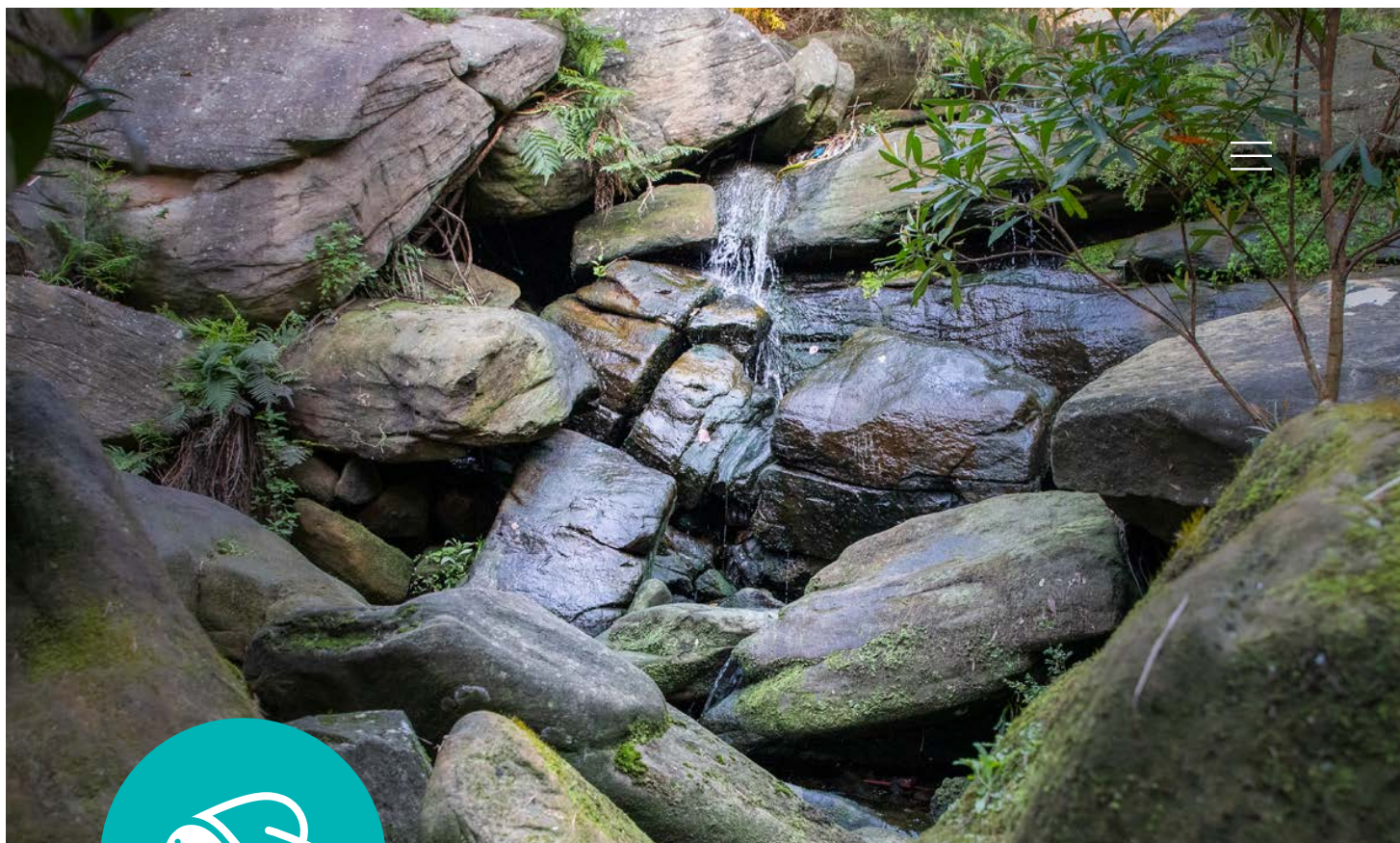
### Prevent Litter and Illegal Dumping

Education, infrastructure and enforcement will target local hotspots to ensure neighbourhood amenity is protected and our streets are clean for everyone to enjoy.

### Strengthen Resource Recovery and Recycling

Problem wastes such as electronics, batteries and globes can be toxic if they end up in landfill, which also prevents their valuable components from being recovered and reused. Council will continue to provide services to ensure dangerous wastes stay out of the red bin, and support textile and other material recycling, reducing the need to source new materials. Equally important is improving residential and commercial recycling rates. Programs such as our Recycle Right will support apartment with education and infrastructure to reduce in contamination and ensure clean recycling streams.





## 05 Urban Ecology

# Protect and increase local bushland, parks trees and habitat

Ecological  
regeneration  
and restoration

Habitat protection through  
development and invasive  
species controls

Supporting community  
capacity to support  
habitat connectivity



Waverley Council currently manages approximately 6 hectares of remnant native vegetation across 12 main sites (40 properties in total).

We are successfully managing the critically endangered ecological community Eastern Suburbs Banksia Scrub, protected under Commonwealth and State legislation on private and public land adjoining York Road and within Queens Park, and have supported the natural regeneration of a population of the threatened species *Acacia terminalis* subsp. *Eastern Sydney* (Waverley’s only population of this species) back from the brink of extinction.

Through the implementation of the Biodiversity Action Plan: Remnant Sites 2015–2020, the area of remnant native vegetation in good condition in 2020 (9%) was more than double recorded in 2015 (4%). Our ecological restoration projects in Bronte Gully, Tamarama Gully and Thomas Hogan Reserve are actively progressing. Restoring these areas makes up for the

lack of greenspace in Waverley; providing valuable habitat to local animals and precious biodiversity to the community.

Our Bushcare volunteers continue to support our active management of remnant and restoration programs and the Living Connections program has improved habitat and connectivity in 165 private gardens. Key to the urban ecology of Waverley is the marine ecosystem of the coastline which is rich in biodiversity such as in the Bronte to Coogee Aquatic Reserve. Waverley will continue to promote, protect and work with government agencies and other stakeholders to ensure that this vital asset is improved.

Council is actively planting over 300 street trees each year and since 2012 the number of street trees has increased from approximately 10,000 to 14,000. Council is updating the Tree Management Framework, which will be incorporated into a new Greening Strategy, to protect and increase canopy, greening and habitat in Streets, parks and private property.





# Our targets

0%

Loss of native vegetation from 2022 onwards

20%

of remnant vegetation is in good condition by 2030

25%

of remnant vegetation is in fair condition by 2030

29%

Green Cover (canopy and shrub) by 2030

1000

habitat gardens are established by 2030 (500 by 2024)

Improve

Marine diversity of the Waverley coastline

## Remnant vegetation condition





## Key Deliverables

### Actively managing our remnant bushland and restoration sites

Biodiversity Action Plan- Remnant Sites 2022-2031 will ensure ongoing bush regeneration of key remnants and adjacent buffer plantings along the coastal habitat corridor and near Queens Park to protect and enhance the 117 locally indigenous plant species in the area that have existed since before European settlement.

Bronte Gully Ecological Restoration Action Plan, Tamarama Ecological Restoration Framework and Action Plan and Thomas Hogan Reserve Ecological Restoration Action Plan will continue to reinstate indigenous vegetation characteristics of natural coastal landscapes that will also be resilient to the impacts of climate change, increase habitat, cooling potential and the aesthetic beauty of our local area.

### Engaging the community to support and enhance Urban Ecology

Waverley Bushcare Volunteer program, which harnesses community volunteers to support remnant and restoration programs and the Living Connections program which will support biodiversity corridors through enhanced habitat on private properties and help to monitor key local species. Council will also be exploring ways to engage with the community on coastal management and marine protection and restoration.

### Managing our urban canopy and vegetation

Prepare and deliver a Canopy and Greening Strategy to achieve our Canopy and Greening targets across public and private property in Waverley, deliver cooling and improve habitat connectivity.



Many of our local species are able to coexist with development in the urban environment. Microbat species such as Gould's Wattled Bat *Chalinolobus gouldii* are found in areas of Waverley such as cliff-top overhangs where they roost. Council will work to support our local native species through habitat creation on public and private property, reducing light pollution and reducing pest species where possible.





# Waverley's Resilience Framework



## Community aware & Safe

Local Emergency Management officers

## Access & opportunity

Strategic Planning

## Reduce climate risks

Environmental Sustainability

## Resilient Systems

Asset Management

## Improve social cohesion

Community Programs

### References for Waverley's Climate Scenario on pages 4 and 5

1. BMT Commercial Australia (2021) Eastern Beaches: Regional Sea Level Rise Hazard Assessment (Ref: R.A11159.02.01)
2. Commonwealth of Australia (2021) Climate Data Online [http://www.bom.gov.au/climate/averages/tables/cw\\_066037.shtml](http://www.bom.gov.au/climate/averages/tables/cw_066037.shtml)
3. Commonwealth Scientific and Industrial Research Organisation (CSIRO) (2021) 4. Commonwealth of Australia (2020) State of the Climate 2020. <https://www.csiro.au/en/research/environmental-impacts/climate-change/state-of-the-climate>
5. Intergovernmental Panel on Climate Change (2021) Summary for Policymakers. Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [MassonDelmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J. B. R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)]. Cambridge University Press. In Press
6. NSW Office of Environment & Heritage (2014) Metropolitan Sydney Climate Change Snapshot <https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/Metro-Sydney-Climate-Change-Downloads>
7. NSW Department of Planning, Industry and Environment (2019) NSW Urban Heat Island to Modified Mesh Block 2016 and NSW Urban Vegetation Cover to modified Mesh Block 2016 <https://www.planningportal.nsw.gov.au/opendata/dataset/nsw-urban-heat-island-to-modified-mesh-block-2016>



**REPORT**  
**CM/7.4/22.04**

**Subject:** Draft Delivery Program 2022-2026, Operational Plan 2022-2023 including Budget and Pricing Policy, Fees and Charges - Exhibition

**TRIM No:** SF21/5734

**Author:** Teena Su, Executive Manager, Finance  
Sneha Sabu, Co-ordinator, Corporate Planning and Reporting

**Director:** Richard Sheridan, Interim Director, Finance and Governance

---

**RECOMMENDATION:**

That:

1. Council publicly exhibits for 28 days:
  - (a) The draft Delivery Program 2022–2026 (Waverley 2026) and the draft Operational Plan 2022–2023 (Waverley 2023), including the Budget and Statement of Revenue Policy, attached to the report (Attachments 1 and 2).
  - (b) The proposed Rating Structure for 2022–23 contained on page 69 of the draft Operational Plan 2022–23 together with the proposed Pricing Policy and Schedule of Fees and Charges 2022–23. In accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act* (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2022 to 30 June 2023:
    - (i) An ordinary rate of 0.116114 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and subcategorised Ordinary in accordance with section 529(2)(b) of the Act.
    - (ii) An ordinary rate of 0.541561 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and subcategorised Ordinary in accordance with section 529 (2)(d) of the Act.
    - (iii) An ordinary rate of 0.894755 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and subcategorised Bondi Junction in accordance with section 529(2)(d) of the Act
  - (c) The draft Pricing Policy, Fees and Charges 2022–23 attached to the report (Attachment 4).
  - (d) The proposed Domestic Waste Management Service Charge being set at \$594.40 per service per annum for the financial year 2022-23 in accordance with section 496 of the Act.
  - (e) The proposed Stormwater Management Service Charge contained on page 72 of the draft Operational Plan 2022–23 in accordance with section 496A of the Act for the financial year

2022–23 as follows:

<b>Stormwater Management Service Charge</b>		
Category	Unit	Fee or Charge
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

2. Receives and notes the detailed funding sources for the draft 2022–23 capital work program projects attached to the report (Attachment 3).
3. Authorises the General Manager to apply to the Independent Pricing and Regulatory Tribunal for a permanent single-year special variation of 2.5%, which is \$816,298 for 2022–23 (ASV) under section 508(2) of the *Local Government Act*, noting that:
  - (a) The purpose is to bring the rate cap in line with this year's CPI (Attachment 5) as communicated in 2021 through the consultation process of the annual budget and Long Term Financial Plan.
  - (b) Council requires these funds to keep delivering the services in the Operational Plan and maintain an operating performance ratio of 0.02%.
4. Authorises the General Manager to make any necessary editorial and content changes to the draft Delivery Program 2022–2026, Operational Plan 2022–2023, including the Budget and Pricing Policy Fees and Charges 2022–2023, for public exhibition to give effect to Council's resolution.
5. Officers prepare a report to Council following the exhibition period.

## 1. Executive Summary

This report is seeking Council approval to place the draft Delivery Program 2022-2026 (Waverley 2026), Operational Plan 2022-2023 (Waverley 2023), including the Budget, Statement of Revenue Policy, Stormwater Management Service Charge and proposed Pricing Policy and Schedule of Fees and Charges 2022-23 on public exhibition for the period 20 April 2022 to 18 May 2022. A further report will be presented to the Council which reports on any public submissions received and sets out any proposed changes in response to these submissions, before the final adoption of these documents.

## 2. Introduction/Background

All NSW councils are required to facilitate the development of a Community Strategic Plan (with a minimum 10-year outlook) along with a Delivery Program (based around the four-year term of the Council) and an Operational Plan (which looks at yearly activities to be undertaken). These plans are informed by a Resourcing Strategy that is made up of a Long Term Financial Plan, a Strategic Asset Management Plan, and a Workforce Plan.

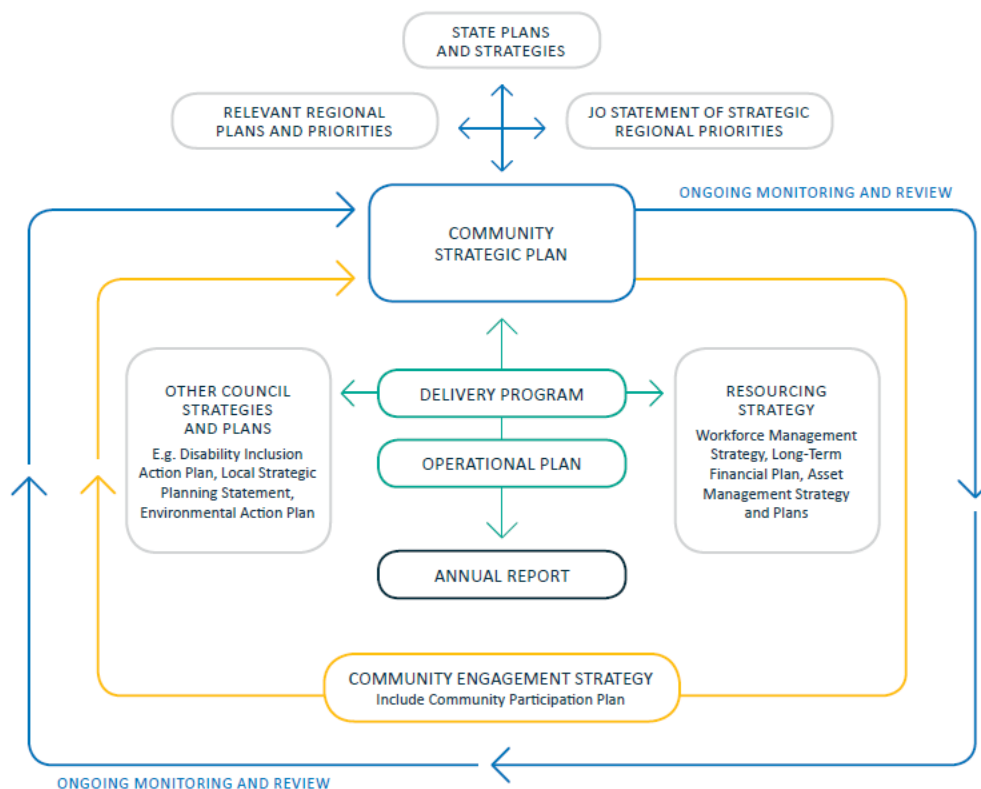


Figure 1. The Integrated Planning and Reporting (IP&R) Framework.

The Integrated Planning and Reporting (IP&R) Framework consists of an inter-related hierarchy of plans which aims to ensure a more sustainable local government sector. Waverley Council has in place a hierarchy of integrated plans consisting of a Community Strategic Plan (Waverley 2032, Waverley Community Strategic Plan 2022–2032), a Delivery Program (Waverley 2026, Delivery Program 2022–26) and an Operational Plan (Waverley 2023, Operational Plan 2022–2023).

The IP&R framework requires councils to constantly review their plans to ensure they remain relevant and in-tune with changing community needs. Section 402(3) of the *Local Government Act* requires that:

*‘Following an ordinary election of councillors, the council must review the community strategic plan before the 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.’*

With the delayed local government elections due to the COVID-19 pandemic, the time available to engage the community was limited. To address this issue, Council presented a Community Engagement Plan with options for engagement to the outgoing Council in June and September 2021. Council engaged the community from July 2021 to February 2022 to understand the community vision and priorities for Waverley Community Strategic Plan 2022–2032 (Waverley 2032).

Each newly elected Council must develop a new Delivery Program that will run for their term in office. The Delivery Program must draw upon the broad directions and strategies defined in the Community Strategic Plan and set out the specific Waverley Council strategies and activities (services and projects) it will undertake during its term to help the community move closer to attaining its long-term vision and aspirations. The draft Delivery Program 2022–26 (Waverley 2026) sets out the strategies and deliverables Council will need to deliver in the first four years of the 10-year draft Waverley Community Strategic Plan 2022–2032 (Waverley 2032).

Every year the Council is also required to develop an Operational Plan (which is a sub-plan of the Delivery Program) setting out the specific activities (services and projects) it will undertake in that year. Operational Plan 2022-23 (Waverley 2023) sets out the key activities (deliverables), actions, budget and performance measures Council will employ during the 2022-23 financial year. The Operational Plan includes the Statement of Revenue Policy which sets out Council's rating policy. The Operational Plan includes Stormwater Management Service charge and the Statement of Revenue Policy which sets out Council's rating policy. Accompanying this plan is the proposed Pricing Policy and Schedule of Fees and Charges 2022-23 which sets out the fees and charges Council is proposing to levy over the coming financial year.

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

Nil.

### **4. Discussion**

In accordance with section 406 of the *Local Government Act*, the Office of Local Government (OLG) has published Guidelines and a Handbook to support the administration of integrated planning and reporting. The draft Delivery Program 2022-26 (Waverley 2026) and Operational Plan 2022-23 (Waverley 2023) including the Budget, proposed Pricing Policy, Fees and Charges 2022-23 have been developed in accordance with the OLG Guidelines and Manual.

#### **Delivery Program 2022-2026 (Waverley 2026) (Attachment 1)**

The Delivery Program is intended to be a four-year program adopted by each newly elected Council in the first year following an election. The Delivery Program 2022-2026 is the fourth Delivery Program that Council has developed.

The IPR Handbook requires that all the strategies identified in the Community Strategic Plan be carried through to the Delivery Program and expanded into actions. In our Delivery Program we have called these actions four-year actions—that is what we are going to deliver to meet the requirements of the strategies outlined in the Community Strategic Plan.

Both the Delivery Program and Operational Plan are required to allocate responsibility and to include measures of effectiveness – in the case of the Delivery Program they should preferably be outcome based, while in the Operational Plan they are likely to be output based. As far as possible, our Delivery Program includes outcome measures for the deliverables identified.

The Delivery Program also needs to include a budget forecast. Reporting on progress with the Delivery Program is required at least half yearly. However, budget reporting will still be provided quarterly. In summary, the Delivery Program includes the strategies identified in the Community Strategic Plan, it expands these strategies into four-year actions and allocates responsibility for these. It also includes measures of effectiveness and budget information for the four-year period.

#### **Operational Plan 2022-2023 (Waverley 2023) including Budget and Statement of Revenue Policy (Attachment 2)**

The Operational Plan has a one-year time frame. The OLG suggests that the Operational Plan be defined as a sub-plan of the Delivery Program that spells out the 'actions' to be undertaken in a particular year.

The IPR manual also requires that actions identified in the Delivery Program be carried through to the Operational Plan. Our Operational Plan carries forward the four-year actions from our Delivery Program and includes the action required to 'deliver' on what we said we would. The Operational Plan is also required to include a budget for the year as well as our revenue policy. This includes our rating information as well as our pricing policy, fees and charges.

**2022–23 Budget (Attachment 3)**

The past two years have been challenging with the COVID-19 crisis, Council faces unprecedented financial, safety, health, and operational challenges. The critical assumption we are making regarding the COVID-19 virus is that with the high vaccination rates, people are increasingly learning to live with the virus, and the economy will come back strongly in 2022-23 with no further lockdowns. Therefore in 2022-23, Council will place a focus on the COVID-19 recovery and establish a financial recovery plan to ensure long term financial sustainability. It should be noted in Table 1 that Council has run large shortfall over the last two financial years and our plan is to return to surplus this year.

The objective of the Council's draft budget is to fund the delivery of the community and Council's objectives, priorities, and aspirations within the constraints of Council's limited financial resources. Our priorities are to continue to provide quality services to our community, assist in the economic recovery of the community from the COVID pandemic, and deliver the Community Strategic Plan's (CSP) aspirations and goals. This budget assumes the continued COVID-19 effect in 2022-23 and allows for a 25% reduction in the COVID impacted business income for a period of three months.

Meeting community and council's demands with constrained resource is the major financial sustainability challenge currently facing Council now and in the coming years.

Council will continue applying strong financial disciplines and strategies so as to ensure Council continues to remain financially sustainable in the long term. These strategies include:

- Examining costs of operations and more efficient and sustainable ways to deliver services.
- Delivering operating surpluses through prudent budgeting so as to fund infrastructure capital works in accordance with Strategic Asset Management Plan (SAMP6).
- Looking for ways to maximise revenues within legal, affordability and Council policy constraints.

The draft 2022-23 Budget has incorporated all components of Council's services and activities:

- Operational services.
- Environmental Action Plan.
- Plant replacement program.
- Capital works program including the facility building renewal/upgrade program.

Council will continue its transformative change by focusing on modernisation and tech-enabled operational improvements by implementing the ICT strategy program and simultaneously delivering quality services to the community and supporting local businesses recover from the COVID-19 crisis.

It is proposed that Council will spend \$119.17m of operation expenses, an increase of \$1.29m (1.1%) is proposed on the 2021-22 current approved budget. Whilst the corresponding operating income is expected to be \$141.20m, an increase of \$8.68m (6.6%) on the 2021-22 current approved budget.

An operating surplus before depreciation expense is projected at \$22.03m to be available for capital spending. Operating surplus after depreciation is projected at \$0.03m with an estimated depreciation expense of \$22.00m.

An expected capital works program expense totalling \$30.33m is funded from operating surplus, capital income and reserves fund.

Table 1. Comparison of current budget with draft 2022–23 budget and prior two-year actuals.

Council Budget Statement - \$'000	22/23 Draft Budget	2021/22 Current Approved Budget	20/21 Actuals	18/19 Actuals	\$ change on 21/22 Current Approved Budget	% change on 21/22 Current Approved Budget
<b>Operating Revenue</b>						
Grants Subsidies & Contributions - Operational	5,561	5,555	6,068	5,033	7	0.1%
Investment Income	956	859	1,780	4,927	97	11.3%
Other Revenues	19,971	15,658	18,026	17,859	4,313	27.5%
Rates & Annual Charges	68,855	67,507	65,978	62,224	1,348	2.0%
User Charges	45,855	42,939	38,845	41,888	2,916	6.8%
<b>Total Operating Revenue</b>	<b>141,198</b>	<b>132,518</b>	<b>130,697</b>	<b>131,931</b>	<b>8,680</b>	<b>6.6%</b>
<b>Operating Expense</b>						
Borrowing Expenses	(53)	(65)	(75)	(90)	12	(19.0%)
Employee Costs	(71,355)	(70,238)	(68,440)	(64,059)	(1,118)	1.6%
Materials & Contracts	(24,508)	(24,912)	(23,139)	(23,383)	405	(1.6%)
Operating Expenses	(22,135)	(21,509)	(20,922)	(21,349)	(626)	2.9%
Rates & Annual Charges	(1,123)	(1,160)	(1,124)	(1,109)	37	(3.2%)
<b>Total Operating Expense</b>	<b>(119,175)</b>	<b>(117,885)</b>	<b>(113,699)</b>	<b>(109,990)</b>	<b>(1,290)</b>	<b>1.1%</b>
<b>Operating Surplus (incl. Depreciation)</b>	<b>26</b>	<b>(7,365)</b>	<b>(4,142)</b>	<b>1,578</b>	<b>7,391</b>	<b>(100.3%)</b>
<b>Operating Surplus (ex. Depreciation)</b>	<b>22,023</b>	<b>14,633</b>	<b>16,998</b>	<b>21,941</b>	<b>7,391</b>	<b>50.5%</b>
<b>Capital Income</b>						
Grants Subsidies & Contributions - Capital	13,009	31,715	18,240	9,411	(18,707)	(59.0%)
Net gains from the disposal of assets	1,307	587	359	992	720	122.6%
<b>Total Capital Income</b>	<b>14,316</b>	<b>32,303</b>	<b>18,599</b>	<b>10,404</b>	<b>(17,987)</b>	<b>(55.7%)</b>
<b>Capital Expense</b>						
Capital Purchases	(6,386)	(2,110)	(1,931)	(5,861)	(4,276)	202.7%
Capital Works Program	(30,333)	(69,964)	(56,748)	(18,927)	39,631	(56.6%)
<b>Total Capital Expense</b>	<b>(36,719)</b>	<b>(72,074)</b>	<b>(58,680)</b>	<b>(24,788)</b>	<b>35,355</b>	<b>(49.1%)</b>
<b>Net Capital Income/(Expense)</b>	<b>(22,403)</b>	<b>(39,771)</b>	<b>(40,081)</b>	<b>(14,385)</b>	<b>17,368</b>	<b>(43.7%)</b>
Loan Repayment	(460)	(447)	(435)	(412)	(12)	2.8%
<b>Total Net Revenue/(Expense)</b>	<b>(839)</b>	<b>(25,586)</b>	<b>(23,518)</b>	<b>7,145</b>	<b>24,746</b>	<b>(96.7%)</b>
Reserve transfer (to)/from	839	25,590	23,517	(7,130)	(24,750)	(96.7%)
<b>Net Budget Surplus/(Deficit)</b>	<b>(0)</b>	<b>4</b>	<b>(0)</b>	<b>15</b>	<b>(4)</b>	<b>(100.0%)</b>

The following figures outlined where Council's income comes from and how Council allocate expenses:

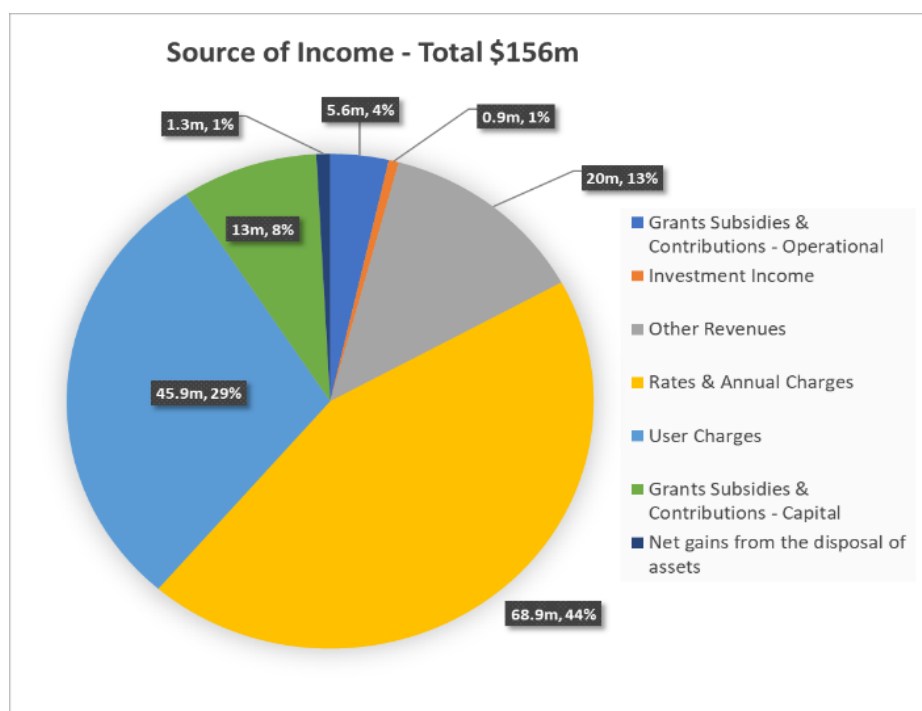


Figure 1. Sources of income

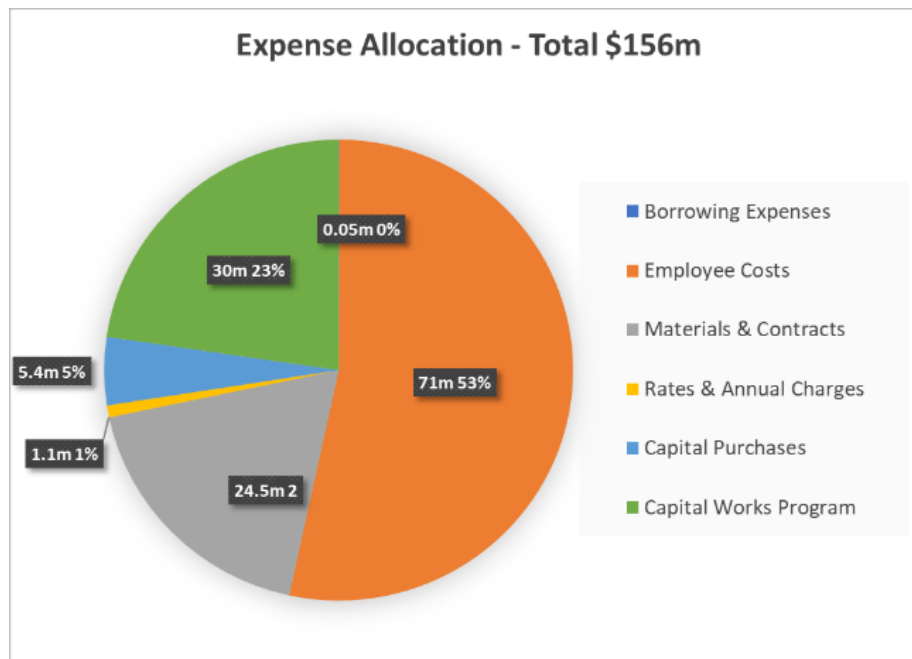


Figure 2. Expense allocations.

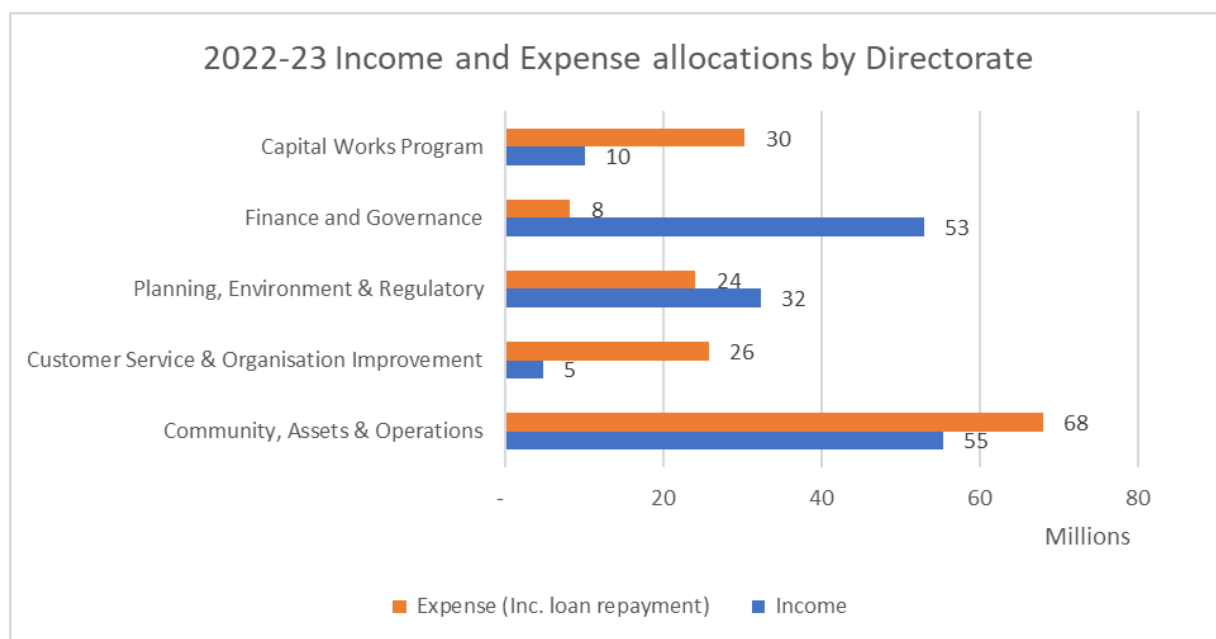
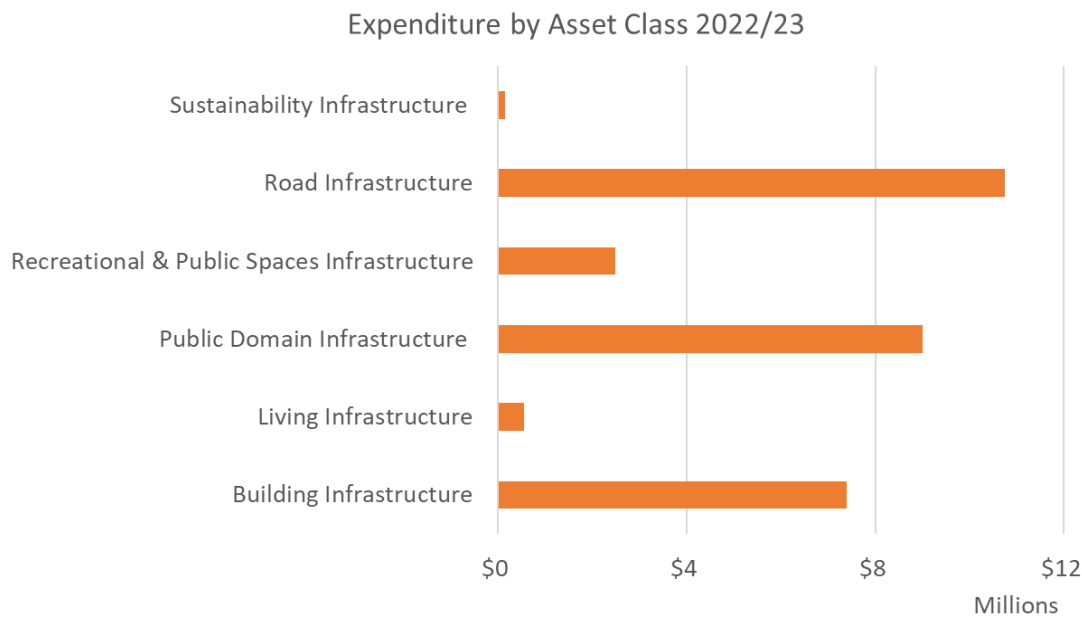
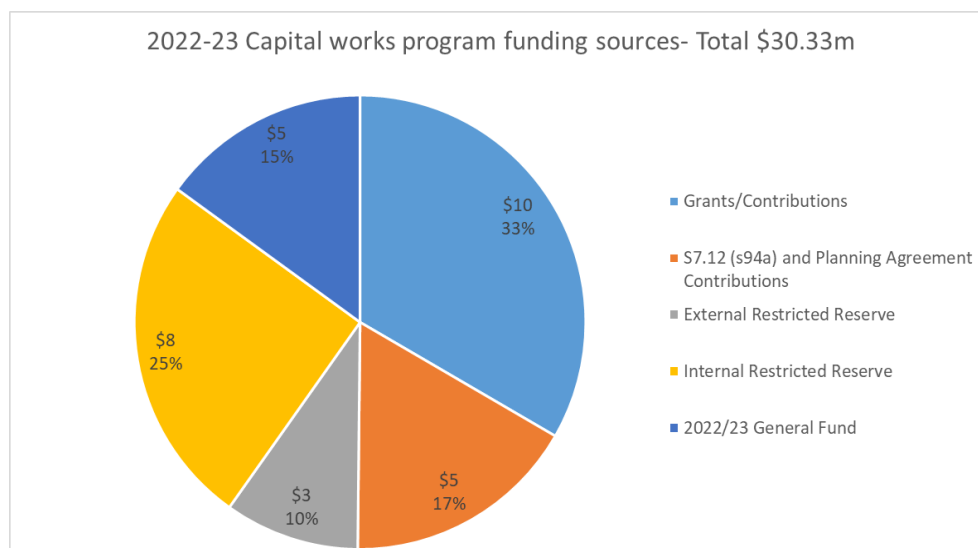


Figure 3. 2022-23 Income and expense allocations.

In the 2022–23 capital works program, officers propose to invest \$30.33 million in the renewal and enhanced upgrade of infrastructure assets. The following figures show where we invest the money in and how it will be funded. Refer to Attachment 3 (capital works program section) for detailed project and funding sources.



*Figure 4. Capital expenditure by asset class*



*Figure 5. Capital works program funding sources*

The 2022-23 budget income from operational and capital are estimated to be \$155.51 million, which will be applied to funding the \$156.31 million expenditure programs, with the remaining funding gap of \$0.8 million to be funded from the reserves fund. Refer to Attachment 3 for further detail of the 2022-23 budget.

The draft 2022-23 budget proposes the following:

- No new borrowing.
- Loan repayment (principal) of \$0.46 million.
- An outstanding loan balance as at 30 June 2023, is projected to be \$1.58 million.

In conclusion, the 2022-23 budget projects a total income to be \$155.51 million, and the total expense outlays, including loan repayment, are projected to be \$156.31 million. Funding of \$0.8 million is proposed to be drawn from reserves to fund the 2022-23 program. The operating surplus before depreciation is



forecasted at \$22.03 million, and the projected operating performance ratio of 0.02% meets the Fit for Future benchmark of greater than 0%. The budget has been developed to continue to implement the Community Strategic Plan and Delivery Program while assuming the negative impacts of COVID-19 will not be repeated in FY 2022–23. It provides for continued service delivery, capital program implementation and asset renewal to support and contribute to the economic recovery.

### **Special variation for 2.5% for 2022-23 to bring the rate cap in line with CPI**

In March 2022, the Minister for Local Government announced a review of the IPART determination of the rate increase for the 22/23 financial year. For Waverley Council, the rate increase was only 0.7%. The local government sector, still recovering from COVID impacts and significant natural disasters across the state, were expecting the usual 1.5% to 2.5% annual increase. These projections underpinned Council's long term financial plan and annual budgets as a funding source to ensure financial sustainability, meeting OLG financial performance benchmarks, and balancing budgets. They also were communicated through the consultation process of the annual budget and LTFP and widely expected to be implemented as part of Council's operational funding model. The impact of the rate peg determination would be catastrophic for many Councils unable to meet their OLG financial performance standards. For Waverley, the loss would have equated to around \$500,000.

Following advocacy from the local government sector and LGNSW, the Minister agreed to undertake a review of the determination (refer OLG circular 22-03 Guidelines for Additional Special Variation for 22-23). As an interim fix to assist Council's meet their budget requirements for 2022/23, the Minister announced that Council's would be able to apply for up to 2.5% Additional Special Variation (ASV) to rates to offset the negative financial impact on their 22/23 budgets from the error in the IPART rate determination.

The council rates for 2022-23 are calculated based on the proposed 2.5% Rate Cap application subject to IPART's approval. In December 2021, IPART handed down a historic low 0.7% baseline rate peg for FY2022-23, set a 0.8% rate peg for Waverley after incorporating a 0.1% population growth factor.

On 8 March, due to significant pressure, the OLG acknowledged the 0.7% was not aligned to the current CPI and announced that councils could apply up to 2.5%. In reaching this one-off decision the rate peg has failed to consider the surging inflation, soaring fuel, other commodity prices, and a mandated wage award increase for staff.

The application of ASV is to correct an error in December 2021 rate cap decision the only way to do this is under the act is highlighted in Refer to OLG's circular Attachment 5. The purpose of this application is to make CPI is applied to rates and our cost is a fair and equitable way.

To achieve the OLG's financial sustainability operating performance benchmark of 0%, we need to apply for the single-year permanent 2.5% ASV instead of the 0.8% rate peg. Waverley Council 2021 Long Term Financial Plan (LTFP) has projected that rates would increase with CPI. Council consulted with the community In 2021 (LTFP 5.3) which identified the CPI increase in rates is required to achieve a 0% Operating Performance Ratio. It is noted that CPI has now increased from 1.75% to 2.5%, Council relies on CPI to maintain the performance ratio of >0%.

The following table illustrates the budgetary impact of the rate peg (0.8%) and the ASV (2.5%) in 2022-23:

Table 2. Budgetary impact of the rate peg and ASV.

2022-23 Budget	Rate peg	ASV (CPI rate cap)	variance
<b>Council rates increase by</b>	<b>0.80%</b>	<b>2.50%</b>	<b>1.70%</b>
Operating result	-\$ 790,596.00	\$ 25,702.00	\$ 816,298.00
Operating performance ratio	-0.57%	0.02%	0.59%
Budget result	-\$ 816,298.00	\$ -	\$ 816,298.00

The 2.5% application approval will positively impact approximately \$9.85m over the LTFP 6 period to 2032-33, therefore contributing to the Council's longer-term financial sustainability. The council needs the single year permanent 2.5% ASV in order to restore the medium-term financials and meet the OLG operating performance ratio, as demonstrated in the following graph:

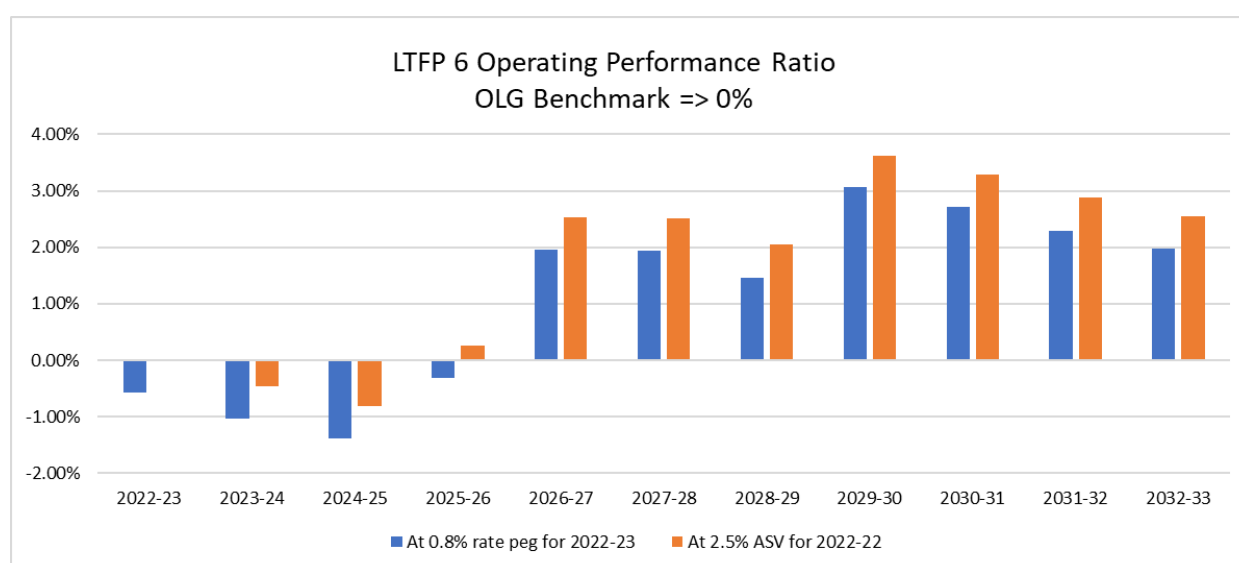


Figure 6. Long Term Financial Plan (LTFP 6) Operating Performance Ratio.

Without the 2.5% ASV, the Council has an average operating performance ratio of negative 1.36% over the next five years. It is well below OLG's benchmark of greater than 0%.

It recommends Council to apply for the single-year permanent 2.5% ASV application with IPART before the closing date of 29 April 2022.

### Pricing Policy, Fees and Charges (Attachment 4)

Fees and charges proposed on the draft pricing policy are to be commenced from 1 July 2022.

#### Council rates and annual Charges

- The council rates are proposed at 2.5% rate cap application subjects to IPART's approval.
- The Domestic Waste Service Annual Charge increases by \$6.4 (1.09%) to \$594.4 per service, in line with IPART's recommended benchmark of 1.1% increase
- The Stormwater Management Service Annual Charge remains unchanged as per legislation.

#### Fee sets by legislation or subsidiary legislation

Legislative Fees to be increased as per the legislative fee structure from 1 July 2022.

### *Non-legislative fees*

When considering the level of increases for non-legislative fee categories that range from free of charge to market price, council staff have considered the cost of service, rising inflation, the recommended IPART rate peg and domestic waste charge benchmark increases, Employment Award increases and supporting community in COVID-19 recovery.

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

Council is forecasting a balanced budget in 2022–23, subject to approval of ASV, in supporting the current services level and council's key strategic priorities. The activities and capital works projects in the Operational Plan is funded with a balanced budget.

### **Time frame**

- Council meeting – 12 April 2022.
  - Council endorses the Integrated Planning and Reporting suite of documents for purposes of public exhibition.
- Public exhibition – Exhibition dates: 20 April 2022 to 18 May 2022.
  - The Integrated Planning and Reporting suite of documents is placed on public exhibition for a period of at least 28 days, as per statutory requirement.
- Council meeting – 21 June 2022.
  - Council adopts the Integrated Planning and Reporting suite of documents as required under the Integrated Planning and Reporting framework.

## **6. Conclusion**

Before adopting the Delivery Program and Operational Plan, Council must place these documents on public exhibition for a statutory period of 28 days. This report is seeking Council approval to place the draft Delivery Program 2022-2026 (Waverley 2026) and draft Operational Plan 2022-2023 (Waverley 2023) including the budget, Statement of Revenue Policy and the proposed Pricing Policy, Fees and Charges 2022-2023 on public exhibition. The submission period is likely to close on 18 May 2022.

Once the submission date is closed a further report will be presented to the Council incorporating any public comment at its meeting in June 2022 where Council will be required to adopt the final plans. These documents will become effective on 1 July 2022.

## **7. Attachments**

1. Draft Delivery Program 2022-2026 (Waverley 2026) (under separate cover)
2. Draft Operational Plan 2022-2023 (Waverley 2023) (under separate cover)
3. Draft 2022-23 Budget (under separate cover)
4. Draft Pricing Policy, Fees and Charges 2022-2023 (under separate cover)
5. OLG Guidelines for Additional Special Variation (ASV) process for 2022-23 (under separate cover) .

**REPORT**  
**CM/7.5/22.04**

**Subject:** Delegations Review

**TRIM No:** SF21/6084

**Author:** Richard Coelho, Executive Manager, Governance and Risk

**Director:** Richard Sheridan, Interim Director, Finance and Governance

---

**RECOMMENDATION:**

That Council makes no changes to its delegations to:

1. The General Manager attached to the report (Attachment 1).
2. The Finance, Operations and Community Services Committee attached to the report (Attachment 2).
3. The Strategic Planning and Development Committee attached to the report (Attachment 3).

**1. Executive Summary**

In accordance with s 380 of the *Local Government Act 1993*, Council must review its delegations during the first 12 months of each term of office. This report recommends that no changes are made to the delegations to the General Manager, the Finance, Operations and Community Services Committee and the Strategic Planning and Development Committee.

**2. Introduction/Background**

In accordance with section 377 of the *Local Government Act 1993*, the elected Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of Council) any of the functions of Council under the *Local Government Act 1993* or any other Act, other than the following:

- (a) The appointment of a general manager.
- (b) The making of a rate.
- (c) A determination under section 549 as to the levying of a rate.
- (d) The making of a charge.
- (e) The fixing of a fee
- (f) The borrowing of money.
- (g) The voting of money for expenditure on its works, services or operations.
- (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
- (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
- (j) The adoption of an operational plan under section 405.
- (k) The adoption of a financial statement included in an annual financial report.
- (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
- (m) The fixing of an amount or rate for the carrying out by the council of work on private land.

- (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
- (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
- (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
- (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
- (s) The making of an application, or the giving of a notice, to the Governor or Minister.
- (t) This power of delegation.
- (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.

Council has delegated functions to the General Manager and to its two Standing Committees: the Finance, Operations and Community Services Committee and the Strategic Planning and Development Committee.

Section 380 of the *Local Government Act 1993* states that 'Each council must review all its delegations during the first 12 months of each term of office.'

Under s 378 of the *Local Government Act 1993*, the General Manager 'may delegate any of the functions of the general manager, other than this power of delegation.' The General Manager sub-delegates a range of functions to staff. These sub-delegations are regularly reviewed by the General Manager. They are not reviewable by the elected Council.

Council also has a number of advisory committees. These committees have no delegations, cannot make decisions on behalf of Council and are therefore not considered in this report.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 March 2022	CM/7.2/22.03	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Makes no changes to the membership, delegations, order of business and meeting schedule of the Finance, Operations and Community Services Committee.</li> <li>2. Notes that the Finance, Operations and Community Services Committee will consider additional finance matters within its delegations, including but not limited to: <ol style="list-style-type: none"> <li>(a) Financial sustainability.</li> <li>(b) Strategic financial reviews.</li> <li>(b) Financial performance.</li> <li>(d) Progress updates on operational and capital projects and spend against budget.</li> <li>(e) External audit.</li> </ol> </li> </ol>

		(f) Policy and changes to Office of Local Government codes.
Council 15 February 2022	CM/7.3/22.02	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes that at its extraordinary meeting on 1 June 2021, Council delegated/sub-delegated to the General Manager, Emily Scott, the functions in accordance with the instrument of delegation to the General Manager also dated 1 June 2021.</li> <li>Appoints Richard Sheridan to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>Notes that when acting as General Manager pursuant to this resolution, Richard Sheridan has all the functions, delegations and sub-delegations given to the General Manager by Council.</li> </ol>
Extraordinary Council 1 June 2021	CM/4.1/21.06E	<p>That:</p> <ol style="list-style-type: none"> <li> <p>Council delegates/sub-delegates to the General Manager the functions in accordance with the Instrument of Delegation to the General Manager attached to the report, subject to the following amendments:</p> <p>(a) The limitation in Part A of Schedule 1 relating to the <i>Local Government Act 1993</i>, s 377(1)(i), being amended to read as follows:</p> <p>‘Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:</p> <ul style="list-style-type: none"> <li>\$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Council or Committee meeting of the following year); and</li> <li>\$500,000 for the rest of the year.</li> </ul> <p>This function cannot be sub-delegated by the General Manager.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.’</p> <p>(b) The limitation in Part B of Schedule 1 relating to</p> </li> </ol>

		<p>procurement exemptions being amended to read as follows:</p> <p>‘Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.’</p> <ol style="list-style-type: none"> <li>2. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.</li> <li>3. John Clark be appointed to act as the General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>4. Should John Clark be unable or unwilling to act as General Manager at any time, Karen Mobbs be appointed to act as the General Manager if the General manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>5. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by Council.</li> <li>6. The General Manager reports to Councillors monthly by email on tenders accepted under delegation and any procurement exemptions approved.</li> </ol>
Council 10 October 2017	CM/7.2/17.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Revokes all previous delegations to the Operations Committee.</li> <li>2. Delegates to the Operations and Community Services Committee the functions listed in Attachment 1 to this report.</li> <li>3. Delegates to the Strategic Planning and Development Committee the functions listed in Attachment 2 to this report.</li> <li>4. Authorises the Mayor to execute the instruments of delegation for each committee.</li> <li>5. Holds the Operations and Community Services</li> </ol>

		<p>Committee on the first Tuesday of each month (except January) at 7.00 pm and the Strategic Planning and Development Committee on the first Tuesday of each month (except January) at 7.30 pm.</p> <p>6. Amends the starting time for Council meetings to 7.00 pm.</p> <p>7. Adopts the Order of Business for the Operations and Community Services Committee and the Strategic Planning and Development Committee as set out in Attachment 3 to this report.</p>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### 4. Discussion

##### General Manager

The General Manager's delegations were last reviewed in June 2021 following the appointment of Emily Scott as General Manager in May 2021; see Attachment 1. The current delegations are working well, and therefore no changes are recommended. However, Council may wish to consider increasing the procurement exemption to up to \$250,000 to align with the tender threshold.

##### Finance, Operations and Community Services Committee

In October 2017, Council delegated to the Operations and Community Services Committee the authority to determine all functions of Council under the *Local Government Act 1993* or any other Act other than:

- The functions contained in s 377(1) of the *Local Government Act 1993*, which are not delegable.
- The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

In February 2022, Council changed the name of the Committee to the Finance, Operations and Community Services Committee. In March 2022, Council reviewed the Committee's delegations and made no changes. As previously noted, broad delegations enable full decision-making (with some exceptions) and are suitable where all Councillors are committee members. It is therefore recommended that Council makes no changes to the Committee's delegations.

##### Strategic Planning and Development Committee

In October 2017, Council delegated to the Strategic Planning and Development Committee the authority to determine all functions of Council under the *Local Government Act 1993* or any other Act other than:

- The functions contained in s 377(1) of the *Local Government Act 1993*, which are not delegable.
- The acceptance of tenders.
- The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

Like the Finance, Operations and Community Services Committee, the Strategic Planning and Development Committee has broad delegations, allowing it to consider a full range of strategic planning matters. No changes are therefore required or recommended.



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

### **Financial impact statement**

There are no financial impacts associated with reviewing Council's delegations.

### **Time frame**

Council is required to review its delegations during the first 12 months of each term of office. The last local government elections were held on 4 December 2021.

### **Consultation**

Council's Executive Leadership Team have been consulted on the General Manager's delegations. The delegations of the Finance, Operations and Community Services Committee were previously considered at the Council meeting on 15 March 2022.

## **6. Conclusion**

Council is required to review its delegations within 12 months of each term of office. This report satisfies this requirement and recommends that no changes are made to the delegations of the General Manager and Council's Standing Committees.

## **7. Attachments**

1. Delegations to General Manager - June 2021 [↓](#)
2. Delegations to Finance, Operations and Community Services Committee - October 2017 [↓](#)
3. Delegations to Strategic Planning and Development Committee - October 2017 [↓](#) .

## MINUTE EXTRACT

---

**Subject:** General Manager's Delegations  
**Item Number:** CM/4.1/21.06  
**Meeting Date:** 1/06/21

---

*The Executive Manager, Governance and Risk, advised that the report, in error, stated that the most recent Instrument of Delegation had financial limitations on the authority to accept tenders. The Instrument did not contain these limitations.*

### MOTION / DECISION

Mover: Cr Masselos  
Seconder: Cr Lewis

That:

1. Council delegates/sub-delegates to the General Manager the functions in accordance with the Instrument of Delegation to the General Manager attached to the report, subject to the following amendments:
  - (a) The limitation in Part A of Schedule 1 relating to the *Local Government Act 1993*, s 377(1)(i), being amended to read as follows:

‘Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:

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

This function cannot be sub-delegated by the General Manager.

The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.’
  - (b) The limitation in Part B of Schedule 1 relating to procurement exemptions being amended to read as follows:

‘Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.

The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.’
2. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.
3. John Clark be appointed to act as the General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
4. Should John Clark be unable or unwilling to act as General Manager at any time, Karen Mobbs be appointed to act as the General Manager if the General manager is sick or otherwise absent from work on leave or

business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.

5. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by Council.
6. The General Manager reports to Councillors monthly by email on tenders accepted under delegation and any procurement exemptions approved.

# Waverley Council

## Instrument of Delegation to

### General Manager



On Tuesday, 1 June 2021 the Waverley Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
  - a. **Subject to** any condition or limitation on a Function specified in Schedule 1; and
  - b. **Excluding** those Functions:
    - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
    - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, excluding those functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be delegated any function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
5. In the absence of the General Manager that a person/persons appointed to act as General Manager by resolution of Council on 1 July 2021 assume all functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
6. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. the requirements of the relevant Legislation;
  - b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
7. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
8. In this delegation:
  - "**Functions**" means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
  - "**Legislation**" means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
  - "**LG Act**" means the *Local Government Act 1993* as amended.

## Schedule 1: Limitations

<b>Part A – Limitations applicable to specific statutory Function (if any)</b>	
<i>Environmental Planning and Assessment Act 1979</i>	All functions delegated to the Waverley Local Planning Panel (WLPP) under Local Planning Panels Direction – Development Applications dated 23 February 2018 and Local Planning Panels Direction – Planning Proposals dated 27 September 2018 and any subsequent Direction.
<i>Local Government Act 1993, s377(1)(i)</i>	<p>Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:</p> <ul style="list-style-type: none"> <li>• \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Council or Committee meeting of the following year); and</li> <li>• \$500,000 for the rest of the year.</li> </ul> <p>This function cannot be sub-delegated by the General Manager.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.</p>
<b>Part B - General Limitations</b>	
<i>Asset Disposal</i>	<p><b>Asset Disposal</b></p> <p>Authority to approve the disposal of assets up to the value of \$1,000,000 in accordance with Council's Asset Disposal Policy and Asset Disposal Procedure.</p> <p>Approval must not be given without consideration of a recommendation from the Director of the relevant business area.</p> <p>This authorisation does not apply to the disposal of real property, civil fixed assets and financial investments.</p>
<i>Debt Write Off</i>	<p><b>Debt write off</b></p> <p>Authority to write off debts up to the value of \$2500 (including GST) without a resolution of Council in accordance with clause 213(2) of the Local Government Regulation 2005 and Council resolution CM 7.5/17.07.</p>
<i>Rates and Charges Write Off</i>	<p><b>Rates and charges write off</b></p> <p>Authority to write off rates and charges up to the value of \$100 without a resolution of Council in accordance with clause 131(1) of the Local Government Regulation 2005 and Council resolution CM 7.6/17.07.</p>
<i>Procurement</i>	<p><b>Procurement Exemption</b></p> <p>Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.</p>

## Schedule 2: Instruments of Delegation to Council


Delegator	Instrument Name	Date Of Instrument
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
NSW Food Authority	Instrument of appointment of a Category B enforcement agency	Tuesday, 1 July 2008

Pursuant to a resolution of Council at its meeting of Tuesday, 1 June 2021.

 <hr/> <p>Councillor Masselos Mayor Date: 2/6/21 Review date: 30 June 2022</p>		 <hr/> <p>Councillor Keenan Deputy Mayor Date: 2/6/21</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------

## General Manager's acknowledgement of Delegations of Authority

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


---

Emily Scott  
General Manager of Waverley Council  
Date: 2/6/21

## Delegations of the Finance, Operations and Community Services Committee

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

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

## Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development Committee the authority to determine any matter **other than**:

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



## REPORT

### CM/7.6/22.04



**Subject:** Investment Portfolio Report - March 2022

**TRIM No:** A03/2211

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

**Director:** Richard Sheridan, Interim Director, Finance and Governance

#### RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for March 2022 attached to the report.
2. Notes that the Interim 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 the month of March 2022, Council's investment portfolio generated \$86,007 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 73.78% (\$633,511) of the current approved budget forecast of \$858,678.

#### 2. Introduction/Background

Clause 212 of the *Local Government (General) Regulation 2021* 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%
November	858,687	52,572	357,156	41.59%
December	858,687	77,035	434,191	50.56%
January	858,687	63,493	497,684	57.96%
February	858,687	49,821	547,505	63.76%
March	858,687	86,007	633,511	73.78%

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 March 2022	CM/7.5/22.03	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the Investment Summary Report for February 2022 attached to the report.</li> <li>2. Notes that the Interim 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.</li> </ol>

### 4. Discussion

As at 31 March 2022, Council's cash investment portfolio for the financial year, generated interest earnings of \$633,511 representing 73.78% of the current approved budget of \$858,687.

Council's investment portfolio posted a marked-to-market decline of -1.84% pa for the month of March against the bank bill index benchmark return of 0.04% pa.

Without marked-to-market influences, Council's investment portfolio yielded 0.60% 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 0.55% pa (0.59% vs 0.04% pa).

During March, Council's investment portfolio had \$12m in a series of 12 and 24 month term deposits mature with a weighted average rate of 0.58%pa. Council invested \$14m across a series of 12 and 24 month Westpac Green and Suncorp (non-FF) TDs paying a weighted average of 1.30%pa, indicative of the rising interest rate environment over the past several months.

The NSW TCorpIM LT Growth Fund recorded a small negative marked-to-market return in March, -0.04% (actual), driven by the fall in bond prices as inflation fears drive interest rates higher. The rising interest rate environment also impacted Council's directly held FRN's marked-to-market valuations

As at 31 March 2022, Council's investment portfolio has a current market value of \$140,736,673 which represents a loss of \$174,090 on the \$140,910,762 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	\$8,338,885	\$8,338,885
Floating Rate Note	\$33,250,000	\$32,903,171
Floating Rate Term Deposits	\$2,500,000	\$2,503,551
Managed Funds	\$15,821,877	\$15,821,877
Term Deposit	\$81,000,000	\$81,169,188
<b>Total</b>	<b>\$140,910,762</b>	<b>\$140,736,673</b>

### Analysis

Attached to this report are the summaries of the investment portfolio for the month of March. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

For the past 12 months, the investment portfolio has returned 0.59% pa, exceeding the bank bill index benchmark's 0.04% pa by 0.55% pa as shown in the table below:

*Table 3. Portfolio return.*

Month	Portfolio Return %	Ausbond BB Index %	Variance %
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
Nov-21	1.72	0.07	1.65
Dec-21	1.79	0.04	1.75
Jan-22	-1.50	0.06	-1.56
Feb-22	-2.87	0.07	-2.94
Mar-22	-1.84	0.04	-1.88
<b>Average % return Over the last 12 months</b>	<b>0.59</b>	<b>0.04</b>	<b>0.55</b>

Council has a well-diversified portfolio invested among a range of term deposits, floating rate bonds from highly rated Australian 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 March 2022, 63.7% 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 25.1% of the portfolio. The remaining 11.2% is invested with TCorp.

As of March 1, ME Bank came under Bank of Queensland's banking licence. Therefore, this month's report shows both banks' exposures under the BOQ limits and in the fossil fuel bank category. As at 31<sup>st</sup> of March Council holds \$22.5 mil with the ME Bank (earlier), which are now classified as a fossil fuel investment.

Over the period of 46 months, from June 2018 to March 2022, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 25.1%, as displayed in Figure 1 below.

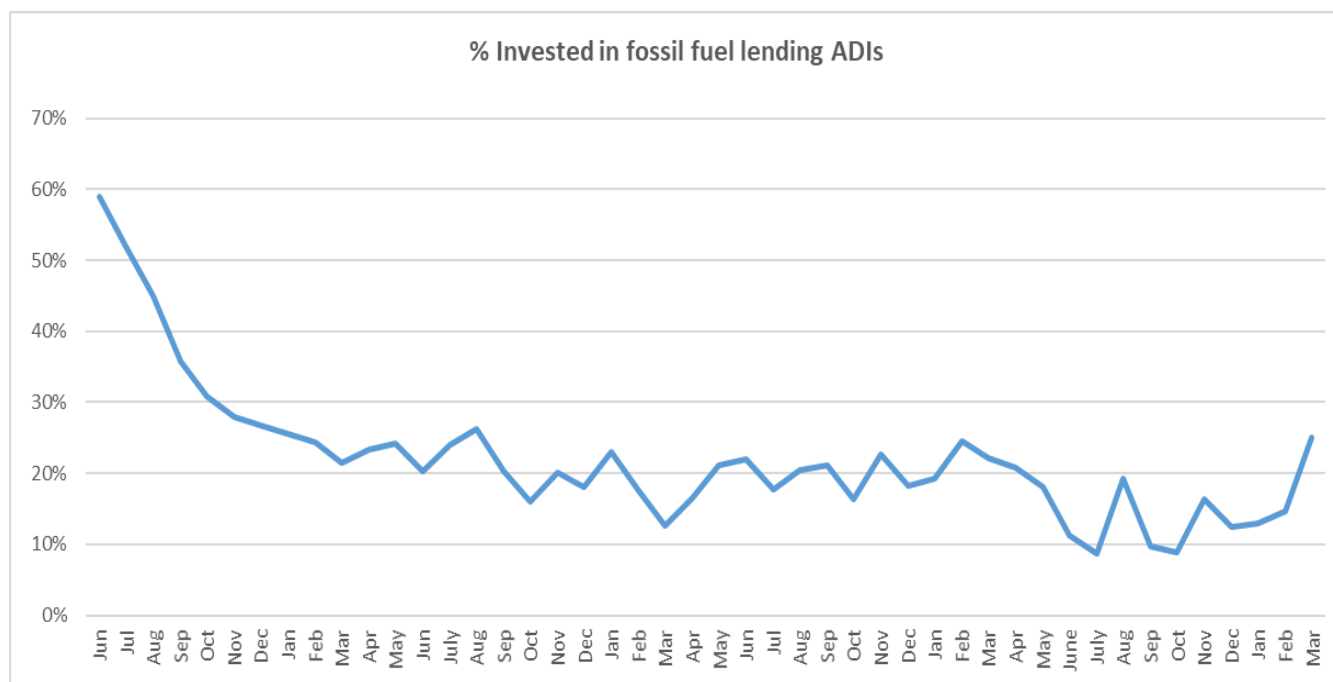


Figure 1. Investments in fossil-fuel-lending ADIs.

The following table compares rates on offer during March 2022 between the non-fossil/green investments and the fossil fuel ADI.

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

Date	Amount	Term (months)	Non-Fossil/Green Deposit Rates	Fossil Fuel ADI Deposit Rates
09-Mar-22	2,500,000	12	1.03%	1.11%
09-Mar-22	2,000,000	12	1.03%	1.11%
09-Mar-22	2,500,000	12.5	1.03%	1.11%
09-Mar-22	4,000,000	24	1.83%	1.88%
22-Mar-22	3,000,000	12	1.23%	1.30%

When excluding the working capital funds held in the CBA bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 67.70% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 20.37% of the portfolio. The remaining 11.93% is invested with TCorp as displayed in Figure 2 below.

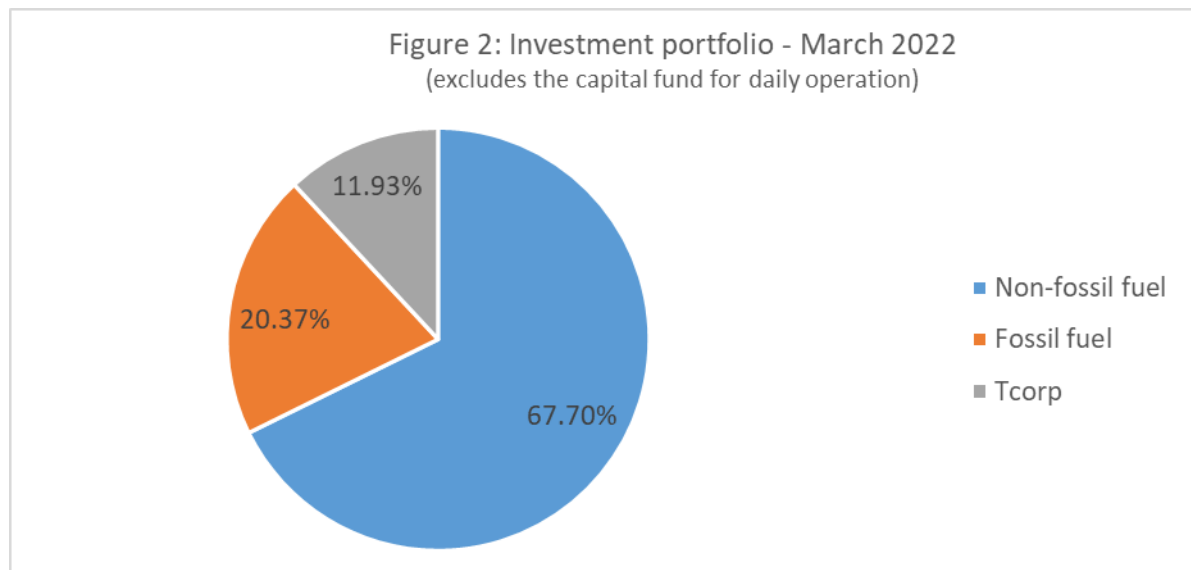


Figure 2. Investment portfolio – March 2022.

## 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 \$633,511 for the year to date, representing 73.78% of the current approved budget forecast of \$858,678.

## 7. Attachments

1. Investment Summary Report - March 22 [↓](#) .



## Investment Summary Report March 2022

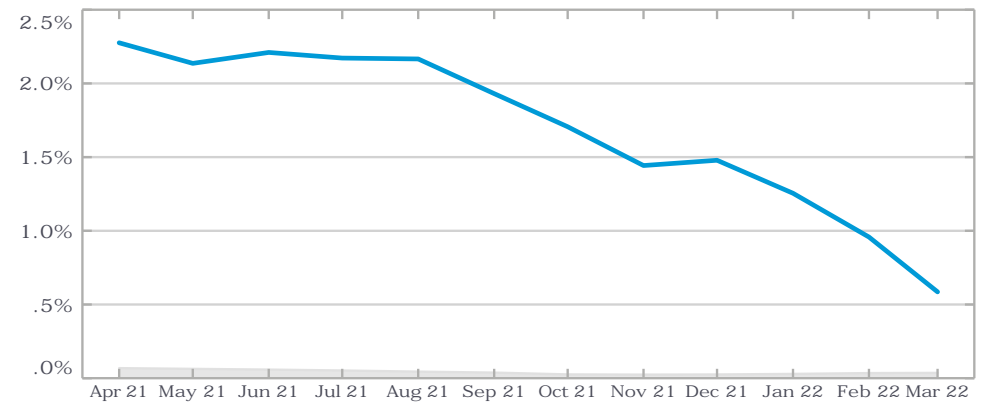
# Waverley Council Executive Summary - March 2022



## Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	8,338,885.00	8,338,885.00
Floating Rate Note	33,250,000.00	32,903,170.62
Floating Rate Term Deposits	2,500,000.00	2,503,551.34
Managed Funds	15,821,877.07	15,821,877.07
Term Deposit	81,000,000.00	81,169,188.48
	140,910,762.07	140,736,672.51

## Investment Performance

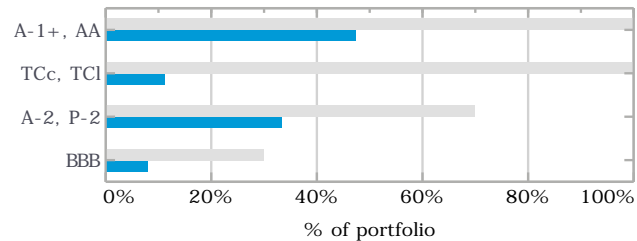


Portfolio Rolling 12 month return

AusBond BB Index Rolling 12 month Return

## Investment Policy Compliance

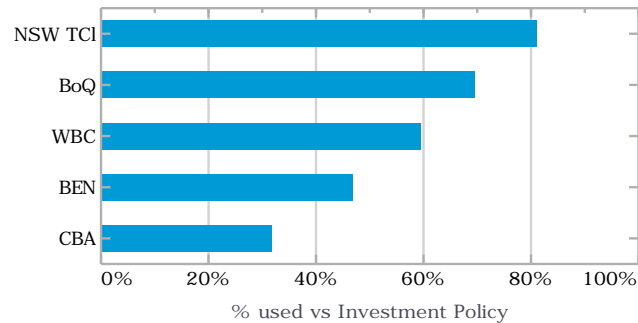
### Total Credit Exposure



Portfolio Exposure

Investment Policy Limit

### Highest Individual Exposures



### Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	106,110,762	75% 100%
Between 1 and 3 Years	14,500,000	10% 50%
Between 3 and 10 Years	20,300,000	14% 30%
	140,910,762	

# Waverley Council Investment Holdings Report - March 2022



Cash Accounts							
Face Value (\$)	Rate (% pa)	Institution	Credit Rating		Current Value (\$)	Deal No.	Reference
7,348,696.02	0.2000%	Commonwealth Bank of Australia	A-1+		7,348,696.02	120789	24hr Call
290,038.60	0.0000%	Commonwealth Bank of Australia	A-1+		290,038.60	120794	General Funds
80,694.54	0.0000%	Commonwealth Bank of Australia	A-1+		80,694.54	120795	Trust Funds
21,260.00	0.0000%	Commonwealth Bank of Australia	A-1+		21,260.00	120796	Cemetery Funds
34,521.46	0.0000%	Commonwealth Bank of Australia	A-1+		34,521.46	120797	Depositor Funds
519,506.92	0.0000%	Commonwealth Bank of Australia	A-1+		519,506.92	120799	Library CP
3,334.20	0.0000%	Commonwealth Bank of Australia	A-1+		3,334.20	120800	Eastgate CP
3,258.91	0.0000%	Commonwealth Bank of Australia	A-1+		3,258.91	120801	Hollywood Av CP
37,574.35	0.0000%	Commonwealth Bank of Australia	A-1+		37,574.35	370151	Library Gift
8,338,885.00	0.1763%				8,338,885.00		

Managed Funds							
Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,184,033.51	-0.3002%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,184,033.51	411310	Builder Deposits
2,210,352.37	-0.0685%	NSW T-Corp (Cash)	TCc	Cash Fund	2,210,352.37	505262	
11,427,491.19	-0.4188%	NSW T-Corp (LT)	TCl	Long Term Growth Fund	11,427,491.19	538089	
15,821,877.07					15,821,877.07		

Term Deposits										
Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
19-Apr-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	16-Aug-21	3,009,369.86	541746	9,369.86	At Maturity
3-May-22	2,500,000.00	0.5000%	ME Bank	A-2	2,500,000.00	28-Apr-21	2,511,575.34	541290	11,575.34	At Maturity
10-May-22	1,500,000.00	0.5000%	ME Bank	A-2	1,500,000.00	18-May-21	1,506,534.25	541347	6,534.25	At Maturity
24-May-22	1,500,000.00	0.5000%	ME Bank	A-2	1,500,000.00	18-May-21	1,506,534.25	541348	6,534.25	At Maturity
7-Jun-22	1,500,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	1,500,000.00	9-Sep-21	1,502,515.07	541886	2,515.07	At Maturity
14-Jun-22	4,000,000.00	0.5500%	ME Bank	A-2	4,000,000.00	16-Jun-21	4,017,419.18	541541	17,419.18	At Maturity



# Waverley Council Investment Holdings Report - March 2022



Term Deposits											
Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
21-Jun-22	1,500,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	1,500,000.00	9-Sep-21	1,502,515.07	541887	2,515.07	At Maturity	
28-Jun-22	3,000,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	7-Sep-21	3,005,079.45	541865	5,079.45	At Maturity	
12-Jul-22	3,000,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	13-Sep-21	3,004,931.51	541896	4,931.51	At Maturity	
19-Jul-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	20-Jul-21	3,010,479.45	541669	10,479.45	At Maturity	
2-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,009,616.44	541733	9,616.44	At Maturity	
9-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,009,616.44	541734	9,616.44	At Maturity	
16-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,009,616.44	541735	9,616.44	At Maturity	
23-Aug-22	2,500,000.00	0.3000%	Commonwealth Bank of Australia	A-1+	2,500,000.00	24-Aug-21	2,504,520.55	541770	4,520.55	At Maturity	Green
26-Aug-22	5,000,000.00	0.3500%	Suncorp Bank	A-1+	5,000,000.00	26-Aug-21	5,010,452.05	541782	10,452.05	At Maturity	
2-Sep-22	2,000,000.00	0.3100%	Commonwealth Bank of Australia	A-1+	2,000,000.00	3-Sep-21	2,003,567.12	541834	3,567.12	At Maturity	Green
13-Sep-22	2,000,000.00	0.3800%	Great Southern Bank	A-2	2,000,000.00	14-Sep-21	2,004,143.56	541899	4,143.56	At Maturity	
8-Nov-22	2,000,000.00	0.8000%	Auswide Bank	P-2	2,000,000.00	3-Nov-20	2,006,531.51	540548	6,531.51	Annually	
15-Nov-22	3,000,000.00	0.5400%	Westpac Group	A-1+	3,000,000.00	18-Nov-21	3,001,864.11	542104	1,864.11	Quarterly	Green
22-Nov-22	3,000,000.00	0.5600%	Westpac Group	A-1+	3,000,000.00	22-Nov-21	3,001,749.04	542108	1,749.04	Quarterly	Green
13-Dec-22	3,000,000.00	0.6900%	Westpac Group	A-1+	3,000,000.00	17-Dec-21	3,000,850.68	542207	850.68	Quarterly	Green
10-Jan-23	3,000,000.00	0.7500%	Westpac Group	A-1+	3,000,000.00	17-Jan-22	3,004,561.64	542247	4,561.64	Quarterly	Green
7-Feb-23	2,000,000.00	0.8800%	Westpac Group	A-1+	2,000,000.00	9-Feb-22	2,002,459.18	542326	2,459.18	Quarterly	Green
14-Feb-23	2,000,000.00	0.8800%	Westpac Group	A-1+	2,000,000.00	9-Feb-22	2,002,459.18	542327	2,459.18	Quarterly	Green
7-Mar-23	2,500,000.00	1.0300%	Westpac Group	A-1+	2,500,000.00	9-Mar-22	2,501,622.60	542421	1,622.60	Quarterly	Green
14-Mar-23	2,000,000.00	1.0300%	Westpac Group	A-1+	2,000,000.00	9-Mar-22	2,001,298.08	542422	1,298.08	Quarterly	Green
21-Mar-23	2,500,000.00	1.0300%	Westpac Group	A-1+	2,500,000.00	9-Mar-22	2,501,622.60	542423	1,622.60	Quarterly	Green
4-Apr-23	3,000,000.00	1.2300%	Suncorp Bank	AA-	3,000,000.00	22-Mar-22	3,001,010.96	542468	1,010.96	Annually	
20-Feb-24	2,000,000.00	1.5800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,004,415.34	542328	4,415.34	Quarterly	Green
5-Mar-24	4,000,000.00	1.8300%	Westpac Group	AA-	4,000,000.00	9-Mar-22	4,004,612.60	542424	4,612.60	Quarterly	Green
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,005,644.93	542329	5,644.93	Quarterly	Green
81,000,000.00		0.7060%			81,000,000.00		81,169,188.48		169,188.48		

# Waverley Council Investment Holdings Report - March 2022



## 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-May-22	2,500,000.00	1.1784%	Westpac Group 3moBBSW+ 1.10%	AA-	2,500,000.00	16-May-17	2,503,551.34	535241	3,551.34	16-May-22	
	2,500,000.00	1.1784%			2,500,000.00		2,503,551.34		3,551.34		

## 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	0.9750%	TMB Snr FRN (Oct22) BBSW+0.90%	A-2	2,400,000.00	28-Oct-19	2,408,814.90	538616	4,038.90	28-Apr-22	
2-Dec-22	3,000,000.00	0.9850%	BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	A-2	3,000,000.00	2-Dec-19	3,012,628.77	538825	2,428.77	2-Jun-22	
25-Jan-23	1,250,000.00	1.1150%	BEN Snr FRN (Jan23) BBSW+1.05%	A-2	1,250,000.00	25-Jan-18	1,258,345.21	536145	2,520.21	26-Apr-22	
6-Feb-23	1,100,000.00	1.4700%	NPBS Snr FRN (Feb23) BBSW+1.40%	A-2	1,100,000.00	6-Feb-18	1,109,574.97	536174	2,347.97	6-May-22	
21-Feb-23	1,700,000.00	0.9750%	GSB Snr FRN (Feb23) BBSW+0.90%	A-2	1,700,000.00	21-Feb-20	1,707,336.75	539454	1,771.03	23-May-22	
30-Jul-24	2,500,000.00	0.8550%	SUN Snr FRN (Jul24) BBSW+0.78%	AA-	2,500,000.00	30-Jul-19	2,507,863.70	538331	3,513.70	29-Apr-22	
24-Oct-24	1,000,000.00	1.1850%	GSB Snr FRN (Oct24) BBSW+1.12%	BBB	1,000,000.00	24-Oct-19	1,008,375.21	538604	2,175.21	26-Apr-22	
2-Dec-25	2,250,000.00	0.6050%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,205,668.84	540603	1,118.84	2-Jun-22	
24-Feb-26	1,300,000.00	0.5250%	SUN Snr FRN (Feb26) BBSW+0.45%	AA-	1,300,000.00	24-Feb-21	1,276,792.15	540958	673.15	24-May-22	
4-Mar-26	4,000,000.00	0.7483%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	4,000,000.00	4-Mar-21	3,925,376.15	540983	2,296.15	6-Jun-22	
18-Jun-26	4,000,000.00	0.8228%	BEN Snr FRN (Jun26) BBSW+0.65%	BBB+	4,000,000.00	11-Jun-21	3,920,902.38	541523	1,262.38	20-Jun-22	
15-Sep-26	3,750,000.00	0.6345%	SUN Snr FRN (Sep26) BBSW+0.48%	AA-	3,750,000.00	9-Sep-21	3,671,195.70	541877	1,108.20	15-Jun-22	
23-Dec-26	5,000,000.00	0.6050%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	21-Sep-21	4,890,295.89	541916	745.89	23-Jun-22	
	33,250,000.00	0.8126%			33,250,000.00		32,903,170.62		26,000.40		

# Waverley Council

## Accrued Interest Report - March 2022



### 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			28-Oct-19	28-Oct-22	0.00	31	1,987.39	.97%
BOz 'SRI' Snr FRN (Dec22) BBSW+ 0.90%	538825			02-Dec-19	02-Dec-22	7,090.27	31	2,507.55	.98%
BEN Snr FRN (Jan23) BBSW+ 1.05%	536145			25-Jan-18	25-Jan-23	0.00	31	1,183.74	1.12%
NPBS Snr FRN (Feb23) BBSW+ 1.40%	536174			06-Feb-18	06-Feb-23	0.00	31	1,373.34	1.47%
GSB Snr FRN (Feb23) BBSW+ 0.90%	539454			21-Feb-20	21-Feb-23	0.00	31	1,407.74	.98%
SUN Snr FRN (Jul24) BBSW+ 0.78%	538331			30-Jul-19	30-Jul-24	0.00	31	1,815.41	.85%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604			24-Oct-19	24-Oct-24	0.00	31	1,006.44	1.19%
BEN Snr FRN (Dec25) BBSW+ 0.52%	540603			02-Dec-20	02-Dec-25	3,209.49	31	1,154.50	.60%
SUN Snr FRN (Feb26) BBSW+ 0.45%	540958			24-Feb-21	24-Feb-26	0.00	31	579.66	.53%
NPBS Snr FRN (Mar26) BBSW+ 0.63%	540983			04-Mar-21	04-Mar-26	6,606.03	31	2,521.36	.74%
BEN Snr FRN (Jun26) BBSW+ 0.65%	541523			18-Jun-21	18-Jun-26	6,895.34	31	2,594.43	.76%
SUN Snr FRN (Sep26) BBSW+ 0.48%	541877			15-Sep-21	15-Sep-26	5,012.57	31	1,887.93	.59%
CBA Green Snr FRN (Dec26) BBSW+ 0.41%	541916			23-Sep-21	23-Dec-26	5,821.64	31	2,168.56	.51%
Floating Rate Note Total						34,635.34		22,188.05	.79%
<u>Floating Rate Term Deposits</u>									
Westpac Group	535241			16-May-17	16-May-22	0.00	31	2,502.08	1.18%
Floating Rate Term Deposits Total						0.00		2,502.08	1.18%
<u>Managed Funds</u>									
Short Term Income Fund	411310	Builder Deposits		01-Dec-15		0.00	31	-6,576.78	-3.48%
Cash Fund	505262			30-Jul-15		0.00	31	-1,514.08	-.80%
Managed Funds Total						0.00		-8,090.86	-2.14%
<u>Term Deposit</u>									

Waverley Council  
Accrued Interest Report - March 2022



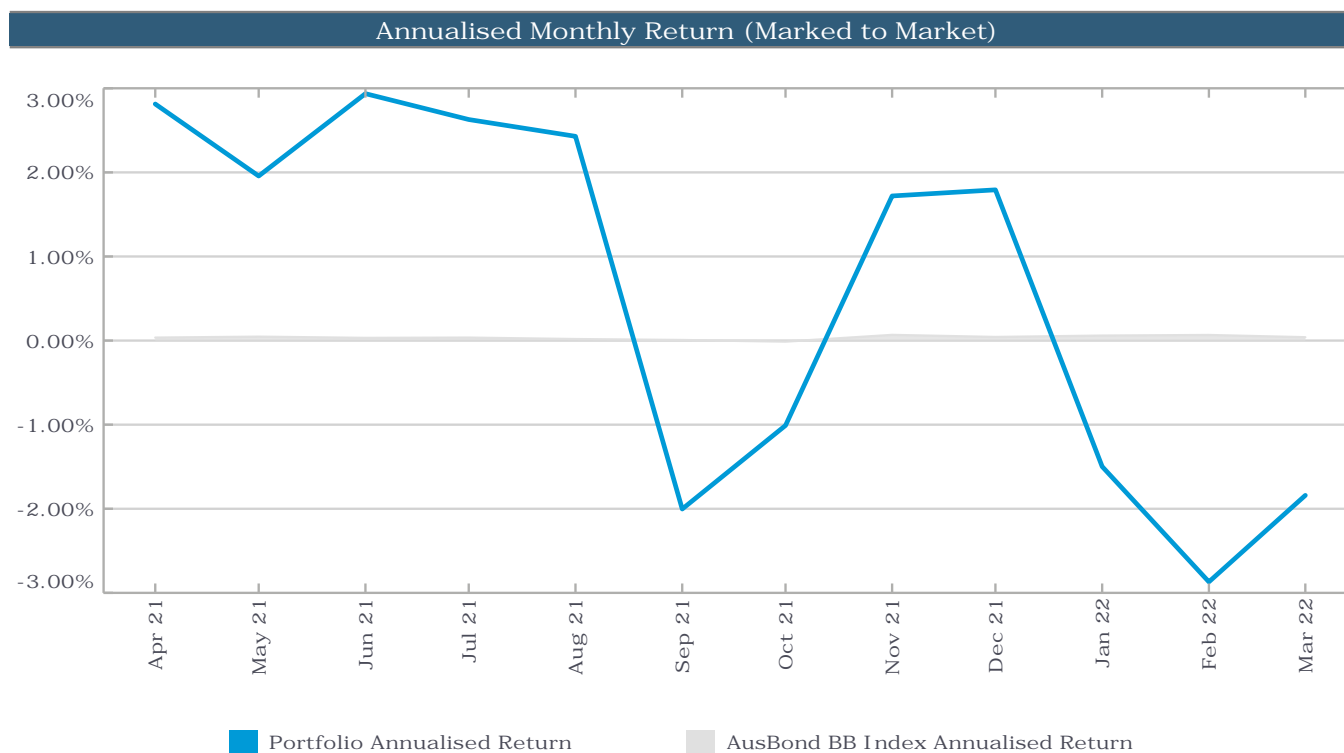
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Auswide Bank	539531			05-Mar-20	08-Mar-22	34,279.45	7	652.05	1.70%
ME Bank	541161			12-Mar-21	15-Mar-22	15,123.29	14	575.34	.50%
ME Bank	541203			16-Mar-21	15-Mar-22	14,958.90	14	575.34	.50%
ME Bank	541231			30-Mar-21	29-Mar-22	19,945.21	28	1,534.25	.50%
ME Bank	541746			16-Aug-21	19-Apr-22	0.00	31	1,273.97	.50%
ME Bank	541290			28-Apr-21	03-May-22	0.00	31	1,061.64	.50%
ME Bank	541347			18-May-21	10-May-22	0.00	31	636.99	.50%
ME Bank	541348			18-May-21	24-May-22	0.00	31	636.99	.50%
Bendigo and Adelaide Bank	541886			09-Sep-21	07-Jun-22	0.00	31	382.19	.30%
ME Bank	541541			16-Jun-21	14-Jun-22	0.00	31	1,868.50	.55%
Bendigo and Adelaide Bank	541887			09-Sep-21	21-Jun-22	0.00	31	382.19	.30%
Bendigo and Adelaide Bank	541865			07-Sep-21	28-Jun-22	0.00	31	764.38	.30%
Bendigo and Adelaide Bank	541896			13-Sep-21	12-Jul-22	0.00	31	764.39	.30%
ME Bank	541669			20-Jul-21	19-Jul-22	0.00	31	1,273.97	.50%
ME Bank	541733			10-Aug-21	02-Aug-22	0.00	31	1,273.97	.50%
ME Bank	541734			10-Aug-21	09-Aug-22	0.00	31	1,273.97	.50%
ME Bank	541735			10-Aug-21	16-Aug-22	0.00	31	1,273.97	.50%
Commonwealth Bank of Australia	541770	Green		24-Aug-21	23-Aug-22	0.00	31	636.99	.30%
Suncorp Bank	541782			26-Aug-21	26-Aug-22	0.00	31	1,486.30	.35%
Commonwealth Bank of Australia	541834	Green		03-Sep-21	02-Sep-22	0.00	31	526.57	.31%
Great Southern Bank	541899			14-Sep-21	13-Sep-22	0.00	31	645.48	.38%
Auswide Bank	540548			03-Nov-20	08-Nov-22	0.00	31	1,358.91	.80%
Westpac Group	542104	Green		18-Nov-21	15-Nov-22	0.00	31	1,375.89	.54%
Westpac Group	542108	Green		22-Nov-21	22-Nov-22	0.00	31	1,426.85	.56%

Waverley Council  
Accrued Interest Report - March 2022



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Westpac Group	542207	Green		17-Dec-21	13-Dec-22	5,104.11	31	1,758.08	.69%
Westpac Group	542247	Green		17-Jan-22	10-Jan-23	0.00	31	1,910.96	.75%
Westpac Group	542326	Green		09-Feb-22	07-Feb-23	0.00	31	1,494.80	.88%
Westpac Group	542327	Green		09-Feb-22	14-Feb-23	0.00	31	1,494.80	.88%
Westpac Group	542421			09-Mar-22	07-Mar-23	0.00	23	1,622.60	1.03%
Westpac Group	542422			09-Mar-22	14-Mar-23	0.00	23	1,298.08	1.03%
Westpac Group	542423			09-Mar-22	21-Mar-23	0.00	23	1,622.60	1.03%
Suncorp Bank	542468			22-Mar-22	04-Apr-23	0.00	10	1,010.96	1.23%
Westpac Group	542328	Green		09-Feb-22	20-Feb-24	0.00	31	2,683.83	1.58%
Westpac Group	542424			09-Mar-22	05-Mar-24	0.00	23	4,612.60	1.83%
Westpac Group	542329	Green		09-Feb-22	04-Mar-25	0.00	31	3,431.23	2.02%
Term Deposit Total						89,410.96		46,601.63	.66%
						124,046.30		63,200.90	<u>.60%</u>

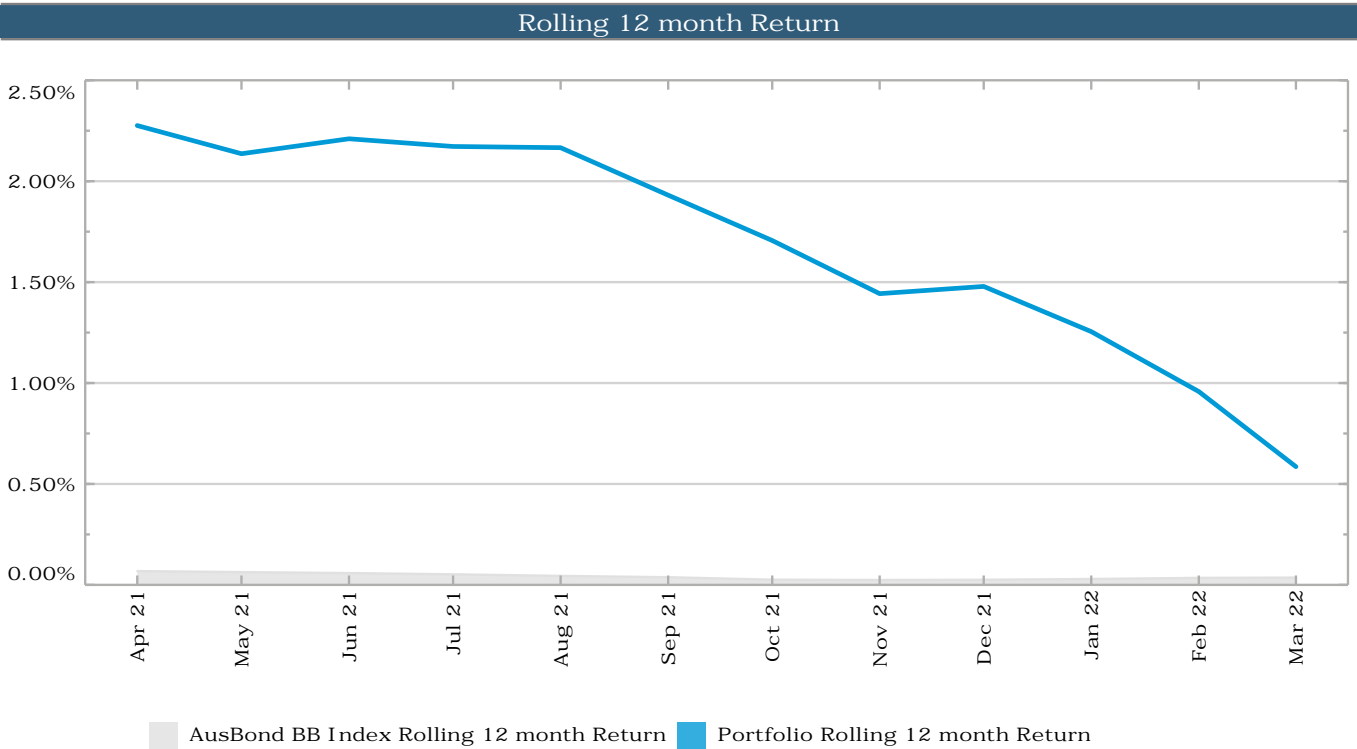
Waverley Council  
Investment Performance Report - March 2022



#### Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Mar 2022	-1.84%	0.04%	-1.88%
Last 3 Months	-2.04%	0.05%	-2.09%
Last 6 Months	-0.61%	0.04%	-0.65%
Financial Year to Date	-0.06%	0.04%	-0.10%
Last 12 months	0.59%	0.04%	0.55%

Waverley Council  
Investment Performance Report - March 2022



Historical Performance Summary (actual)			
	Portfolio	AusBond BB Index	Outperformance
Mar 2022	-0.16%	0.00%	-0.16%
Last 3 Months	-0.51%	0.01%	-0.52%
Last 6 Months	-0.30%	0.02%	-0.32%
Financial Year to Date	-0.05%	0.03%	-0.08%
Last 12 months	0.59%	0.04%	0.55%

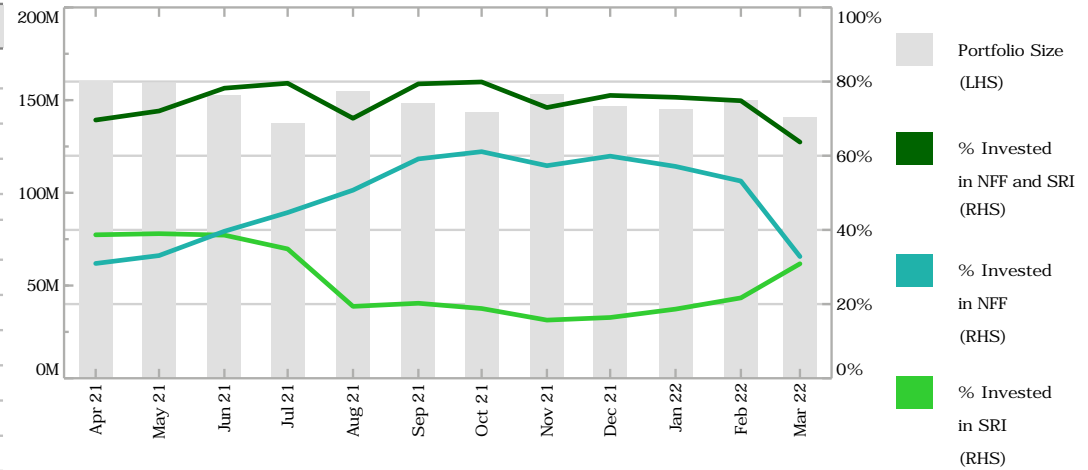
## Waverley Council Environmental Commitments Report - March 2022



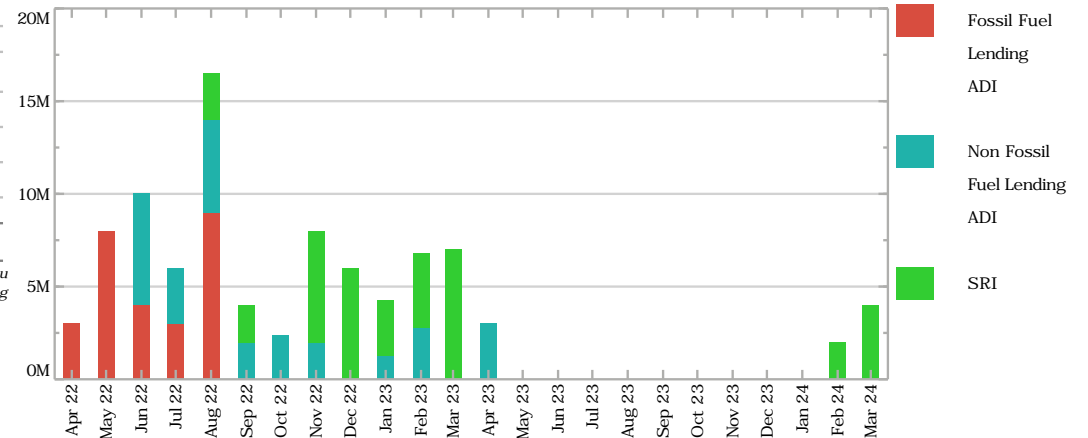
### Current Breakdown Historical Portfolio Exposure to NFF Lending ADIs and SRIs

ADI Lending Status *	Current Month (\$)	Previous Month (\$)
<b>Fossil Fuel Lending ADIs</b>		
Bank of Queensland	24,500,000	34,500,000
Commonwealth Bank of Australia	8,338,885	19,356,425
Westpac Group	2,500,000	2,500,000
	35,338,885 25.1%	56,356,425 37.6%
<b>Non Fossil Fuel Lending ADIs</b>		
Auswide Bank	2,000,000	4,000,000
Bendigo and Adelaide Bank	16,500,000	16,500,000
Great Southern Bank	4,700,000	4,700,000
Newcastle Permanent Building Society	5,100,000	5,100,000
Suncorp Bank	15,550,000	12,550,000
Teachers Mutual Bank	2,400,000	2,400,000
	46,250,000 32.8%	45,250,000 30.2%
<b>Other</b>		
NSW T-Corp (Cash)	4,394,386	4,402,477
NSW T-Corp (LT)	11,427,491	11,475,546
	15,821,877 11.2%	15,878,023 10.6%
<b>Socially Responsible Investment</b>		
Bank Australia (Sustainability)	3,000,000	3,000,000
CBA (Green)	9,500,000	9,500,000
Westpac Group (Green TD)	31,000,000	20,000,000
	43,500,000 30.9%	32,500,000 21.7%
	140,910,762	149,984,448

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

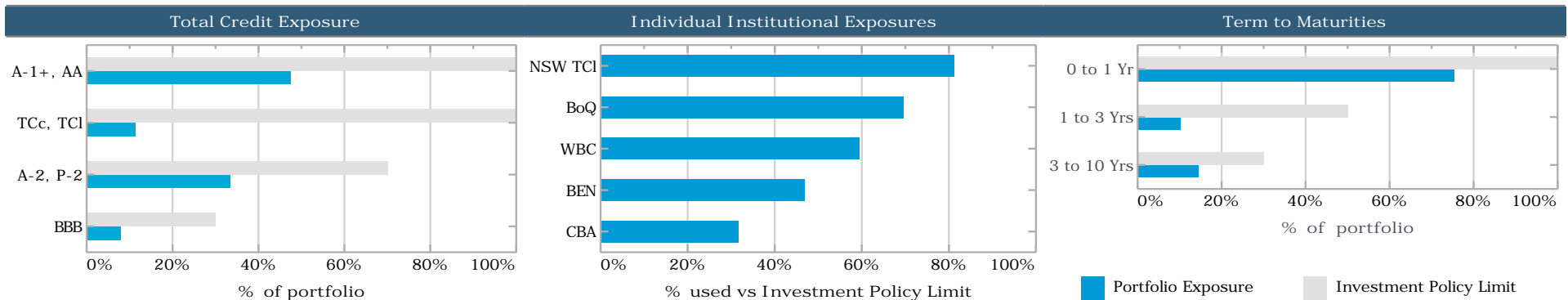


### Upcoming maturities





# Waverley Council Investment Policy Report - March 2022



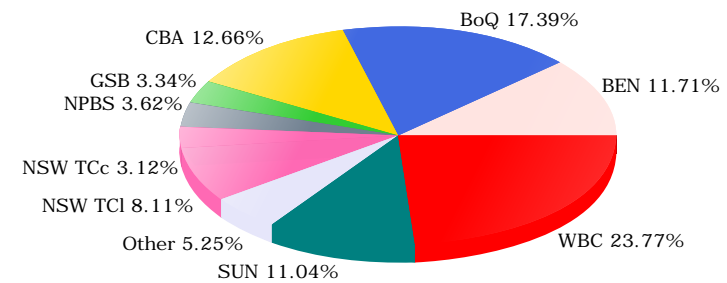
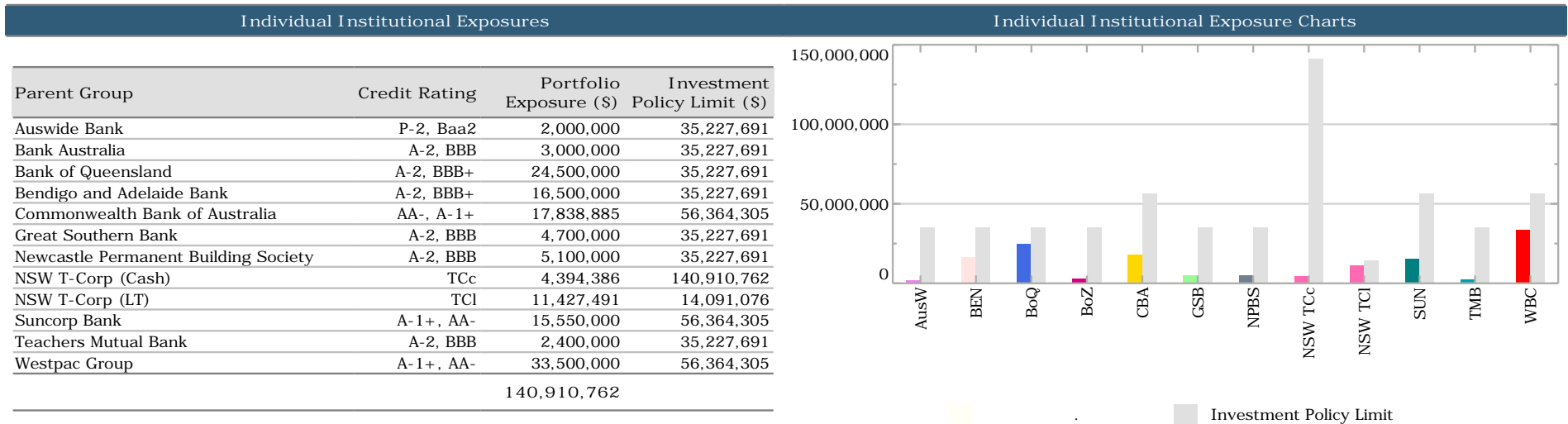
	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1+	43,338,885	
Long Term	AA	23,550,000	
		66,888,885	47% 100% a
Short Term	TCc	4,394,386	
Short Term	TCI	11,427,491	
		15,821,877	11% 100% a
Short Term	A-2	44,950,000	
Short Term	P-2	2,000,000	
		46,950,000	33% 70% a
Long Term	BBB	11,250,000	
		11,250,000	8% 30% a
		140,910,762	100%

a = compliant  
r = non-compliant

	% used vs Investment Policy Limit
NSW T-Corp (LT) (TCI)	81% a
Bank of Queensland (A-2, BBB+)	70% a
Westpac Group (A-1+, AA-)	59% a
Bendigo and Adelaide Bank (A-2, BBB+)	47% a
Commonwealth Bank of Australia (A-1+, AA-)	32% a
Suncorp Bank (A-1+, AA-)	28% a
Newcastle Permanent Building Society (A-2, BBB)	14% a
Great Southern Bank (A-2, BBB)	13% a
Bank Australia (A-2, BBB)	9% a
Teachers Mutual Bank (A-2, BBB)	7% a
Auswide Bank (P-2, Baa2)	6% a
NSW T-Corp (Cash) (TCc)	3% a

	Face Value (\$)	Policy Max
Between 0 and 1 Year	106,110,762	75% 100% a
Between 1 and 3 Years	14,500,000	10% 50% a
Between 3 and 10 Years	20,300,000	14% 30% a
	140,910,762	
Detailed Maturity Profile		Face Value (\$)
00. Cash + Managed Funds		24,160,762 17%
01. Less Than 30 Days		3,000,000 2%
02. Between 30 Days and 60 Days		8,000,000 6%
03. Between 60 Days and 90 Days		10,000,000 7%
04. Between 90 Days and 180 Days		26,500,000 19%
05. Between 180 Days and 365 Days		34,450,000 24%
06. Between 365 Days and 3 Years		14,500,000 10%
07. Between 3 Years and 5 Years		20,300,000 14%
		140,910,762

## Waverley Council Individual Institutional Exposures Report - March 2022



Waverley Council  
Cashflows Report - March 2022



Current Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
2-Mar-22	538825	Bank Australia	Floating Rate Note	Coupon - Received	7,090.27
				<u>Deal Total</u>	<u>7,090.27</u>
	540603	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	3,209.49
				<u>Deal Total</u>	<u>3,209.49</u>
				Day Total	10,299.76
4-Mar-22	540983	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	6,606.03
				<u>Deal Total</u>	<u>6,606.03</u>
				Day Total	6,606.03
7-Mar-22	539531	Auswide Bank	Term Deposits	Interest - Received	34,186.30
				<u>Deal Total</u>	<u>34,186.30</u>
				Day Total	34,186.30
8-Mar-22	539531	Auswide Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
		Auswide Bank	Term Deposits	Interest - Received	93.15
				<u>Deal Total</u>	<u>2,000,093.15</u>
				Day Total	2,000,093.15
9-Mar-22	542421	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,500,000.00
				<u>Deal Total</u>	<u>-2,500,000.00</u>
	542422	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
	542423	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,500,000.00
				<u>Deal Total</u>	<u>-2,500,000.00</u>
	542424	Westpac Group	Term Deposits	Settlement Face Value - Paid	-4,000,000.00
				<u>Deal Total</u>	<u>-4,000,000.00</u>
				Day Total	-11,000,000.00
15-Mar-22	541161	ME Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		ME Bank	Term Deposits	Interest - Received	15,123.29
				<u>Deal Total</u>	<u>3,015,123.29</u>
	541203	ME Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		ME Bank	Term Deposits	Interest - Received	14,958.90
				<u>Deal Total</u>	<u>3,014,958.90</u>
	541877	Suncorp Bank	Floating Rate Note	Coupon - Received	5,012.57
				<u>Deal Total</u>	<u>5,012.57</u>

Waverley Council  
Cashflows Report - March 2022



Current Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
				Day Total	6,035,094.76
17-Mar-22	542207	Westpac Group	Term Deposits	Interest - Received	5,104.11
				Deal Total	5,104.11
				Day Total	5,104.11
18-Mar-22	541523	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	6,895.34
				Deal Total	6,895.34
				Day Total	6,895.34
22-Mar-22	542468	Suncorp Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
				Deal Total	-3,000,000.00
				Day Total	-3,000,000.00
23-Mar-22	541916	Commonwealth Bank of Australia	Floating Rate Note	Coupon - Received	5,821.64
				Deal Total	5,821.64
				Day Total	5,821.64
29-Mar-22	541231	ME Bank	Term Deposits	Maturity Face Value - Received	4,000,000.00
		ME Bank	Term Deposits	Interest - Received	19,945.21
				Deal Total	4,019,945.21
				Day Total	4,019,945.21
Net Cash Movement for Period					-1,875,953.70

Next Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
19-Apr-22	541746	ME Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		ME Bank	Term Deposit	Interest - Received	10,109.59
				Deal Total	3,010,109.59
	542247	Westpac Group	Term Deposit	Interest - Received	5,671.23
				Deal Total	5,671.23
				Day Total	3,015,780.82
26-Apr-22	536145	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	3,474.83
				Deal Total	3,474.83
	538604	Great Southern Bank	Floating Rate Note	Coupon - Received	2,986.85
				Deal Total	2,986.85
				Day Total	6,461.68

Waverley Council  
Cashflows Report - March 2022



Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
28-Apr-22	538616	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	5,769.86
<u>Deal Total</u>					<u>5,769.86</u>
Day Total					5,769.86
29-Apr-22	538331	Suncorp Bank	Floating Rate Note	Coupon - Received	5,153.42
<u>Deal Total</u>					<u>5,153.42</u>
Day Total					5,153.42
<u>Net Cash Movement for Period</u>					<u>3,033,165.79</u>

**REPORT**  
**CM/7.7/22.04**

**Subject:** Returns Disclosing Interests of Councillors and Designated Persons

**TRIM No:** A21/0564

**Author:** Al Johnston, Governance Officer

**Director:** Richard Sheridan, Interim Director, Finance and Governance

---

**RECOMMENDATION:**

That Council notes the returns of Councillors and designated persons disclosing interests for the period December 2021 to March 2022.

**1. Executive Summary**

This report informs Council of the lodgement of returns disclosing the interests of Councillors and designated persons for the period December 2021 to March 2022 and satisfies the requirement to table the returns at a Council meeting under part 4 of the Code of Conduct.

The Code of Conduct also requires Councillors and designated persons to complete a return after 30 June each year. The returns must then be tabled at a Council meeting by 30 September.

**2. Introduction/Background**

Section 4.9 of the Code of Conduct for Councillors requires Councillors to lodge a return with the General Manager disclosing their interests within three months of becoming a councillor. Councillors were declared elected to office on 22 December 2021. The returns cover the period from 22 December 2021 to 8 March 2022.

Section 4.18 of the Code of Conduct for Staff requires staff identified as designated persons to lodge a return with the General Manager disclosing their interests within three months of becoming a designated person. The Interim Director, Finance and Governance, is identified as a designated person. The incumbent commenced at Council on 19 January 2022. Their return covers the period from 19 January 2022 to 22 March 2022.

The General Manager is required to keep a register of returns and table the returns at a Council meeting.

The Code of Conduct also requires Councillors and designated persons to complete a return after 30 June each year. The returns must then be tabled at a Council meeting by 30 September.

**3. Relevant Council Resolutions**

Nil.

#### 4. Discussion

Thirteen positions have been identified as being required to lodge a return: 12 Councillors and the Interim Director, Finance and Governance. Officers forwarded the prescribed form to each Councillor and designated person and outlined their responsibilities to complete the return. All returns have been received except the return from Cr Wy Kanak. Table 1 lists the returns received.

*Table 1. Returns received.*

Councillor Betts
Councillor Burrill
Councillor Fabiano
Councillor Goltsman
Councillor Gray
Councillor Kay
Councillor Keenan
Councillor Lewis
Councillor Masselos
Councillor Murray
Councillor Nemesh
Interim Director, Finance and Governance

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

##### Financial impact statement

There is no unbudgeted cost to Council to complete the returns.

##### Consultation

Not applicable.

##### Time frame

The returns must be lodged with the General Manager within the relevant time period and tabled at a Council meeting.

#### 6. Conclusion

The Code of Conduct for Councillors and the Code of Conduct for Council Staff require Councillors and designated persons to lodge a return disclosing their interests within three months of becoming a Councillor or commencing at Council in a position identified as a designated person position. The returns must then be tabled at a Council meeting. This report addresses the requirements of the Code of Conduct.

#### 7. Attachments

Nil .

**REPORT**  
**CM/7.8/22.04**

**Subject:** Australian Local Government Association - National General Assembly 2022

**TRIM No:** A13/0314

**Author:** Al Johnston, Governance Officer

**Director:** Richard Sheridan, Interim Director, Finance and Governance

---

**RECOMMENDATION:**

That Council:

1. Nominates interested Councillors to attend the 2022 Australian Local Government Association National General Assembly to be held at the National Convention Centre in Canberra from Sunday, 19 June, to Wednesday, 22 June 2022, and determines the method of attendance (in-person or remote).
2. Meets the applicable registration fees and travel, accommodation, meal and incidental expenses, in accordance with its Councillor Expenses and Facilities Policy for those Councillors nominated to attend the Assembly.
3. Determines the voting delegate in the event that more than one Councillor is nominated to attend the Assembly.
4. Approves the attendance of the General Manager at the Assembly.

**1. Executive Summary**

The Australian Local Government Association (ALGA) National General Assembly 2022 will be held at the National Convention Centre, Canberra, from Sunday, 19 June, to Wednesday, 22 June 2022. Participation in the event may be in-person or by remote attendance.

ALGA advises that the National General Assembly (NGA) is the premier local government event that brings together representatives from councils across Australia to develop local government policy ideas, meet with key federal politicians and hear from renowned experts on the key issues affecting local government in Australia.

The theme for the 2022 NGA is 'Partners in Progress.' A copy of the NGA program is attached.

The second day of the conference (Tuesday, 21 June 2022) clashes with the June Council meeting. Should a Councillor wish to attend the conference but also be able to attend the Council meeting in person, an option is available for 'virtual' attendance at the Assembly. The cost of full virtual registration is \$689. Single-day virtual registration is also available for the Monday and Tuesday at a cost of \$489 per day.

**2. Introduction/Background**

Nil.



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

Nil.

### **4. Discussion**

Each council is allocated one vote for voting on motions submitted to the Assembly. Should Council resolve to nominate more than one Councillor to attend the conference, it will be required to determine which of these will be the voting delegate.

The cost of registration to attend the conference in person for the three days (Monday to Wednesday) is \$989. This is the early bird rate for payment received prior to 20 May 2022. Registration for individual days is also available, with these costs being \$529 for each of the first and second days and \$280 for day three. Accommodation ranges from \$160–\$375 per night for each of the three nights for Councillors attending the Assembly. These costs, as well as travel, meals and incidental expenses for each Councillor attending, will be met by Council for any Councillor attending in accordance with its Councillor Expenses and Facilities Policy.

The second day of the conference (Tuesday, 21 June 2022) clashes with a scheduled Council meeting. Should a Councillor wish to attend the conference but also be able to attend the Council meeting in person, an option is available for 'virtual' attendance at the Assembly. The cost of full virtual registration is \$689. Single-day virtual registration is also available for the Monday and Tuesday at a cost of \$489 per day.

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

Under the Councillor Expenses and Facilities Policy, Council allocates up to \$15,000 per year (excluding GST) to fund attendance at conferences and similar events.

No additional consultation is required on this matter.

### **6. Conclusion**

This report facilitates the nomination of interested Councillors to attend the 2022 National General Assembly in Canberra from Sunday, 19 June, to Wednesday, 22 June 2021.

The attending Councillors' expenses will be met in accordance with Council's Councillor Expenses and Facilities Policy.

The date of the Assembly clashes with the June 2022 Council meeting; however, 'virtual' attendance at the Assembly is available, providing the ability to also attend the Council meeting in person should a nominated Councillor choose to do so.

### **7. Attachments**

1. ALGA - National General Assembly 2022 - Conference brochure [📄](#) .

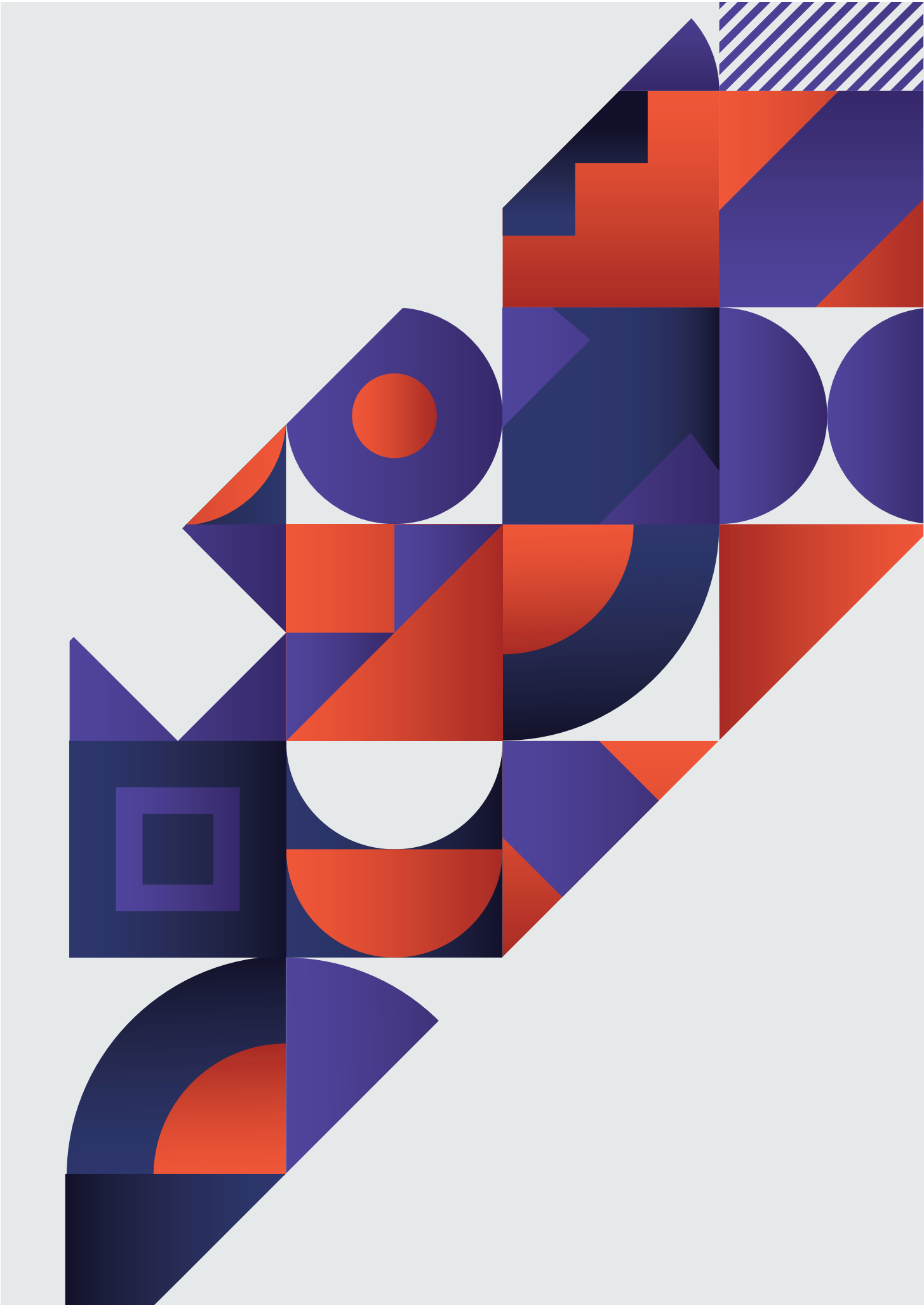


AUSTRALIAN  
LOCAL GOVERNMENT  
ASSOCIATION

PARTNERS IN PROGRESS

**2022**  
NATIONAL  
**GENERAL**  
ASSEMBLY  
19 - 22 JUNE 2022

REGISTRATION BROCHURE



# President Welcome

## National General Assembly 19 - 22 June 2022



Friends and colleagues,

I am pleased to invite you to the 2022 National General Assembly of Local Government (NGA) at the National Convention Centre in Canberra from 19 to 22 June.

As I write, international borders are opening up, health restrictions are being eased, and the impacts of the COVID-19 pandemic are receding.

However, many of our communities in both NSW and Queensland have been devastated by flooding and are facing a long, expensive clean up and recovery.

As the closest government to communities, we have shown time and time again how resilient we are, and what we can achieve when we work together.

The theme of this year's NGA – Partners in Progress – reflects the important role we all play in building a stronger, more inclusive, and more sustainable Australia – and our willingness to work with other governments to get the job done.

This theme is particularly timely given that we are fast approaching a federal election, and this year's NGA will be an ideal opportunity to engage with either a new or re-elected Federal Government about building stronger relationships and partnerships.

We have invited the Prime Minister, the Leader of the Opposition, and key ministers to share their vision for Australia's future and how we can work together for the benefit of our communities.

By attending this year's event you can help us send a powerful message to the Australian Government that local government is ready and willing to work collaboratively to support our nation's recovery.

Throughout this event, we will look at how councils are responding to new challenges and opportunities to create jobs and drive economic growth, and how they are shaping a better future for all Australians.

This will include a series of panels where mayors and councillors will share their learnings and lived experience leading their communities through the turbulence of the past few years.

Our Regional Cooperation and Development Forum will be an opportunity to closely examine emerging trends and issues across our nation, and hear from a range of expert speakers.

And of course, the NGA is your chance to bring your council's motions to a national audience, and potentially inform our national policy positions and priorities.

I invite you to register for this year's National General Assembly in Canberra so that you can:

- Explore new ideas through keynote addresses, panels, concurrent sessions, and networking;
- Engage with our federal leaders and senior officials as they discuss Australia's recovery;
- Connect with partners and service providers in our Exhibition Space; and
- Learn more about how ALGA's policy and advocacy programs are supporting your recovery efforts in our communities.

I look forward to welcoming you to Canberra this June.

Cr Linda Scott  
ALGA President



# NGA22 Sponsors

Foundation Sponsor



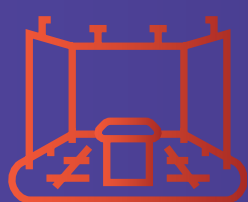
A proud past. A bright future.

Platinum Sponsors



# Register now NGA22.COM.AU

# Great Benefits of NGA



Largest national conference for Local Government held in Australia with over 870 delegates



Over 10 hours of professional development



Meet experts and influencers face to face



Over 15 hours available to network with other Local Government leaders



Over 140 motions debated and used to engage with 24 Ministers and Federal portfolios



Encounter over 60 exhibitors with innovative and new solutions



# Provisional Program

## SUNDAY 19 JUNE

9.00am	Registrations Open
9.30am - 5.00pm	Regional Forum (Additional registration required)
5.00pm - 7.00pm	Welcome Reception & Exhibition Opening

## MONDAY 20 JUNE

8.00am	Registrations Open
9.00am	Opening Ceremony Welcome to Country
9.20am	ALGA President Opens the Assembly
9.30am	Prime Minister Address <i>(invited)</i>
10.00am	ALGA President's Address Cr Linda Scott, ALGA President
10.30am	<b>MORNING TEA</b>
11.00am	Keynote Address: Thinking Differently for a New Future of Local Government in Australia Alicia McKay, Strategic Leadership Expert, NZ
11.45am	Panel: What is Progress? Panelists TBC
12.30pm	<b>LUNCH</b>
1.30pm	Debate on Motions
3.30pm	<b>AFTERNOON TEA</b>
4.00pm	Keynote Address: Economic Recovery Jennifer Westacott AO, Business Council of Australia
4.30pm	Minister for Local Government Address <i>(invited)</i>
5.00pm	Closing Remarks
7.00pm - 11.00pm	Networking Dinner National Museum

**TUESDAY 21 JUNE**

9.00am	Panel: Building Stronger Communities Panelists TBC
9.45am	Panel: Federation Reborn Paul Tilley, Author Graham Jarvis, AEC Group Additional Panelists TBC
10.45am	<b>MORNING TEA</b>
11.15am	Keynote Address: Global Democracy Presenter TBC
12.00pm	<b>LUNCH</b>
1.00pm	Debate on Motions
2.00pm	Panel: Workforce Skills and Housing Panelists TBC
3.00pm	<b>AFTERNOON TEA</b>
3.30pm	Concurrent Sessions <ul style="list-style-type: none"> <li>Strategic Community Leadership with Alicia McKay</li> <li>Disaster Management and Recovery</li> <li>Climate Change</li> <li>Update from Department of Infrastructure, Transport, Regional Development and Communications</li> </ul>
5.00pm	Closing Remarks
7.00pm - 11.00pm	General Assembly Dinner Exhibition Park in Canberra (EPIC)

**WEDNESDAY 22 JUNE**

9.00am	Opposition Leader Address ( <i>invited</i> )
9.30am	Keynote Address: The New Political Landscape Presenter TBC
10.00am	Keynote Address: Local Government - A Global View Jonathan Carr-West, CEO, Local Government Information Unit
10.30am	<b>MORNING TEA</b>
11.00am	Panel: Future of Local Government Mayors and Councillors TBC
12.00pm	Keynote Address Val Dempsey, 2022 Senior Australian of the Year
12.30pm	Closing Session ALGA President Closing Address
1.00pm	<b>LUNCH</b>

**Alicia McKay Leadership Masterclass**

Join Alicia McKay, our keynote and MC, for an exclusive introductory masterclass to strategic community leadership.

Get a live taste of her newly launched program designed exclusively for local government leaders and enjoy a special offer for delegate enrolments.

Spaces are limited to just 50 places so be sure to pre register online <https://engage.aliciamckay.co.nz/scl-nga>

# Key Dates

**25 MARCH  
2022**

2022 NGA  
Call for Motions  
Closes

**20 MAY  
2022**

Close of  
Early Bird  
Registration Rate

**19 JUNE  
2022**

Regional  
Cooperation &  
Development Forum

**20 -22 JUNE  
2022**

National  
General  
Assembly





# **REGIONAL FORUM**

National Convention Centre Canberra

**2022**

Sunday 19 June

[regionalforum.com.au](https://regionalforum.com.au)

## PROVISIONAL PROGRAM

9.00AM	Registrations Open
9.30AM	Welcome to Country
9.40AM	ALGA President Opening Cr Linda Scott, ALGA President
9.50AM	Minister for Local Government Address (Invited)
10.15AM	Facilitated Q&A
10.30AM	Panel: Regional Tourism Post-Pandemic Coralie Bell, Australian Regional Tourism James Goodwin, Australian Airports Association Additional Panelists TBC
11.00AM	<b>MORNING TEA</b>
11.30AM	Keynote Address: Leadership During an Uncertain Climate Presenter TBC
12.00PM	Keynote Address and Panel: Regional Leadership Matt Linnegar, Australian Rural Leadership Foundation
1.00PM	<b>LUNCH</b>
2.00PM	Keynote Address: Increasing Our Resilience to Fires and Floods Adrian Turner, Minderoo Foundation Fire and Flood Resilience Initiative
2.30PM	Panel: Regional Housing and Population Challenges Liz Ritchie, Regional Australia Institute Professor Andrew Beer, University of South Australia
3.30PM	<b>AFTERNOON TEA</b>
4.00PM	Department of Infrastructure, Transport, Regional Development and Communications Presenter TBC
4.30PM	Shadow Minister for Local Government Address (invited)
5.00PM	Closing Remarks

## GENERAL INFORMATION

### REGISTRATION FEES

Forum Only Registration  
\$425

NGA Delegate Discount  
Registration  
\$225

Register Online Now:  
[regionalforum.com.au](http://regionalforum.com.au)

Dress Code: Smart Casual





# NGA22 Speakers



**ALICIA MCKAY (NZ)**

Strategic Leadership Expert, NZ

Alicia McKay is a leading authority on organisational strategy and change, empowering senior leaders in government, business and the community to think smarter and make better decisions.

A celebrated author, speaker, facilitator, coach, and leader, she has a voice that cuts through the sea of corporate jargon to get real about what it takes to change our life, work and leadership.

Drawing on specialist accreditations in problem definition, strategy development and investment, Alicia launched Meetings that Matter in 2020, which is quickly becoming the gold standard for strategic facilitation in New Zealand and Australia.

Combining best-practice research, dynamic delivery and a cheeky grin, Alicia gets serious results in even the most challenging environments.

Alicia's latest book is titled "You Don't Need An MBA: Leadership Lessons that Cut through the Crap".



**DR JONATHAN CARR-WEST (UK)**

CEO, Local Government Information Unit

Dr Jonathan Carr-West has been Chief Executive of LGIU (Local Government Information Unit) since February 2013, where he leads on all aspects of the think tank's policy, membership and influencing work.

Some of his particular interests are in participative democracy, the evolving nature of public services and devolution. With extensive media profile and sector credibility, he has published on topics as diverse as localism and public service transformation, cognitive and behavioural science, and the politics of cultural memory.

Prior to being appointed as Chief Executive, Jonathan was Director of Policy at the LGIU where he led on research and consultancy, policy development and piloting, best practice dissemination, learning and development.



#### **JENNIFER WESTACOTT AO**

CEO, Business Council of Australia

Jennifer Westacott AO has served as Chief Executive of the Business Council of Australia since 2011, bringing a unique combination of extensive policy experience in both the public and private sectors.

She has served as the Director General of the NSW Department of Infrastructure, Planning and Natural Resources; the Secretary of the Victorian Department of Education and Training; and the Director of Housing in Victoria. She was also the Deputy Director General of the NSW Department of Community Services, and the Deputy Director General of the NSW Department of Housing.

As a senior partner at KPMG, Jennifer advised major corporations on climate change and sustainability and advised governments across Australia on significant reform priorities.



#### **ADRIAN TURNER**

CEO, Minderoo Foundation Fire and Flood Resilience Initiative

Adrian is an influential Australian technology entrepreneur who spent 18 years in Silicon Valley building businesses before returning to Australia in 2015.

Most recently, Adrian has been appointed Deputy Chair of Prezzy, a conditional payments company dubbed the newest \$1 billion tech 'unicorn' and is leading the Minderoo Foundation's Fire and Flood Resilience Initiative, a program changing the way we deal with systemic fire and flood risk, helping to shift our national focus from response and recovery to disaster preparedness and resilience.

Prior to this Adrian was founding CEO at CSIRO's Data 61, the team that led the development of the national AI roadmap, AI ethics framework, standards advisory work for consumer data rights and open banking and the ICT stream for the national genomics mission.



#### **LIZ RITCHIE**

CEO, Regional Australia Institute

Liz Ritchie is the CEO of the Regional Australia Institute, after joining in 2018 as the General Manager - Strategy and Partnerships.

For more than 20 years Liz has worked across the corporate, government and the not-for-profit sector, and she specialises in leading organisational transformation to build a sustainable future.

Liz is a change agent, a marketer, a researcher and an extremely passionate advocate for regional Australia, heralding from Deniliquin in NSW.

# NGA22 Speakers



## **JAMES GOODWIN**

Chief Executive, Australian Airports Association

James Goodwin was appointed Chief Executive of the Australian Airports Association (AAA) in May 2020. The AAA represents the interests of airports across Australia including close to 200 local-government owned aerodrome assets.

James has a background in media, corporate affairs and government relations.

He has worked as a reporter and news presenter for major network news outlets in Sydney and Canberra, including several years in the Parliamentary Press Gallery, and is currently the Chair of St John Ambulance in the ACT.



## **MATT LINNEGAR**

Chief Executive, Australian Rural Leadership Foundation

Matt Linnegar is the Chief Executive of the Australian Rural Leadership Foundation, and has more than 25 years of experience in for-purpose, representative and commercial roles focused on leadership, agriculture, water, natural resource management, trade, marketing, and rural Australia more broadly.

Matt joined the Foundation in mid-2014 after a successful three and a half-year period as CEO of the National Farmers' Federation.

Matt is President of the Carwoola Community Association and serves on the Charles Sturt University Strategic Advisory Committee, Bush Summit Advisory Panel, and Investing in Rural Communities Reference Panel.



## **VAL DEMPSEY**

2022 Senior Australian of the Year

For more than 50 years Valmai (Val) Dempsey has dedicated her life to St John Ambulance.

In 2020, Val faced her biggest challenge yet – first with the 'Black Summer' bush fires, followed by the COVID-19 pandemic.

In response, she led 40 fellow volunteers as they supported fire-affected communities during the emergency that stretched over many weeks, and when the pandemic hit, she personally contacted every volunteer to check they were 'doing OK' in terms of welfare, mental health and morale.

It is these tireless commitments to St John that has led many in the community to know her lovingly as 'Aunty Val'.



#### **PROF ANDREW BEER**

Executive Dean, UniSA Business

Professor Andrew Beer is Executive Dean, UniSA Business. He is a former Chair of the London-based Regional Studies Association, a Fellow of the Regional Australia Institute and a member of the UK's Academy of Social Sciences.

Professor Beer has a long history of research on housing and regional issues, including work in both metropolitan and non-metropolitan Australia.

His recent work has included major publications on place based policy, a textbook on planning for economic development in a globalised economy, and work with the Regional Australia Institute on the rural housing crisis.



#### **CORALIE BELL**

Chair, Australian Regional Tourism

Having started life as a child in a front-line tourism business on the beautiful South Coast, today Coralie is the Tourism Manager for Shoalhaven City Council

Passionate about motivating teams and fostering relationships with everyone from Mum and Dad business owners to State Government organisations, Coralie is experienced in stakeholder communication and management.

Appointed to ART Chair in October 2018, Coralie is passionate about regional Australia, both as a place to live and destination to visit. She is committed to working regionally and making a real difference to the Shoalhaven and greater regional tourism sector.



#### **PAUL TILLEY**

Author

Paul Tilley was an economic policy adviser to governments for 30 years, working mainly in Treasury but also Prime Minister & Cabinet, the Treasurer's office and the Organisation for Economic Cooperation and Development.

He has since published a book on the history of the Treasury, *Changing Fortunes: A History of the Australian Treasury*, is a Visiting Fellow at the ANU's Tax and Transfer Policy Institute and a Senior Fellow at the Melbourne Law School.

Paul is currently writing a book on the history of tax reform in Australia.



# Registration Information

Registration form available at [nga22.com.au](https://nga22.com.au)

GENERAL ASSEMBLY REGISTRATION FEES		INCLUSIONS
Registration Fees — Early Bird Payment received by Friday 20 May 2022	\$989.00	— Attendance at all General Assembly sessions — Morning tea, lunch and afternoon tea as per the General Assembly program
Registration Fees — Late Payment received after Friday 20 May 2022	\$1,099.00	— One ticket to the Welcome Drinks, Sunday — General Assembly satchel and materials

VIRTUAL REGISTRATION FEES		INCLUSIONS
Full Virtual Registration	\$689.00	— Virtual access to all General Assembly sessions for day(s) selected
Virtual Day Registration (Monday or Tuesday)	\$489.00	— Meeting hub to connect with other virtual attendees

DAY REGISTRATION FEES		INCLUSIONS
Monday 20 June 2022	\$529.00	— Attendance at all General Assembly sessions on the day of registration
Tuesday 21 June 2022	\$529.00	— Morning tea, lunch and afternoon tea as per the General Assembly program on that day
Wednesday 22 June 2022	\$280.00	— General Assembly satchel and materials

SUNDAY REGIONAL FORUM REGISTRATION FEES	
Forum Only Sunday 19 June 2022	\$425.00
NGA Delegate Delegates attending the Regional Forum and the NGA are entitled to this discount	\$225.00

ACCOMPANYING PARTNERS REGISTRATION FEES		INCLUSIONS
Accompanying Partners Registration Fee	\$280.00	— 1 ticket to the Welcome Reception, Sunday 19 June — Day tour Monday 20 June — Day tour Tuesday 21 June — Lunch with General Assembly Delegates on Wednesday 22 June

*All amounts include GST*

# Cancellation Policy

All alterations or cancellations to your registration **must be made in writing** and will be acknowledged by email. Notification should be sent to:

E-mail: [nga@confco.com.au](mailto:nga@confco.com.au)

## STANDARD TERMS

An administration charge of \$110.00 will be made to any participant cancelling before Friday 7 May 2022. Cancellations received after Friday 7 May 2022 will be required to pay full registration fees. However, if you are unable to attend, substitutes are welcome at no additional cost

### Substitutions

As with all ALGA events, substitutions are allowed for delegates. Please notify the conference organisers in writing if substitutions are required.

## COVID TERMS

Conditions that apply to cancellations, substitutions and rescheduling of the Assembly due to COVID-19 are listed below.

All other cancellations will be subject to the standard cancellation policy.

### Cancellation of face-to-face event

If the face-to-face event has to be cancelled as a result of an outbreak of COVID-19 restricting travel to, or circulation in Canberra, your registration will be transferred to virtual attendance. The difference in price between in-person attendance and virtual attendance will be refunded.

All ancillary costs (cancelled flights etc) will not be the responsibility of ALGA.

### Registration changes

Delegates who are unable to attend the Assembly due to their location in a declared COVID-19 hot spot will be automatically transferred to become virtual delegates. The difference in price between in-person attendance and virtual attendance will be refunded. It is the responsibility of the individual to contact the conference organisers (in writing) if they are affected by a local lock-down.

Delegates must still advise in writing if they are unable to attend due to COVID restrictions.

No refund will be available to no shows.





# Social Functions

## Welcome Reception and Exhibition Opening

**Sunday 19 June 2022**

**Venue:** National Convention Centre Canberra

The Welcome Reception will be held in the exhibition hall and foyer.

05:00pm - 07:00pm

\$50.00 per person for day delegates and guests. No charge for full registered delegates. No charge for registered accompanying partners.

**Dress Code:** Smart casual

## Networking Dinner

**Monday 20 June 2022**

**Venue:** National Museum of Australia

The dinner is being held in the Gandel Atrium.

07:00pm - 11:00pm

\$150.00 per person

**Dress Code:** Smart casual

The Networking Dinner will be held at the National Museum of Australia in the Gandel Atrium. Enjoy an opportunity to network with delegates from other councils whilst taking in the stunning architecture and city lights across the lake.

## General Assembly Dinner

**Tuesday 21 June 2022**

**Venue:** Exhibition Park in Canberra (EPIC)

The dinner is being held in The Budawang Pavillion.

07:00pm - 11:00pm

\$175.00 per person

**Dress Code:** Formal/Cocktail

We are excited to bring the 2022 General Assembly dinner back to Exhibition Park. The space offers us ample opportunity to provide guests with great entertainment, food and networking opportunities.

## General Assembly Business Sessions

**Monday 20 June 2022 - Wednesday 22 June 2022**

**Venue:** National Convention Centre Canberra

All plenary sessions will be held in the Royal Theatre at the National Convention Centre.

**Dress Code:** Smart casual

## Exhibition

**Monday 20 June 2022 - Wednesday 22 June 2022**

**Venue:** National Convention Centre

The exhibition is being held in the Exhibition Hall at the National Convention Centre.

## Partner Tours

The partners meet at the Crowne Plaza Canberra at 9.45am each morning to join the tour guide for their specialised trip around Canberra.

**Monday 20 June: Paint & Sip**

Today the partners will start at the Portrait Gallery to explore the Shakespeare to Winehouse exhibition which displays icons from the National Portrait Gallery, London.

Guests will then go for lunch and have the opportunity to create their own masterpiece with a painting workshop with a professional painter.

**Tuesday 21 June: The Regions Trends**

Today will start with a drive out to the Bungendore Township with a tour of the Suki Gallery, followed by some free time to explore. Guests will then meet back up for lunch at Kings Junction which hosts a great range of home decor, gift ware and a gallery.

On the drive back into Canberra we will stop for afternoon tea at Dirty Janes, an antique market store full of vintage and unique collectables with the opportunity to buy something completely unique and special gift included.



# Accommodation

## A by Adina

**\*New Property\***

1 Constitution Avenue, Canberra

A by Adina Canberra is the newest hotel to Canberra which is located on Constitution Avenue only a 5-minute walk from the National Convention Centre.

The hotel combines spacious apartment living with 24-hour reception, room service, service provided by knowledgeable concierges and a well-equipped gym.

A new dining district is also newly constructed in the immediate area.

All rooms have a king bed and the studios offer a twin option of two singles beds.

Studio Rooms: \$209 per night  
— Single/twin/double

1 Bedroom Apartments: \$239 per night  
— Single/double

## Avenue Hotel

80 Northbourne Avenue, Canberra

The Avenue Hotel is one of the only 5 star options in the Canberra city and offers guests both studio and apartment style rooms. The hotel is a 15-20 minute walk from the Convention Centre.

The apartments have a fully functioning kitchen. Twin option at the hotel consists of two king singles.

Superior King Rooms \$285 per night  
— Single/twin/double

1 Bedroom Apartments \$335 per night  
— Single/double

## Crowne Plaza

1 Binara Street, Canberra

The Crowne Plaza is adjacent to the Convention Centre and only a short walk from restaurants, bars and the main shopping district.

Twin option at the hotel consists of two double beds.

Superior Room \$345 per night  
— Single/twin/double

Deluxe Room \$390 per night  
— Single/twin/double

## Nesuto Apartments (previously the Waldorf)

2 Akuna Street, Canberra

Located in the heart of Canberra's CBD, the Nesuto Apartments is only a five-minute walk from the National Convention Centre. The one-bedroom apartments also offer a separate lounge/dining area.

Twin option at the hotel consists of two single beds. Additional costs will apply if more than 2 guests are within the one room.

Studio Apartment \$219 per night  
— Single/twin/double

1 Bedroom Apartments \$239 per night  
— Single/twin/double

## Qt Hotel

1 London Circuit, Canberra

The Qt Hotel is a modern hotel with boutique style furnishings, central to the city and a 10-minute walk to the National Convention Centre.

Twin option at the hotel consists of two single beds.

Standard Room \$229 per night  
— Single/twin/double

## The Sebel Canberra Civic

197 London Circuit, Canberra

The Sebel Canberra Civic is one of Canberra's newest hotels which opened in June 2019 and is just a 7-minute walk from the National Convention Centre.

This property offers free WiFi throughout the hotel, a fully equipped gym, and an onsite restaurant and bar lounge.

All rooms come with a fully equipped kitchenette with Nespresso machine and dining table. Every bathroom is accessibility friendly with walk in showers.

Superior rooms come with a queen bed, Executives are fitted with king beds.

Superior Room \$190 per night  
— Single/double

Executive Room \$240 per night  
— Single/double

# General Information

## Privacy Disclosure

ALGA collects your personal contact information in its role as a peak body for local government. ALGA may disclose your personal contact information to the sponsors of the event for the purposes of commercial business opportunities.

**If you do not consent to ALGA using and disclosing your personal contact information in this way, please tick the appropriate box on the registration form.**

Importantly, your name can also be included in the General Assembly List of Participants. You must tick the appropriate box on the registration form if you wish your name to appear in this list.

## Photographs

During the General Assembly there will be a contracted photographer taking photographs during the sessions and social functions. If you have your picture taken it is assumed that you are giving consent for ALGA to use the image. Images may be used for print and electronic publications.

## Car Parking

Parking for delegates is available underneath the National Convention Centre for a cost of approximately \$19.50 per day. Alternatively, voucher public parking is available 300m from the Centre at a cost of approximately \$15.70 per day. The voucher machines accept either cash or cards (Visa or MasterCard).

## Coach Transfers

Welcome Reception and Exhibition Opening - Sunday 19 June 2022  
Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza Canberra) at approximately 4:45pm. The return coaches will depart at 7:00pm.

Daily Shuttles to and from the National Convention Centre  
A shuttle service between all General Assembly hotels (except Crowne Plaza Canberra) and the National Convention Centre will operate between 8:00am and 8:30am. Return shuttles will depart the National Convention Centre at 5:30pm.

Networking Dinner – National Museum – Monday 20 June 2022  
Coaches will collect delegates from all General Assembly hotels at approximately 6:45pm. A return shuttle service will commence at 10:15pm.

General Assembly Dinner – Exhibition Park in Canberra – Tuesday 21 June 2022  
Coaches will collect delegates from all General Assembly hotels at approximately 6:30pm. A return shuttle service will operate between 10:30pm and 11:45pm.

## Payment Procedures

Payment can be made by:

Credit card  
MasterCard and Visa

Cheque  
Made payable to ALGA

Electronic Funds Transfer  
Bank: Commonwealth Bank  
Branch: Woden  
BSB No: 062905  
Account No: 10097760

ALGA ABN  
31 008 613 876

## Contact Details

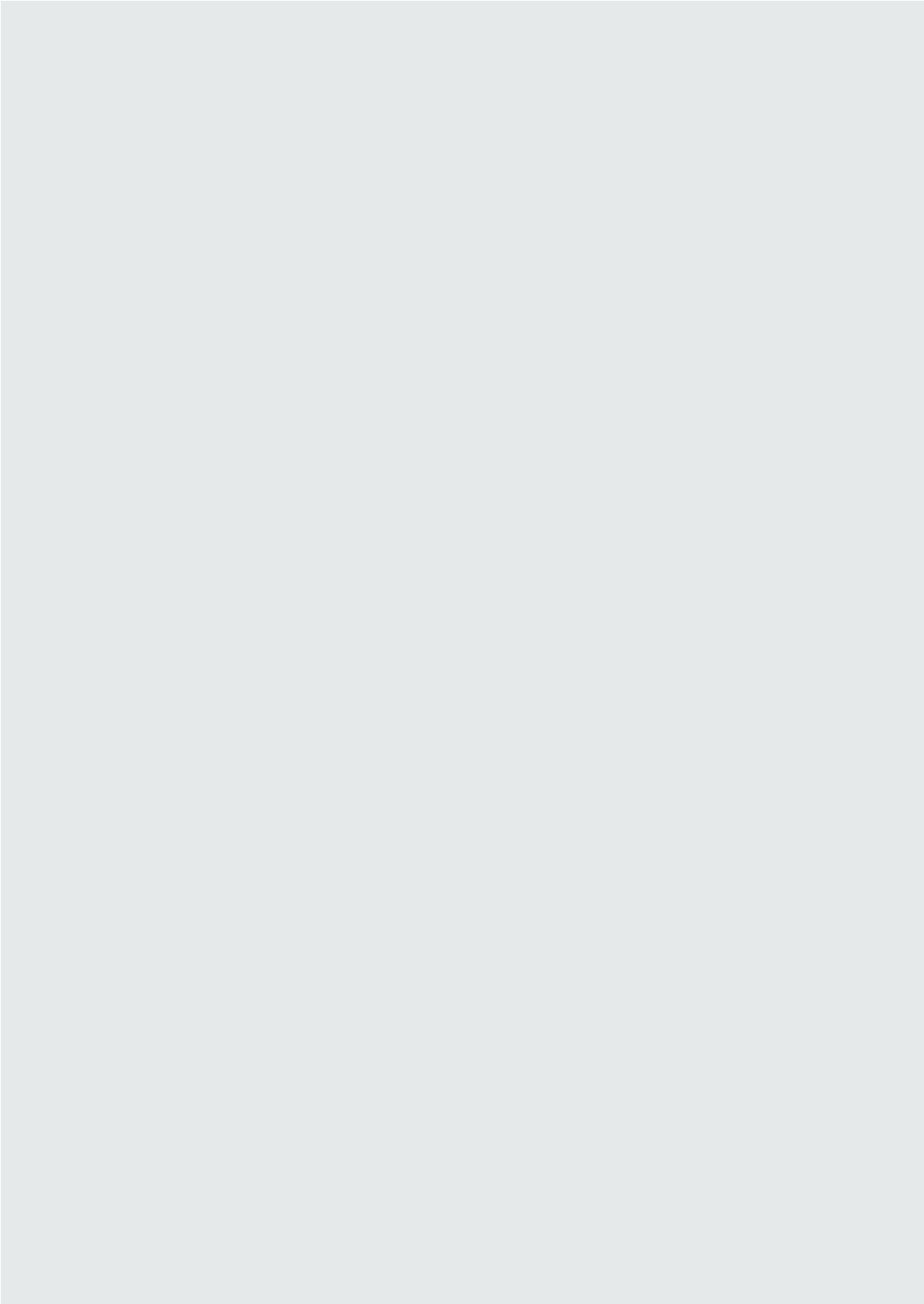
Conference Co-ordinators  
PO Box 905  
Woden ACT 2606  
Phone: 02 6292 9000  
Email: nga@confco.com.au

All amounts include GST. Invoices are sent once a registration has been completed.

## Canberra Weather in June

Winter days in Canberra are characterised by clear sunny skies but the days are cool at around 12-15C and temperatures do drop to 1C on average in the evenings, so be sure to bring a warm jacket.

Mornings can be foggy so keep this in mind when booking flights. It is best to avoid early arrivals or departures in case of delays due to fog.





[NGA22.COM.AU](https://nga22.com.au)

**REPORT**  
**CM/7.9/22.04**

**Subject:** Electric Vehicle Chargers in Eastgate Car Park

**TRIM No:** A11/0853

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

**Director:** George Bramis, Acting Director, Planning, Environment and Regulatory

---

**RECOMMENDATION:**

That Council:

1. Treats the attachments to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachments contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Subject to technical constraints and the support of the Eastgate Cost Share Committee, enters into a licence agreement with Evie Networks to install two electric vehicle (EV) fast chargers in Eastgate Car Park on the terms set out in the report.
3. Subject to technical constraints and the support of the Eastgate Cost Share Committee, enters into a licence agreement with Tesla to install six EV ultra-fast chargers in Eastgate Car Park on the terms set out in the report.
4. Authorises the General Manager to finalise negotiations and execute the licences.
5. Investigates opportunities to increase the number of EV chargers in Eastgate Car Park and other locations in the Waverley local government area, with a report to be prepared to Council within 12 months.

**1. Executive Summary**

This report responds to a resolution for Council officers to investigate the feasibility of installing electric vehicle (EV) charging stations in Eastgate Car Park. It recommends that Council enter into licence agreements with fast charging providers to install EV fast charge points into the Eastgate Car Park.

**2. Introduction/Background**

Council recently adopted an Electric Vehicle Transportation Policy that supports the increased availability of EV charge points across the Waverley local government area. Since June 2019, Waverley, Woollahra and Randwick Councils (as part of the 3-Council Regional Environment Program) have installed nine public on-street AC electric vehicle (EV) charging stations in key destination hotspots from Maroubra to Double Bay. These were the first on-street public charging stations in Sydney and local government-backed on-street charging infrastructure in NSW.

While Council has and will continue to increase the availability of on street EV charge points, there is an identified need to have faster DC EV charge points in commercial areas and off-street in car parks. These

would enable members of the community to charge quickly and would be in locations where there would be a high turnover of vehicles charging. The dimensions of fast chargers are taller and wider when compared to the current on-street medium speed chargers that Council has installed. They are more suited to off-street locations where they are more secure, don't impede access and don't have visual impacts on the streetscape. In addition, fast speed chargers have a tethered lead which plugs into the car from the charger which could be considered a hazard or subject to vandalism if placed on-street.

In July 2021, Council resolved to investigate installing EV charge points in Eastgate Car Park. This report outlines the options available to Council in terms of installing EV chargers and the benefits and costs of these options and makes recommendations.

While Council has installed two AC on-street chargers, there are no faster DC chargers in Waverley or nearby. DC chargers are significantly more expensive to install and operate due to the need for electrical works and as the electrics in the charging unit are more complex. Council has also been approached by private EV charging companies that provide DC fast chargers.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/7.14/22.02	That Council adopts the Electric Vehicle Transportation Policy attached to the report.
Council 20 July 2021	CM/8.4/21.07	That:  1. Council, in support of its adopted position to promote the uptake of electric vehicles in the local government area, investigates installing banks of recharging stations for electric vehicles on each level of Eastgate Car Park.  2. A report be prepared and submitted to Council on the outcome of the investigation.

### 4. Discussion

In analysis undertaken for Council's new Environmental Action Plan it has been estimated that a very significant increase in EV charging availability will be required to enable the Waverley community to decarbonise transportation and achieve net zero greenhouse gas emissions by 2035. The recently adopted Electric Vehicle Transportation Policy outlines the need for a range charging options to be available to support electric vehicles.

Identification of suitable locations for fast EV chargers needs to consider:

- Proximity to main switch board and electrical risers.
- Number of carparking spots available on each level.
- Traffic flows and pedestrian safety.
- Size of parking spots, as fast EV chargers require spots to be greater than 6 m in length to allow for the charging infrastructure and access around the vehicle when plugging in.

The only parking spots in Eastgate Car Park that met the criteria above were found near the up-ramp on level 4. An investigation of the electrical infrastructure at Eastgate Car Park by an independent electrical contractor was completed in September 2021. The contractor found that the current electrical capacity in

the car park is sufficient to install two 50 kW DC chargers without augmenting/upgrading the electrical supply to the site.

An analysis by Council officers was undertaken to identify the options and suitable locations.

- Option 1: do nothing
- Option 2: Council-funded. The approximate cost for the installation of 2 x 50kW DC chargers is estimated to be \$110,000–\$130,000 (excluding GST).
- Option 3: Evie-Networks-funded proposal under the Federal Government’s Future Fuel Fund, Council nominated Eastgate as a potential EV fast charging site in collaboration with Evie. Evie’s proposal is for two 50kW DC fast chargers that would be installed, maintained and operated by Evie.
- Option 4: Tesla-funded proposal to install six 250 kW DC ultra-fast chargers that would be installed, maintained and operated by Tesla.

For both options 3 and options 4, cars using the charge points would still be required to pay for any Eastgate parking fees as per the current fee structure. It is estimated that both options 3 and 4 would not result in either a loss or gain in parking spaces as the introduction of these EV charge points reflects the shift of passenger vehicles from fossil fuel to electric. It is likely that the provision of EV charge points will result in additional demand for the car park from EV users.

Option 1 has been ruled out, as Council’s ambitious community greenhouse gas emissions targets and the significant growth in electric vehicles mean that there is a significant demand for these chargers.

Option 2 is not being considered as Council does not have budget available to install fast chargers in addition to the on-street medium speed chargers that are included in the Long Term Financial Plan.

A comparison of options 3 and 4 is shown in Attachment 1.

For options 3 and 4, Council would be required to sign a licence agreement for the site. Both licences have been reviewed and amended using legal counsel from Thompson Greer and Associates.

A key barrier to option 4 being implemented is that this would require a significant electrical augmentation works to the local network, which would have to be designed and approved in consultation with Ausgrid. The cost, time or technical issues involved in this process may be prohibitive to installation of chargers.

Both options 3 and 4 will result in the provision of fast chargers to Eastgate and have benefits to Council. While option 4 has some technical issues to overcome and may take longer to install, it is very much worth pursuing.

All associated infrastructure is to comply with Australian Standards and does not alter the fire rating of the building.

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

The two options proposed have no financial impact to Council’s budget, although there would be some requirement for staff supervision in installation and ongoing use. One proposal includes the provision of some financial revenue to Council.



Council's Executive Manager, Procurement, and Council's Facilities Manager have been consulted in the preparation of this report. Consultation with the Eastgate Cost Share Committee would need to be undertaken prior to approval.

Council has investigated whether the installation of EV charging would provide an alternative revenue stream. Preliminary modelling of the financial payback on the installation of fast DC EV charging showed that the payback is greater than 12 years. The current Eastern Suburbs Public Electric Vehicle Charging Station Network operates on a partial cost recovery basis as it is deemed that EV usage provides a shared benefit to the community by reducing community greenhouse gas emissions.

## **6. Conclusion**

This report recommends that Council enter into a licence agreement with fast charge providers to install fast charge points into the Eastgate network. If successful, this will result in two and then an additional six charging stations being installed in the car park. Council officers will continue to investigate options to increase the number of charging stations in Eastgate Car Park and other locations in Waverley.

## **7. Attachments**

1. EV Charger Eastgate Options Analysis (confidential)
2. Evie Electric Vehicle Charging Station Licence Agreement (confidential)
3. Tesla EV Charger Licence Agreement (confidential) .

## REPORT

### CM/7.10/22.04



**Subject:** Planning Proposal - War Memorial Hospital - Birrell Street Sites - 99-117 Birrell Street, Waverley

**TRIM No:** PP-2/2020

**Author:** Patrick Hay, Strategic Planner

**Director:** George Bramis, Acting Director, Planning, Environment and Regulatory

---

### RECOMMENDATION:

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 99–117 Birrell Street, Waverley.
2. Notes the matters raised in the submissions made during public exhibition of the planning proposal.
3. Forwards the submissions and exhibition report to the Department of Planning and Environment (DPE) and requests that the Alternative Building Heights of 15 m and 21 m be alternative maximum heights that are only available in the instance that any height bonuses relating to Seniors Housing under the *Housing State Environmental Planning Policy* are not relied upon.
4. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the new Local Environmental Plan.

### 1. Executive Summary

On 20 September 2021, the Department of Environment and Environment (DPE) provided Council with a Gateway Determination for a planning proposal on the War Memorial Birrell Street (PP-2/2020) at 99-117 Birrell Street, Waverley. The proposal seeks to amend the *Waverley Local Environmental Plan 2012* (WLEP) to:

- Include the site on the Key Sites Map to refer to a site-specific incentive provision.
- Amend the Alternative Building Heights Map to show an alternate height of 15 m and 21 m.
- Amend the Alternative Floor Space Ratio Map to show an alternate floor space ratio of 1.2:1
- Create a new site-specific provision that:
  - Provides objectives for the redevelopment of the site.
  - Applies clause 6.9 Design Excellence to the site.
  - Sets out the requirements of a Site Specific DCP for the site.
  - Provides for an incentive provision that sets out requirements for:
    - Deep soil provision.
    - High performance building standards.
    - Affordable housing.

In order to achieve the development standards of:

- Maximum building height of 15 m and 21 m.
- Maximum floor space ratio of 1.2:1

The planning proposal has been placed on public exhibition as outlined in this report and is required to be forwarded to the DPE for a post-Gateway determination. The time frame for the reporting to Council is seven months from receipt of Gateway Determination.

## 2. Introduction/Background

The proposal has been prepared to complement a planning proposal at 125 Birrell Street, Waverley, known as the War Memorial Hospital Campus site (Campus Proposal). The Campus Proposal was finalised and gazetted in October 2021, partially completing a process which has taken place over a number of years since a planning proposal was first lodged in July 2017. Figure 1 shows the subject site alongside the campus site.



Figure 1. Campus and Birrell Street sites.

A more detailed summary of the events which have occurred relating to the Campus Proposal was provided in a report to Council in August 2021. The Birrell Street sites were not originally considered in the scope of the proposed changes, however as the process progressed it became evident that there would be benefits to include these sites in considering the overall redevelopment of the entire urban block. As a result, a separate proposal has been prepared to apply the same height and floor space ratio standards as the Campus site.

The subject proposal, when considered in conjunction with the WMH Campus Proposal, seeks to facilitate the holistic redevelopment of the Edina Estate. The overall redevelopment of the collective sites will enable

the continuation of essential social infrastructure through the provision of health-related uses and seniors housing, retain and enhance the unique heritage and environmental significance of the site, and open the site up to the public to encourage a greater level of public engagement with the heritage fabric and open space on the site.

Following a decision from Council in November 2020 to submit the proposal to the DPE for a Gateway Determination, a Gateway Determination was received by Council on 20 September 2021 (dated 17 September 2021). The proposal was subsequently placed on public exhibition between 10 November 2021 – 19 January 2022.

A timeline of the subject planning proposal and other events relevant to this report is provided below in Table 1.

*Table 1. Timeline of the planning proposal.*

Date	Matter
18 August 2020	Birrell St planning proposal submission lodged with Council
8 October 2020	Birrell St planning proposal reported to Waverley Local Planning Panel
3 November 2020	Birrell St planning proposal reported to November Strategic Planning and Development Committee
15 February 2021	Revised Masterplan provided by Proponent (Campus and Birrell St sites)
2 March 2021	Site Specific DCP endorsed by Strategic Planning and Development Committee
20 May–4 July 2021	Public Exhibition of Campus Site planning proposal and Site Specific DCP
17 August 2021	Campus Site planning proposal reported to Council and endorsed.
20 September 2021	Gateway Determination received for Birrell St Sites planning proposal
29 October 2021	Campus Site planning proposal finalised as Amendment No.22 in the WLEP.
10 November 2022–19 January 2022	Public exhibition of Birrell Street planning proposal

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/6.2/22.02	That Council: <ol style="list-style-type: none"> <li>Declares the setting of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road as a Heritage Conservation Area and includes it in schedule 5 of the <i>Waverley Local Environmental Plan 2012</i>, as recommended in the 5 May 2020 Council report CM/7.5/20.05(1).</li> <li>Includes this amendment in Heritage Policy Implementation planning proposal to be put to Council in April.</li> <li>Writes to Heritage NSW to ask that the State Heritage Listing be expedited.</li> </ol>
Council 17 August 2021	CM/7.11/21.08	That Council: <ol style="list-style-type: none"> <li>Supports the planning proposal to amend the <i>Waverley Local Environmental Plan 2012</i> in respect of 125 Birrell</li> </ol>

		<p>Street, Waverley.</p> <p>2. Officers review the following matters and update the draft Site Specific Development Control Plan (DCP) prior to it being adopted for exhibition:</p> <ul style="list-style-type: none"> <li>(a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.</li> <li>(b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.</li> <li>(c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.</li> <li>(d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.</li> <li>(e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.</li> </ul> <p>3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:</p> <ul style="list-style-type: none"> <li>(a) The inclusion of a site-specific clause in the <i>Waverley Local Environmental Plan 2012</i> for the subject site to prohibit the application of the <i>State Environmental Planning Policy (Housing for Seniors and People with a Disability)</i> on the R3 Medium Residential portion of the land.</li> <li>(b) The inclusion of a site-specific clause in the <i>Waverley Local Environmental Plan 2012</i> that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.</li> <li>(c) A request for consideration of options for rehousing existing residents in a sensitive and considered way, including giving preference to existing residents in the future development.</li> </ul>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<ol style="list-style-type: none"> <li>4. Officers, in any future development application, give consideration to rehousing existing residents.</li> <li>5. Officers discuss the potential inclusion of social impact mitigation provisions with the applicant to be included in the planning proposal, Site Specific DCP or any other planning instrument.</li> <li>6. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the amendment.</li> <li>7. Writes to property owners to provide an update on the Conditional Gateway Determination.</li> <li>8. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.</li> </ol>
Strategic Planning and Development Committee 3 November 2020	PD/5.5/20.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the submission of a planning proposal prepared by Ethos Urban on behalf of Uniting Care on 18 August 2020 to increase the maximum height of buildings and the maximum floor space ratio of the sites 99–117 Birrell Street, Waverley, under the Waverley Local Environmental Plan 2012.</li> <li>2. Notes that the proposed increase in height and FSR is consistent with the Gateway Determination received for the adjacent War Memorial Hospital Campus site, and will enable improved conservation of the significant heritage fabric of the site and increase the amount of usable, public open space available on the site.</li> <li>3. Authorises officers to forward the planning proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.</li> <li>4. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued by the DPIE.</li> <li>5. Notes that a Site Specific DCP will be exhibited concurrently with the planning proposal and will include provisions for scale and interface with the surrounding land uses, heritage buildings and gardens within the site, pedestrian access and through-site links and provision of landscaped open space.</li> </ol>

		6. Requests the role of local plan-making authority from the DPIE to exercise the delegations issued by the Minister under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the amendment.
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### 4. Discussion

The planning controls which form the basis for the proposal align with those that are present in the surrounding Campus Site, with the process of determining the proposed controls having taken place more broadly in line with the Campus Proposal.

#### Proposed development standards

The proposal seeks to amend the Alternative Building Height Map, specifying maximum building heights of 15 m and 21 m and also amend the Alternative Floor Space Ratio Map to apply an FSR of 1.2:1 across the whole site. The proposal does not propose to change the existing zoning on the site.

*Table 2. Existing and proposed development standards applying to the site.*

	Existing	Proposed
<b>Zone</b>	R3 Medium Density Residential	R3 Medium Density Residential
<b>FSR</b>	0.6:1	1.2:1*
<b>Height</b>	9.5m	15 m and 21 m*

*\*Denotes only achieved if incentive provisions in the WLEP are met.*

Attachment 1 provides illustrations of potential built form and building massing extracted from the Urban Design Guide (Masterplan) which formed part of the proposal exhibition package.

#### *Building heights*

When considered in the context of both the properties adjacent on the northern side of Birrell Street (and associated permitted building heights) and the surrounding building heights previously supported by Council on the Campus Site, the proposed building heights of 15m and 21m are considered to be appropriate. Specifically, the height arrangement seeks to:

- Ensure the additional height is only available when affordable housing, high-performance buildings and significant deep soil zones (open space) are provided for the site.
- Provide appropriate height to the immediate curtilage of the individual heritage items to the east of the site.
- Permit additional height in the centre of the site where it can be appropriately mediated by the design of the buildings on site and present a more appropriate 15m street frontage to the adjacent built form, which is a mix of 1-2 storey dwellings and 3-4 storey flats, with a maximum height limit of 12.5m.
- Ensure that the height of the heritage listed Norfolk Pine trees is not challenged by any new development on the site.
- Ensure that the height of the Vickery Tower is appropriately respected by any new development on the site.
- Ensure that the 15m and 21m are maximum alternate heights, which include any bonuses that may apply from SEPPs.

Officers have considered a variety of factors both prior to and following exhibition, having ultimately concluded that heights, as proposed should be supported in their current form.

### *Floor space ratio*

The maximum available FSR proposed is consistent with that of the Campus Site at a FSR 1.2:1. As is the case with the proposed building heights, the increase in available floor space on the site will only be available if any development satisfies the criteria as outlined in this report. Allowing for additional floor space, will assist in the ability to deliver Seniors Housing on the site. It is noted that the Proponent will receive significant uplift, with the permitted floorspace on the site essentially doubling through the planning proposal process (from 0.6:1 to 1.2:1). Due to the increase in floorspace which will result, Officers have seen the provision of affordable housing as a key public benefit associated with this uplift, critical to its progression. Further discussion on the affordable housing provision is provided in this report.

### **Holistic redevelopment**

Officers have progressed the proposal with the intention of ensuring that the subject site will be redeveloped in conjunction with the broader Campus site. One of the conditions included as part of the Gateway Determination provided by the DPE, was that Council update the provisions in the proposal 'to explain that the bonus/incentive provisions are only available if the properties are developed as part of the broader War Memorial Hospital site'. This means that any increase in development standards proposed in the proposal (Alternative Building Heights and Alternative Floor Space Ratio) will only be available if the sites are developed in conjunction with the Campus site. This approach will ensure that the Birrell Street sites are not developed in isolation.

In relation to the above discussion, it should be noted that all associated lots are under the single ownership of the Proponent, except for the property at 99 Birrell Street, Waverley. It is understood that the Proponent has been progressively purchasing properties not previously under their ownership and that negotiations with the remaining property owner at 99 Birrell Street are on-going. Officers have not been involved in the negotiations between the Proponent and the property owners, nor is it viewed as the position of Council to be involved in this process. Despite one property yet to be purchased by the Proponent, Officers do not believe that this is a sufficient reason not to support the proposal.

### **Affordable housing**

A key focus of progressing the subject proposal has been the inclusion of affordable housing as part of any uplift on the site.

Since the inception of the proposal in October 2020, the proponent has been broadly supportive of an allowance of up to 10% of residences for affordable housing provided under any redevelopment. The appropriate mechanism considered by the Officers was to include a site-specific provision requiring 10% affordable housing on the site, in-line with Council's endorsed Affordable Housing Contribution Scheme (AHCS). The DPE has supported this approach, however feedback was that while Council's AHCS had been endorsed by Waverley Council, it had not yet been supported by the DPE and consequently implemented and embedded into the *WLEP*. As a result, the DPE requested Council to remove reference to the AHCS and instead consider specifying a quantum of floor space to be dedicated to affordable housing. Negotiations with the DPE resulted in support in the Gateway Determination for a mechanism that would consider a proposed quantity of floor space (404 sqm) or 10% (whichever is greater) to ensure the best possible outcome for Council. For example, if any proposed development exceeds the FSR of 1.2:1, then this would result in an additional requirement for affordable housing.



Should the plan be finalised to include the inclusion of a site-specific provision related to affordable housing, this would be the first of its kind in the *WLEP* and help in setting a strong precedent for Council to negotiate better outcomes for affordable housing in any other future planning proposals.

### **Heritage considerations**

None of the properties on the subject sites are currently listed as Heritage Items in the *WLEP* or located in a Heritage Conservation Area (HCA). Given the presence of Heritage Items located on the Campus Site and the presence of the Botany Heritage Conservation Area to the north of Birrell Street, appropriate design considerations will need to occur relating to any development which would take place on the sites. These details are not considered as part of the principal development standards which would amend the *WLEP* but rather, are matters to be addressed in the site-specific DCP, which is discussed in more detail later in this report.

While the subject sites don't have any Heritage Items listed or aren't located in a HCA, the subject sites are currently inside a proposed HCA which is being considered as part of Council's Heritage planning proposal. The proposed HCA includes the entire urban block bound by Birrell Street, Bronte Road, Church Street and Carrington Road, inclusive of both the Campus and Birrell Street sites. The decision to nominate the proposed HCA came because of a motion resulting from a Mayoral Minute at the February 2022 Council meeting. The proposed HCA was subsequently included in the Heritage planning proposal, which was endorsed at the Strategic Planning and Development Committee meeting on 5 April 2022 to proceed to a Gateway Determination.

The proposed HCA which would encompass the entire block of the sites subject to this proposal has been considered by the Officers in their post-exhibition assessment. Part of the discussion relating to the HCA related to the implications of a HCA upon the availability of additional floor space and height bonuses available under the Housing State Environmental Planning Policy (Housing SEPP). Previously under the Seniors SEPP, HCAs were excluded from the application of the SEPP. Since the Seniors SEPP was repealed and replaced with the Housing SEPP, this exclusion no longer applies, and no savings provisions (carry over period) was provided for HCAs. As a result, based on the findings of research undertaken by Officers, the listing of the subject sites as a HCA would not prevent the application of bonuses available in the Housing SEPP. A further discussion of SEPP bonuses is provided throughout the report.

### **High-performance building standards**

The proposal also specifies high performance building standards providing targets which exceed minimum requirements relating to BASIX and NatHERS (for residential development) and NABERS (for any non-residential functions, if provided). The targets have been developed in consultation with Council's environmental sustainability team and are already embedded in the *WLEP* for the Campus Site. The proposed Alternative Height of Buildings and Floor Space Ratio will only be able to be achieved if the high-performance building standards are met.

### **Minimum deep soil**

A minimum deep soil area of 30% is proposed as part of the proposal, to ensure that the site will continue to contribute to the Habitat Corridor which runs through the centre of the site, and to ensure that mature trees have adequate and healthy soil to grow in. The proposed Alternative Height of Buildings and Floor Space Ratio will only be able to be achieved if the relevant level of deep soil is allowed for.

### **Design excellence**

It is proposed to include the site on the Key Sites Map of the *WLEP* and that clause 6.9 Design Excellence be applied to the site. Given the size and nature of the site, it is considered that the development will be of a scale that should attract additional considerations under Design Excellence.

## Application of bonuses from the Housing State Environmental Planning Policy

Regarding the Campus Proposal, Council supported the planning proposal, with a number of further matters to be considered by the DPE. This included consideration of excluding any extra floor space bonuses which were previously available under the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* (Seniors SEPP). The proposed matter for the DPE to consider was:

*'The inclusion of a site-specific clause in the Waverley Local Environmental Plan 2012 for the subject site to prohibit the application of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) on the R3 Medium Residential portion of the land.'*

The inclusion of such a clause was proposed to ensure that the proposed development standards would not be exceeded, the intention of which was to ensure that any subsequent development that may take place after the planning proposal would be in-line with development standards that Officers saw as appropriate for the site.

The proposed above inclusion was objected to by the Proponent to both Council (at its meeting in August) and via later correspondence to the DPE. Despite the request, Council was ultimately unsuccessful as the DPE, who was the Local Plan Making Authority responsible for having the final say on the proposal, did not support the exclusion.

Since the Campus Proposal was finalised in October 2021, the Seniors SEPP has been repealed and has been incorporated into the new Housing SEPP. The Housing SEPP, which came into effect in December 2021, proposes a different bonus structure for the provision of Seniors Housing. In the instance where Residential Flat Buildings (RFBs) are permitted (such as the entire subject site's zoning – R3) bonuses are available for the development of Seniors Housing, Residential Care Facilities (aged care) or a combination of both. A comparison of the differences between the two SEPPs are outlined in Table 2. Bonuses are not available on any sites zoned SP (for example SP2 – Infrastructure which is prevalent on most of the Campus Site).

*Table 2. Comparison of bonuses under Seniors and Housing SEPPs.*

SEPP	Height Bonus	Floor Space Bonus
Seniors SEPP	Nil	<ul style="list-style-type: none"> <li>0.5:1 additional</li> </ul>
Housing SEPP	Maximum of 3.8m	<ul style="list-style-type: none"> <li>Additional 15% of the max FSR for Independent Living Units (ILU).</li> <li>Additional 20% of max FSR for Residential Care Facility (RCF).</li> <li>Additional 25% of max FSR for a combination of ILU and RCF.</li> </ul>

In evaluating the unsuccessful approach in seeking an exclusion of bonuses under the Campus Proposal, Officers have considered the previous discussion and approach taken, as well as the impact any bonuses under the Housing SEPP could have.

### *Floor space ratio*

Under the new Housing SEPP, additional floor space bonuses are less than that of the Seniors SEPP. Bonuses would be as described in Table 3.

Table 3. Potential bonuses available under Housing SEPP

Use	Bonus
Independent Living Units (ILUs)	0.18:1 (Total FSR = 1.38:1)
Residential Care Facility (RCF)	0.24:1 (Total FSR = 1.44:1)
Combination of ILU and RCF	0.25:1 (Total FSR = 1.5:1)

When considering the above 'sliding scale' of bonuses, it is important to note the use which would accompany any bonus. In the adopted report of the Campus Proposal, Council requested that the DPE consider:

*'The inclusion of a site-specific clause in the Waverley Local Environmental Plan 2012 that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.'*

As with the proposed exclusion of bonuses from the Seniors SEPP, the Proponent was not supportive of the above inclusion. Council was ultimately unsuccessful in this request, as the DPE did not agree it was appropriate to specify a minimum floor space requirement for residential aged care development.

Given Council's intent to see that aged care is provided as part of any redevelopment of the site, the use of any floor space bonuses to ensure this occurs could be seen as a fair trade-off given that on the Birrell St sites (which is zoned entirely R3 – Medium Density Residential), the proponent is not in any way obligated to provide this use. Should the Proponent only seek to provide ILUs on this portion of the site, the total FSR bonus would be 0.18:1, resulting in a total FSR of 1.38:1, reduced from the FSR of 1.7:1 which would have been made available under the Seniors SEPP.

### *Building heights*

The biggest concern for Council Officers in the context of the bonuses which may apply is the 'up to 3.8 m' bonus height available for the provision of either Independent Living Units or a Residential Care Facility. Unlike the FSR bonus, the height limit is available when either Independent Living Units or a Residential Care Facility is provided and is not on a sliding scale dependent on the use proposed. Given that Council has not previously supported heights on the subject site and surrounding Campus site greater than those proposed (for example the 28m previously proposed by the Proponent on the Campus site), seeking an exclusion of any height bonuses from the Housing SEPP is seen as the priority and one area where in which the DPE may be willing to support Council. A request to exclude height bonuses only, would still allow for the floor space bonuses that the Proponent has likely already planned for and factored into their design preparations, but would ensure this floor space is required within the height limits that Council officers have consistently supported as appropriate to reduce impacts on the significant heritage and surrounding urban areas.

A proposed exclusion of any height bonuses would also be consistent with the ruling of the Sydney Eastern City Planning Panel, who in their record of decision on 18 October 2019 in relation to the Rezoning Review for the Campus Proposal, wrote:

*'As concerns the proposed FSR of 1.5:1 and the proposed height of up to 28m (allowing eight-storey buildings), the Panel agrees with the Council that these controls, like some of the additional uses, are excessive and likely to have a negative impact on the scale and character of the area. The controls suggested by the Council (FSR of 1.2:1 and height controls of 21m and 15m) seem more appropriate.'*

### *Mechanism*

Officers do not recommend a complete exclusion of the application of the provisions relating to Seniors Housing in the Housing SEPP. Rather, what is being proposed is a sub clause within the site-specific clause in the *WLEP* which would mean that any proposed Alternative Building Heights cannot be made available if the overall proposed building heights are reliant upon bonuses contained within the Housing SEPP.

Should this matter be supported by Council and ultimately the DPE, the proposed mechanism within the *WLEP* would be subject to specific wording and drafting by Parliamentary Counsel, however Council Officers would sight precedent of this having occurred within the *Leichardt Local Environmental Plan (LLEP)*, relevant to the now Inner West Council.

In the *LLEP* clause 6.20 'Development of land at 17 Marion Street, Leichardt' relates to a site which was previously subject to a planning proposal with the proponent of the planning proposal the same as the proponent of the subject proposal – Uniting. A report prepared by a consultant on behalf of Uniting in that instance stated that:

*'The transparency of this approach (i.e. only providing development uplift if linked to seniors housing and removing additional bonus provisions under the Seniors SEPP) reflects the values of Uniting as a Community Housing provider with a certainty that this is not a speculative proposal, and has been conceived with the community's interests as a priority.'*

Considering the above example, Officers believe that, in order for this proposal not to be considered a speculative proposal, it is recommended that the approach applied to clause 6.20 in the *LLEP* also be considered by the DPE for the subject proposal.

### **Local Plan Making Authority**

Council has not been provided with the role of Local Plan Making Authority (LMPA) as part of the Gateway Determination, for this proposal. However, should the proposal be supported, Council will be able to update the planning proposal package which was placed on exhibition, and provide further discussion and justification around the abovementioned key issues (for example Affordable Housing and proposed exclusion of height bonuses available in the Housing SEPP). In addition, Officers will be able to work with the DPE around these issues and any final wording of site-specific clauses, should the DPE support the proposal to be finalised. The experience of the Officers of this process based on the recent finalisation of the Campus Proposal was a positive one. Should Council not support the proposal, it is likely Council officers' involvement will be reduced and the DPE may support the proposal regardless of Council's position.

### **Site-specific Development Control Plan (SSDCP)**

A draft Site-Specific DCP (SSDCP) has also been developed to guide development onsite and ensure any development will incorporate design excellence and provide for adequate biodiversity and habitat outcomes. The SSDCP would ensure good amenity for residents, through sustainable building quality and high-quality open spaces, whilst respecting the significant built and cultural heritage open spaces. The draft SSDCP was reported to the Strategic Planning and Development Committee in March 2021 and endorsed by Council to proceed to public exhibition. The draft site-specific DCP was exhibited concurrently with the Campus Proposal in 2021 and was reported to Council in August 2021 where matters relating to the SSDCP were discussed in more detail. The SSDCP was not put to Council for adoption at this meeting, however it was proposed that a further review was to take place in line with feedback received. As part of the adopted report, Council recommended that:

Officers review the draft SSDCP to consider the following matters prior to finalising and reporting to Council for adoption:

- (a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.
- (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
- (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will remain accessible to the public and that pedestrian accessibility through the site will be improved.
- (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
- (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.

Officers are continuing to review the SSDCP in line with the above. This has included in the first instance, meeting with the proponent to discuss their willingness to respond to the issues raised, as well as undertaking a separate internal review of the issues and potential responses. The review of the SSDCP is still underway and whilst it would have been preferable to report the matter to the same meeting as the subject planning proposal, timing of events has not ultimately led to this occurring. Officers are working to finalise the SSDCP as soon as possible in the coming months, likely to report to Council on the matter in May or June, however the precise timing is yet to be determined. It should be noted that the final timing of the SSDCP is however, also dependent on the finalisation of the Birrell Street planning proposal. It would therefore be prudent for Council, Officers to await the decision of the DPE, in order to determine whether there may be implications for any additional changes upon the SSDCP.

## 5. Consultation

Exhibition of the Campus Proposal took place over eight weeks between 10 November 2021 and 19 January 2022. The public exhibition period was initially to be open for a period of six weeks; however, due to having received multiple requests for extensions, a two-week extension period was provided, resulting in a total of eight weeks for submissions to be received, providing an additional 28 days beyond the 28-day minimum requirement set out in schedule 1 of the *Environmental Planning and Assessment Act 1979*.

All documents exhibited relating to the planning proposal were exhibited on Council's Have Your Say Page. The page received 666 visitors, with 126 users downloading at least one document and 69 users downloading the Council authored planning proposal report. The documents were also exhibited on the NSW Government Planning Portal as per reference number PP-2021-4641.

Notification of the public exhibition occurred through the following means:

- Notification to 403 unique addresses relating to owners and tenants of the properties surrounding the subject site.
- Notice in the *Wentworth Courier*.
- Social media posts on Council's Facebook page.
- Notification in Council's Waverley Weekly and Have Your Say e-newsletters.
- Notification to all of Council's Precinct Committees.
- A presentation to Queens Park, Bronte Beach and Charing Cross precincts.

As part of the Gateway Determination, notification of Heritage NSW, Transport for NSW, Ausgrid, Sydney Water and NSW Health occurred. Submissions were received by four out of the five agencies notified. Despite notification provided no submission was received by Ausgrid. While not receiving submissions from all the agencies notified is not ideal, for the purposes of satisfying the Gateway condition the DPE has advised only notification of these agencies has to occur and a response does not have to be received. Of the submissions received by agencies, no significant issues were raised, or objections outlined. Most matters raised by agencies were relevant in the context of consideration during any future Development

Application or were consistent with advice received in the Campus Proposal. A submission was also received from the proponent in support of the proposal.

In addition to the abovementioned submissions, a total of 74 submissions were received from members of the community. Several late submissions were also received after the closing date. These submissions have been considered in this report. While 74 submissions are noted as being a considerable volume of submissions received, the number of submissions should also be considered in the context of the quantity of views of Council's Have Your Say page (666) and the number of individual letters distributed as part of the notification process (403).

Several respondents provided more than one submission, these have been combined and considered collectively as a single submission. Of the total submissions received from the community, 48 could be considered as 'unique submissions'—which were distinctively different in their content to any other submission—and 26 could be considered as 'non-unique submissions', either an identical submission copied verbatim from another submission or a submission endorsing another submission. Of the 26 non-unique submissions, 20 endorsed a submission provided by a specific community group. Issues raised in each submission, regardless of whether a submission was unique or not, have been counted in the summary present in Table 4.

Table 4 summarises the feedback received from the community, due to the substantial volume of submissions received, submissions have not been provided in the attachment. Copies of full submissions can be provided to Councillors upon request.

*Table 4. Summary of submissions received.*

Community comment	Number of submissions
Supported	3
Did not support	69
Undetermined	2
<b>Supported</b>	
<b>Related to planning proposal</b>	
Floor space ratio	3
Building Heights	3
Provision for affordable housing	3
<b>Objection or concern</b>	
<b>Related to planning proposal</b>	
Building heights	60
Floor space ratio (also includes comments relating to 'bulk')	47
Scale of potential arising development	34
Ability to enforce affordable housing provision	32
Potential increase in height and FSR resulting from the application	33
Housing SEPP Bonuses	
Concern over future living arrangements of current residents	10
Potential impact on built heritage (surrounding or loss of existing cottages)	51
Traffic impacts	5
Potential impacts on character and properties in the surrounding area	42
<b>Related to Site-specific Development Control Plan</b>	
Potential removal of mature trees (Campus Site)	38
Impact on habitat corridor and urban ecology	41

The key issues raised in relation to the controls proposed in the proposal relate to objections to the proposed Alternative Building Heights and Alternative Floor Space Ratio. The issues raised reference the impact the proposed building heights and floor space ratio could have on the surrounding neighbourhood characteristics, particularly the relationship between any new built form, properties adjacent and heritage items on site. In addition, concern regarding the potential application of any bonuses available under the Housing SEPP was also raised as a key issue.

Several submissions also raised concern surrounding whether or not Council would be able to implement the proposed affordable housing provision in the *WLEP*. It appears there was some confusion in the community about this proposed provision, as the DPE asked Council in the Gateway Determination to remove reference to Council's AHCS, but not to remove the provision altogether.

Many submissions also raised concerns about issues which do not relate to the principal development standards being proposed in the planning proposal and rather relate to matters of detailed design, which will be reflected in the Site-specific DCP. Further discussion regarding the SSDCP has been provided earlier in this report.

It is noted there is still some confusion in relation to the planning proposal process in comparison to the development application process. This is not uncommon and has occurred with previous planning proposals. This was also the case with the Campus Proposal and Site-specific DCP exhibition. In preparing the exhibition materials, Officers worked with Council's Community Engagement Team with the intention to better explain what was being proposed. As reported to the March Council Meeting, the NSW State Government is currently proposing changes to the planning proposal process. Whilst the submission prepared by Council was not supportive of all the proposed changes, Officers saw the intention to place an emphasis on community engagement upfront, prior to Council assessment as being a beneficial change to the existing process.

The officers' position and recommendations being put to Council do not necessarily align with the views of most people who provided submissions during the public exhibition period. Officers have reviewed and considered the feedback received from the public exhibition and are still of the opinion, that the proposal still demonstrates enough merit to be supported to finalisation by the DPE. Justification has been provided throughout this report relating to the key public benefits and factors which have influenced the decision to recommend that Council support the proposal. Those who provided a submission are updated throughout the post-exhibition and finalisation process and will receive follow-up correspondence after the Council meeting, advising them of the decision of Council and subsequent evaluation by the DPE as the LPMA.

## 6. Conclusion

There is substantial community interest in ensuring that any redevelopment which takes place on the Birrell Street site and more broadly the entire urban block relating to the War Memorial Hospital is undertaken in a way that is sensitive in respecting the significant heritage fabric on the Campus Site, as well as the surrounding character of the local area. Feedback received during the public exhibition of the planning proposal for the site raised several issues and objections related to both the proposed controls detailed in the subject planning proposal, and the accompanying site-specific DCP.

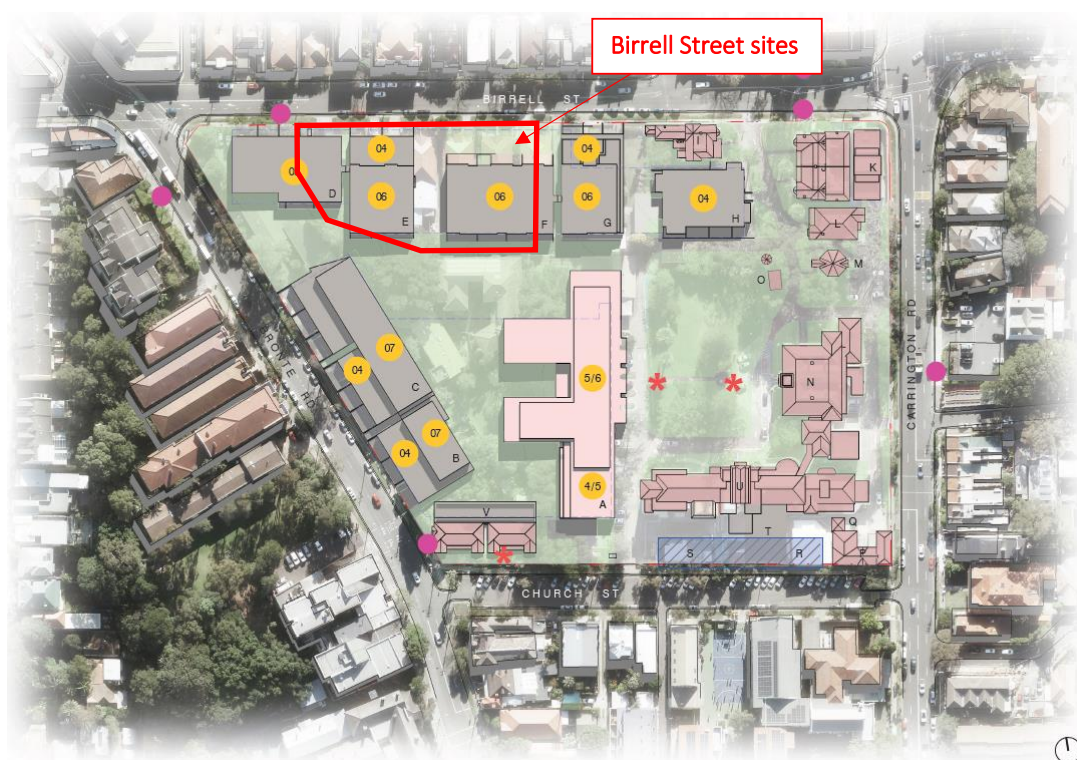
In response to the issues raised relating to the proposal, Officers have reviewed the proposed controls, alongside the issues raised throughout the exhibition process. Notwithstanding the comments raised, as outlined in the report, it is believed that the proposed controls and associated public benefits mean that the proposal should still be supported by Council.

## 7. Attachments

1. Potential built form outcomes [↓](#)
2. Gateway Determination [↓](#) .

## Attachment 1 - Potential built form outcomes

Figure 1. 2020 Master Plan aerial view (inclusive of Campus Sites) - Source: Uniting



### Legend

- ✱ Proposed Drop Off
- Future Hospital Extension
- Existing Bus Stops
- 06 No. of storeys

- |                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A Building A - RAC, Clubhouse, Wellness Centre &amp; Care Apartments</p> <p>B Building B - ILU</p> <p>C Building C - ILU</p> <p>D Building D - ILU</p> <p>E Building E - ILU</p> <p>F Building F - ILU</p> <p>G Building G - ILU</p> <p>H Building H - ILU</p> <p>I Winston O'Reilly Building</p> <p>J L.E. King Building</p> <p>K Elizabeth Hunter Lodge</p> | <p>L Cadi Cottage</p> <p>M Nellie Vickery Chapel</p> <p>N Vickery Building</p> <p>O Morgan Building</p> <p>P Cafe Manos</p> <p>Q Education Centre</p> <p>R Morgue</p> <p>S Podiatry, Therapy Gym, Hydrotherapy Pool</p> <p>T Maintenance</p> <p>U Hospital Extension</p> <p>V Existing cottages to be converted into Childcare</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**Figure 2.** Aerial view of massing from north east corner - Birrell Street & Carrington Road - Source: Uniting



**Figure 3.** Aerial view of massing from north west corner - Birrell Street & Bronte Road - Source: Uniting



**Figure 4.** Aerial view of massing from north - Birrell Street - Source: Uniting



**Figure 5.** View along the corner of Birrell Street & Bronte Road, looking south-east - Source: Uniting



**Figure 6.** View along Birrell Street looking east - Source: Uniting



**Figure 7.** Elevated perspective looking east along Birrell Street (near Centennial Park) – Source: Uniting



Figure 8. Birrell street indicative elevation and section – Source: Uniting







Planning,  
Industry &  
Environment

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-4641):** to introduce alternative floor space ratio and building height and site specific provisions for land at 99-117 Birrell Street, Waverley.

I, the A/Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Waverley Local Environmental Plan (LEP) 2012 to introduce alternative floor space ratio and building height and site specific provisions for land at 99-117 Birrell Street, Waverley should proceed subject to the following conditions:

1. The planning proposal (including relevant attachments) is to be revised prior to exhibition to address the matters set out below:
  - (a) Update the Explanation of Provisions to explain that the bonus/incentive provisions are only available if the properties are developed as part of the broader War Memorial Hospital site
  - (b) Provide a plain English explanation of the high-performance building standards in the body of the planning proposal, and that the alternative building height and FSR can only be achieved if the above standards are met; include a commentary addressing State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 by stating that the proposed higher BASIX commitments form part of an incentive provision.
  - (c) Remove all references to affordable housing contributions where they relate to an affordable housing contributions scheme prepared in accordance with State Environmental Planning Policy No. 70 Affordable Housing (Revised Schemes), as well as all references to monetary contributions or payment for affordable housing.
  - (d) Update the discussion on section 9.1 Ministerial Direction 2.6 Remediation of Contaminated Land to summarise the results of the preliminary site investigation for the subject Birrell Street site and include the full terms for any acronyms.
  - (e) Remove reference to section 9.1 Ministerial Direction 7.1, which was revoked on 9 November 2020.
  - (f) Address the Waverley Local Housing Strategy, which was endorsed by the Department on 16 July 2021.
  - (g) Update Part 6 Project Timeline to be consistent with the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
- Transport for NSW;
  - NSW Health;
  - Sydney Water;
  - Heritage NSW – Department of Premier and Cabinet; and
  - Ausgrid.
- Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Council is not authorised to be the local plan-making authority to make this plan.
6. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.
7. The planning proposal must be reported to council for a final recommendation no later than 7 months from the date of the Gateway determination.

Dated 17 September 2021.



**Laura Locke**  
**A/Executive Director, Eastern Harbour City**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**

PP-2021-4641 (IRF21/2696)

**REPORT**  
**CM/7.11/22.04**

**Subject:** Voluntary Planning Agreement - 18-20 Allens Parade, Bondi Junction

**TRIM No:** SF22/811

**Author:** Emma Rogerson, Acting Senior Strategic Planner

**Director:** George Bramis, Acting Director, Planning, Environment and Regulatory

---

**RECOMMENDATION:**

That Council:

1. Endorses the draft planning agreement attached to the report applying to land at 18–20 Allens Parade, Bondi Junction, offering a total monetary contribution of \$81,400, with \$61,050 (75%) to be allocated to public domain upgrades in Bondi Junction east or the Bronte Road, Bondi Junction, centre and \$20,350 (25%) to be allocated to the Waverley Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

**1. Executive Summary**

This report seeks Council's endorsement to execute the attached draft Planning Agreement associated with the approved development application DA-88/2019/A at 18–20 Allens Parade, Bondi Junction. The application was approved for the demolition of two detached dwellings and construction of a three-storey residential flat building with basement parking and six units. The application was approved with a floor space exceedance of 22 sqm (total floor space ratio of 0.77:1); 3.2% over the permissible floor space ratio of 0.75:1.

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

**2. Introduction/Background**

The draft Planning Agreement offers a total monetary contribution of \$81,400 in accordance with Council's Planning Agreement Policy 2014.

**3. Relevant Council Resolutions**

Nil.

#### 4. Discussion

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

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The draft Planning Agreement offers a total monetary contribution of \$81,400, with \$61,050 (75%) to be allocated to public domain upgrades in Bondi Junction east or the Bronte Road, Bondi Junction, centre and \$20,350 (25%) to be allocated to the Waverley Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014.

The contribution could support improvements within Bondi Junction outlined in the Complete Streets Program or Our Liveable Place (OLP) Centres Strategy. The decision to allocate funding is based on a review of feedback received from consultation of both this VPA and the mentioned strategies/programs to confirm community needs and wants and target additional funding to maximise benefit to the community.

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

The draft Planning Agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft Planning Agreement and explanatory note were exhibited from 24 February 2022 to 24 March 2022, and included:

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

##### Submissions

One submission was received during the exhibition period, providing comment on the built form of the development only, which is not relevant to this exhibition as the development application has been approved.

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

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$81,400 in accordance with Council's Planning Agreement Policy 2014.

#### 6. Conclusion

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

#### 7. Attachments

1. Draft Planning Agreement [↓](#)
2. Explanatory note [↓](#) .



---

**WAVERLEY COUNCIL**

**(Council)**

**AND**

**AMANDA LOUISE LAVECKY**

**(Developer)**

---

## **PLANNING AGREEMENT**

**(Development Contribution)**

---

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

---

**PLANNING AGREEMENT NO. \_\_\_\_\_*****Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2022

**PARTIES**

**WAVERLEY COUNCIL** of Cnr Paul Street and Bondi Road, Bondi Junction NSW 2022  
ABN 12 502 583 608 ("**Council**")

**AND**

**AMANDA LOUSIE LAVECKY** of Level 1, 377 New South Head Road, Double Bay NSW 2028  
("**Developer**")

**BACKGROUND/RECITALS**

- A.** The Developer is the registered proprietor of the Land.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 19 March 2019 the Developer lodged a development application (DA-88/2019) with Council for development consent to carry out the Development on the Land. The Developer subsequently lodged an appeal with the Land and Environment Court. Development consent was granted by the Court on 9 March 2021.
- D.** On 7 April 2021 the Developer made an application to Council modify the development consent (Modification Application)(DA-88/2019/A). The Developer subsequently lodged an appeal with the Land and Environment Court in respect to the Modification Application.
- E.** On 17 December 2021 an offer was made to Council by the Developer in connection with the development application and Modification Application, to enter into this Agreement and to make the Development Contribution to be applied towards a public purpose in accordance with Council's Planning Agreement Policy.
- F.** Development Consent was granted by the Land and Environment Court in respect to the Modification Application on 24 December 2021.
- G.** This Agreement is consistent with the Developer's offer referred to in Recital E.

## OPERATIVE PROVISIONS:

### 1 PLANNING AGREEMENT UNDER THE ACT

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

### 2 APPLICATION OF THIS AGREEMENT

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

### 3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as possible after the Development Consent is granted and prior to the issue of any Construction Certificate which permits building works (not including stage 1 Construction Certificate for demolition and other associated earthworks) for the development that relates to works contained in DA-88/2019/A.

### 4 DEFINITIONS AND INTERPRETATION

#### 4.1 Definitions

In this Agreement unless the context otherwise requires:

“**Act**” means the *Environmental Planning and Assessment Act 1979* (NSW);

“**Agreement**” means this agreement;

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

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

“**Caveat Form**” means an irrevocable authority to Waverley Council to register and maintain a caveat on the Land, in a form acceptable to Council and executed by the owner of the Land, or such other form of owner’s consent to caveat as may be required by Council;

“**Certifying Authority**” means any accredited private certifier including where appropriate, a Principal Certifying Authority (PCA) appointed or to be appointed to certify the Development or any aspect of it;

“**Council**” means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority

responsible for a local government area that the Land is located within;

**“Construction Certificate”** means any construction certificate as referred to in s 6.4 of the Act in respect of the Development Consent but excludes any Construction Certificate for the purpose of non-building work such as demolition, excavation and other ground works;

**“Development”** means the development the subject of the Development Application described in item 4 of the Schedule;

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

**“Development Consent”** means the development consent granted in respect of the Development Application described in item 3 of the Schedule;

**“Development Contribution”** means the amount of money referred to in item 5 of the Schedule;

**“Development Contribution Date”** means the time the Development Contribution is to be paid as specified to in item 7 of the Schedule;

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

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

**“Land”** means the land described in item 2 of the Schedule and any consolidation or subdivision thereof;

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

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

**“Public Purpose”** for the purpose of this Agreement means the public purpose described in item 6 of the Schedule;

**“Registration Application”** means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

**“Schedule”** means the schedule to this Agreement.

#### 4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;

- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

## **5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT**

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.
- 5.3 Notwithstanding any other provision herein, the Development Contribution herein, being as set out in condition 4A(a)(i) of the Development Consent, is subject to increase in accordance with paragraph 7 of the offer made by the Developer referred to in Recital E.

## **6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION**

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

## **7 APPLICATION OF S7.11 AND S7.12 OF THE ACT TO THE DEVELOPMENT**

- 7.1 This Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the Development.
- 7.2 The Development Contribution provided by the Developer will not be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.

## **8 REGISTRATION OF THIS AGREEMENT**

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
  - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 As soon as possible after entering into this Agreement and in any event prior to the issue of any Construction Certificate for the Development, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
  - (b) provide the Council with a cheque in favour of the Council for the registration fees (including PEXA fees) for registration of this Agreement;
  - (c) provide the Council with a cheque in favour of the Council for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and
  - (d) take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate.

- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal and will promptly provide its consent, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution or surrender of the Development Consent occur upon the date of this Agreement and prior to issue of a Construction Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.
- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

## **9 BANK GUARANTEE**

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

- (a) Subject to clause 8.8, prior to the issue of any Construction Certificate for the Development which permits building works (not including stage 1 Construction Certificate for demolition and other associated building works), the Developer must deliver to the Council a Bank Guarantee, which must be:
- (i) in a form and from an institution approved by the Council;
  - (ii) irrevocable and unconditional;
  - (iii) with no expiry date;
  - (iv) issued in favour of the Council;
  - (v) for an amount equivalent to the Development Contribution set out in Item 5 of the Schedule;
  - (vi) drafted to cover all of the Developer's obligations under this Agreement; and
  - (vii) on the terms otherwise satisfactory to the Council.
- (b) The Developer acknowledges that the Council enters into this Agreement in consideration of the Developer providing the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Development Contribution to Council in

accordance with this Agreement.

## **9.2 Calling on Bank Guarantee**

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Development Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
  - (ii) breaches any other term or condition of this Agreement,
- and fails to remedy the relevant failure or breach within 14 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer will be required to pay to the Council any outstanding balance of the Development Contribution and other amounts payable under this Agreement.

## **9.3 Return of Bank Guarantee**

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

## **10 REVIEW OF THE AGREEMENT**

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

## **11 DISPUTE RESOLUTION**

### **11.1 Notice of dispute**

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

### **11.2 Response to notice**

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



11.3 The nominated representative must:

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

11.4 **Further notice if not settled**

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

11.5 **Mediation**

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

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

mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

#### 11.6 Expert Determination

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

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

#### 11.7 Litigation

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

#### 11.8 Continue to Perform Obligations

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

### 12 ENFORCEMENT

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act

or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

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

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement;
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid; and
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer acknowledges and agrees that:

- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council;
- (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (d) unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and
- (e) Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the caveat from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.

12.4 Subject to clause 15 herein, in the event that the Developer proposes to transfer the Land to an entity which Council is satisfied is a related entity, the Council agrees to withdraw the Caveat, to effect registration of the transfer of the Land to the related entity provided the Developer:

- (a) procures the entering by the new entity in an Agreement in accordance with clause 15, in the same terms as this Agreement, in the name of the new entity (the New Agreement) prior to any transfer;
- (b) ensures the new entity provides all the same warranties as provided by the Developer herein in the New Agreement;
- (c) does all things necessary along with the new entity to effect the registration of the New Agreement in accordance with clause 8;
- (d) ensures the Bank Guarantee in clause 9 of this Agreement is replaced with a Bank Guarantee provided by the new entity under the New Agreement;
- (e) does all things necessary along with the new entity to effect the registration of a replacement Caveat in accordance with clause 12; and
- (f) pays all the costs of and incidental to preparation and registration of the New Agreement and associated instruments including withdrawing and reloading a Caveat on the title of the Land including PEXA fees and registration costs.

### **13 NOTICES**

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that Party at its address set out below in Item 8 of the Schedule;
  - (b) faxed to that Party at its fax number set out below in Item 8 of the Schedule;
  - (c) emailed to that Party at its email address set out below in Item 8 of the Schedule.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, 2 business days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

### **14 APPROVALS AND CONSENT**

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

## **15 ASSIGNMENT AND DEALINGS**

15.1 Until the Development Contribution is paid in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so unless in accordance with clause 15.2.

15.2 If the Developer proposes to sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempts or purports to do so, the Developer must seek the consent of Council and, if required, the Developer must:

- (a) at no cost to Council, procure the execution by the incoming party of an Agreement in favour of Council on the same terms as this Agreement as if the incoming party were a Party to this Agreement; and
- (b) satisfy Council that the Developer is not in breach of its obligations under this Agreement.

## **16 COSTS**

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

## **17 ENTIRE AGREEMENT**

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

## **18 FURTHER ACTS**

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

## **19 GOVERNING LAW AND JURISDICTION**

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

## **20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS**

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

## **21 NON FETTER**

The Developer acknowledges and agrees that:

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

## **22 REPRESENTATIONS AND WARRANTIES**

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

## **23 SEVERABILITY**

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

## 24 MODIFICATION

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

## 25 WAIVER

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

## 26 GOODS & SERVICES TAX

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

**27 EXECUTION IN TRIPLICATE**

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

DRAFT



**SCHEDULE**

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	Amanda Louise Lavecky
2	Land	18 – 20 Allens Parade, Bondi Junction (Lots 5 and Lot 6 in DP 11196)
3	Development Application	DA-88/2019 as modified by DA-88/2019/A
4	Development (description)	Demolition of 2 detached dwellings and the construction of a three storey residential flat building with basement parking and 6 units
5	Development Contribution	\$81,400
6	Public Purpose	Towards the Waverley Affordable Housing Program (25%) and public domain upgrades in Bondi Junction east or the Bronte Road, Bondi Junction centre (75%)
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development
8	Developer Address	Level 1, 377 New South Head Road Double Bay NSW 2028
	Developer Fax	N/A
	Developer Email	amanda@dbcapital.vc
	Council Address	Corner Paul Street and Bondi Road, Bondi Junction NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	<a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a>

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council  
affixed pursuant to a resolution of Waverley Council on**

\_\_\_\_\_  
**EMILY SCOTT**  
General Manager

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

**EXECUTED by AMANDA LOUISE LAVECKY**

\_\_\_\_\_  
**AMANDA LOUISE LAVECKY**

\_\_\_\_\_  
**WITNESS**  
**Name of Witness:**

## Explanatory Note

### 18 – 20 Allens Parade, Bondi Junction Development Application No. DA-88/2019 as modified by DA-88/2019/A

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

#### Planning Agreement

The purpose of this explanatory note is to provide a summary to support the notification of a draft Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

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

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

#### 1 Parties

The parties to the Planning Agreement are Waverley Council (**Council**) and Amanda Louise Lavecky (**Developer**).

#### 2 Description of subject land

The land to which the Planning Agreement applies is the whole of the land being Lot 5 and Lot 6 in DP 11196) known as 18 – 20 Allens Parade, Bondi Junction (**Land**).

The Developer is the registered proprietor of the Land.

#### 3 Description of Development

The proposed development comprises Demolition of 2 detached dwellings and the construction of a three storey residential flat building with basement parking and 6 units (**Development**).

#### 4 Background

On 19 March 2019, a development application, DA-88/2019, was lodged with Council. Development consent was granted in respect of the development application by the Land and Environment Court on 9 March 2021. On 7 April 2021 the Developer made an application modify the development consent (DA-88/2019/A) (**Development Application**). An offer was subsequently made by the Developer in connection with

the modified Development Application to enter into a Planning Agreement with Council and to make a monetary contribution as the Development Application provided for additional floor space, which exceeds floor space controls permitted for such buildings under Council's Planning Controls. Development Consent was granted by the Land and Environment Court in respect to the modified Development Application on 24 December 2021.

## **5 Summary of Objectives, Nature and Effect of the Planning Agreement**

The objective of the Planning Agreement is to secure a public benefit in connection with the Development Application so that the Development delivers a community benefit.

The Planning Agreement requires the Developer to pay to Council a monetary contribution in the amount of \$81,400 to be applied towards the Waverley Affordable Housing Program (25%) and public domain upgrades in Bondi Junction east or the Bronte Road, Bondi Junction Centre (75%). The monetary contribution is payable to Council prior to any Occupation Certificate issuing for the Development.

The Planning Agreement is a binding relationship between Council and the Developer. The Planning Agreement requires the Developer to comply with certain requirements including registration of the Planning Agreement, provision of a Bank Guarantee and registration of a Caveat. The Planning Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

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

The effect of the Planning Agreement is a monetary contribution towards the Waverley Affordable Housing Program and public domain upgrades in Bondi Junction east or the Bronte Road, Bondi Junction Centre.

## **6 Assessment of the merits of the Planning Agreement**

### **(a) How the Planning Agreement promotes the public interest and the objects of the Act**

The Planning Agreement promotes the objects of the Act, in particular Section 1.3(a) of the Act, which is to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources and 1.3(d) of the Act, which is to promote the delivery and maintenance of affordable housing. The objects are satisfied as the Planning Agreement secures a monetary contribution towards the Waverley Affordable Housing Program and delivering public domain upgrades in Bondi Junction east or the Bronte Road, Bondi Junction Centre.

Public interest is promoted by virtue of the Planning Agreement because it assists Council in delivering public domain upgrades for community benefit. The upgrades may include benefits such as improving walkways, roadways, cycleways and public recreational space. The upgrades will encourage business within and development of the precinct as an active, vibrant and safe community with recreational facilities.

Further, public interest is promoted by virtue of the Planning Agreement because it assists Council in the provision of affordable housing and housing for low income and disadvantaged people within the community.

In addition, it assists in facilitating a socially diverse and inclusive community and enabling diverse social and economic groups to have similar opportunities for accommodation in the Waverley Local Government Area.

**(b) The impact of the Planning Agreement on the public or any relevant section of the public**

The Planning Agreement will benefit the public and local community including families, people of all ages and diverse communities as it seeks to secure funds to deliver public domain upgrades in Bondi Junction east or the Bronte Road, Bondi Junction Centre which will positively affect the social and economic wellbeing of the precinct incorporating the Development and wider community. Both residents and visitors will benefit from the contribution under the Planning Agreement.

In addition, the Planning Agreement will benefit the public and local community as it seeks to improve and maintain access to affordable housing in the Waverley Local Government Area and facilitates a diverse social mix.

There is considered to be no negative impact on the public arising from the Planning Agreement.

**(c) The planning purpose(s) served by the Planning Agreement**

The Planning Agreement facilitates the provision of (or the recoupment of the cost of providing) affordable housing and public amenities and/or the funding of recurrent expenditure relating to the provision of affordable housing and public amenities. In addition, the Planning Agreement facilitates the conservation or enhancement of the natural environment. The provision of affordable housing, public amenities and conservation or enhancement of the natural environment are public purposes under Section 7.4(2) of the Act.

The Planning Agreement implements Council policy and legislative provisions around affordable housing, public amenities and conservation or enhancement of the natural environment.

The Planning Agreement provides a reasonable means of achieving the planning purpose purposes set out above.

**(d) How the Planning Agreement promotes the guiding principles for Councils (previously referred to as Council's Charter) under section 8A of the Local Government Act 1993**

The Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council's decisions impact public areas. The Council is conscious of a need for open space/recreational facilities as well as affordable housing within the public areas in its local government area and how its decisions and policies impact on seeking to fulfil these needs.

The Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.

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

**(e) Whether the Planning Agreement conforms with the Council's Capital Works Program**

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

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

The following requirements of the Planning Agreement must be complied with before:

- (i) A construction certificate is issued:** registration of the Planning Agreement, provision of a Bank Guarantee and registration of a Caveat.
- (ii) An occupation certificate is issued:** payment of the monetary contribution.
- (iii) A subdivision certificate is issued:** Not applicable.

## REPORT CM/7.12/22.04



**Subject:** Ocean Lovers Festival 2022 - Fee Waiver

**TRIM No:** A22/0042

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

**Director:** Meredith Graham, Acting Director, Customer Service and Organisation Improvement

---

### RECOMMENDATION:

That Council, in accordance with section 610E of the *Local Government Act 1993*, waives \$24,790 (excluding GST) of fees to assist the Ocean Lovers Alliance in running the 2022 Ocean Lovers Festival.

#### 1. Executive Summary

Ocean Lovers Festival, a medium-impact event, was approved by Council on 21 June 2021 in the last high-impact event report, and will take place in North Bondi Park between Thursday, 21 April, and Sunday, 24 April 2022, after a two-year hiatus due to the impacts of COVID-19.

Ocean Lovers Festival is run by Ocean Lovers Alliance, a not-for-profit organisation that promotes care and respect for the ocean. The event's purpose is to build awareness of the global plight of oceans and encourage positive action in a fun, accessible way through educational and cultural programs and activations.

Council's fees that apply to this event total \$24,790 (excluding GST). It is recommended that Council waives these fees due to the identifiable social benefits that the festival will provide.

#### 2. Introduction/Background

Ocean Lovers Festival seeks to build awareness of the global plight of oceans in a fun and accessible way through a festival of educational and cultural programs that promote care and respect for the ocean.

Marine conservation and sustainability are the festival's driving themes. The festival strives to highlight global alliances as well as local best practice in marine conservation through various family-friendly activations. It features curated live music, outdoor film screenings and discussion, and practical demonstrations of everyday solutions to waste recycling and reduction of plastics including reuse of cleared ocean plastics.

The festival is a community-driven event that contributes to Council's strategic objectives as articulated in the Waverley Council Community Strategic Plan (2018–2029). These include actions expressed in the following themes:

- By 2029, Waverley will be a community enriched by opportunities to celebrate and participate in arts and culture.
- By 2029, Waverley will be a vibrant, caring, resilient and inclusive community.
- By 2029, Waverley will be a resilient and environmentally sustainable community.

- By 2029, Waverley will progress to be a zero waste community.

Ocean Lovers Festival was first held in 2019 and was a successful event that attracted 15,000 people and raised over \$11,000 for ocean related causes. It positively engaged a broad audience of locals and visitors and included community groups, conservation ambassadors, organisations and educational institutions.

Council granted financial assistance under s 356 of the *Local Government Act 1993* to help cover the cost of previous festivals. In 2019, Council provided financial assistance to the value of \$16,435. In 2020, Council approved \$12,123 in financial assistance. However, that event was cancelled due to impacts of the COVID-19 pandemic, and the money was not provided. The 2021 event was also cancelled due to those same impacts, and therefore no request was made for Council assistance and support.

After a two-year hiatus, the event returns to Waverley and assistance is again sought to help cover the cost of running the 2022 Ocean Lovers Festival.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 22 June 2021	CM/7.10/21.06	<p>That Council:</p> <ol style="list-style-type: none"> <li>Approves the following program of high-impact events scheduled for the period 1 July 2021 to 30 June 2022, subject to the requirements of any applicable NSW Public Health Orders: <ol style="list-style-type: none"> <li>Bondi Festival (including extended tenure of Ferris wheel).</li> <li>Festival of the Winds.</li> <li>City2Surf and Council Marquee Program.</li> <li>Sculpture by the Sea.</li> <li>Dudley Page New Year's Eve.</li> <li>Flickerfest.</li> <li>Outdoor Cinema.</li> <li>Latin American Festival.</li> <li>North Bondi RSL ANZAC Day Dawn Service Ceremony.</li> </ol> </li> <li>Notes the following medium-impact events that are included in the annual calendar of events <ol style="list-style-type: none"> <li>Ocean Lovers Festival (previously high-impact, now medium-impact).</li> <li>Bondi Blitz (previously high-impact, now medium-impact).</li> </ol> </li> </ol>



		<p>(c) Carols by the Sea (previously high-impact, now medium-impact).</p> <p>(d) Bondi to Bronte Swim (previously high-impact, now medium-impact).</p> <p>(e) Global Table (previously high-impact, now medium-impact).</p> <p>3. Notes that all scheduled high-impact events outlined in Attachment 1 of the report are required to submit a COVID-19 Safety Plan and comply with Council's Events Policy and Event Management Guidelines.</p> <p>4. Approves an extended tenure of the Bondi Vista Ferris wheel for the period 12 July to 25 July 2021.</p> <p>5. Notes that City2Surf date has been rescheduled to Sunday 17 October 2021.</p>
Council 10 December 2019	CM/7.6/19.12	<p>That Council, under section 356 of the <i>Local Government Act</i>:</p> <p>1. Grants up to \$2,310 (excluding GST) in financial assistance and additional in-kind support to Flickerfest to help cover the costs of running the 29th Annual Flickerfest Short Film Festival in 2020.</p> <p>2. Grants up to \$9,500 (excluding GST) in financial assistance and additional in-kind support to the Bondi Association for Arts and Music to help cover the costs of running the 2020 Latin American Festival.</p> <p>3. Grants up to \$12,123 (excluding GST) in financial assistance and additional in-kind support to Ocean Lovers Alliance to help cover the costs of running the 2020 Ocean Lovers Festival.</p> <p>4. Grants \$1,325 (excluding GST) in financial assistance to the Dover Heights Shule to cover event fees associated with holding the Chanukah Festival.</p>
Council 19 March 2019	CM/7.5/19.03	<p>That Council grants \$16,435 in financial assistance to Avviso Public Relations for the use of Council facilities during the Ocean Lovers Festival 2019, in accordance with section 356 of the <i>Local Government Act 1993</i>.</p>
Council 11 December 2018	CM/7.3/18.12	<p>That Council:</p> <p>1. Notes the progress report on programming, event management and delivery plans by the event organiser, Avviso Public Relations, for the Ocean Lovers Festival at Bondi Beach in April 2019.</p> <p>2. Publicly exhibits for a period of 28 days the proposal to</p>

		grant \$16,435 in financial assistance to Avviso Public Relations for the use of Council facilities during the Ocean Lovers Festival, in accordance with section 356 of the <i>Local Government Act 1993</i> .
Council 20 March 2018	CM/7.3/18.03	<p>That:</p> <ol style="list-style-type: none"> <li>Following the additional information provided by the organisers, Council enters into an Event Venue Hire Agreement with Avisso Public Relations to hold the Ocean Lovers Festival at Bondi Beach, Bondi Park and Bondi Pavilion over four days in April 2019, subject to the deletion of the bonfire element of the event.</li> <li>All First-Nation-related components of the festival to be the subject of further consultation between the Ocean Lovers event organiser and Aboriginal traditional owners.</li> <li>This resolution be communicated to the La Perouse Local Aboriginal Land Council and referred to the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF).</li> <li>The event organiser makes a presentation to the Bondi Beach Precinct.</li> <li>A further report come back to Council in four months on the progress of the event organiser's event management and delivery plan, and its processes to put in place cultural protocols and permissions based in Aboriginal sovereignty.</li> <li>No events take place at Ben Buckler and MacKenzie Point.</li> </ol>
Operations and Community Services Committee 6 March 2018	OC/5.3/18.03	That the item be deferred to the next Council meeting for an updated report that emphasises environmental issues and other issues raised by Councillors.

#### 4. Discussion

Under s 610E of the *Local Government 1993*, Council can waive fees if Council is satisfied that a case falls within a category of hardship or any other category in respect of which Council has determined payment should be so waived or reduced. Council's Pricing Policy, Fees and Charges contains a new category ('community recognition and community fundraising') that allows Council to waive or reduce fees for initiatives that 'support the activities of not-for-profit community organisations that provide identifiable social benefits that respond to community needs (e.g. venue hire).'

Ocean Lovers Alliance is a registered not-for-profit organisation that provides identifiable social benefits that respond to community needs and supports the achievement of Council's strategic objectives.

After two years of COVID-19 related cancellations, the festival returns in 2022. Due to the unavailability of Bondi Pavilion, it will be held in Bondi Park (North). Bondi Park event fees are more substantial than pre-closure Bondi Pavilion venue hire costs.

Assistance reflective of that granted to Ocean Lovers Alliance in 2019 and 2020 is sought to help cover the cost of running 2022 Ocean Lovers Festival.

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

### Financial impact

The fees to be waived, set out in the table below, total \$24,790 (excluding GST).

*Table 1. Fees to be waived.*

Fee	Amount (excl. GST)
Medium Impact Event fee	\$8,750
Bump in/bump out fee	\$2,187.50
Activation site fee	\$3,750
Bump in/bump out fee	\$937.50
Council staff site supervision fees two days bump-in and one day bump out 30 hours total at \$113 per hour on business days only	\$3,390
32 street flags Campbell Parade banner poles	\$5,031
8 x parking permits on Queen Elizabeth Drive	\$744
Total value of fee waivers sought	<b>\$24,790</b>

### Time frame

Officers have been working with organisers over the past six months to assist in developing their Event Management and Delivery Plan for Ocean Lovers Festival.

Originally scheduled for Thursday, 10 March, to Sunday, 13 March 2022, Ocean Lovers Festival was postponed due to extreme weather in the weeks preceding the event. Unprecedented rainfall resulted in park ground saturation that prohibited the safe bump-in of event infrastructure without creating significant turf damage and costly remediation requirements.

### Consultation

Consultation with various internal Council stakeholders that support or contribute to the event has been ongoing for the past two years.

Residential stakeholder letters will be distributed two weeks before the event to local residents who may be immediately affected by the event in the park. Commercial fitness trainers will also be notified and signs will be placed in the park.

The Bondi Beach Precinct Committee is aware of the annual program that includes Ocean Lovers Festival.

**6. Conclusion**

Ocean Lovers Festival is a high-profile, medium-impact event that supports Council's strategic priorities as articulated in the Waverley Community Strategic Plan. It is recommended that Council waives fees to assist the Ocean Lovers Alliance in running the 2022 event.

**7. Attachments**

Nil.

## NOTICE OF MOTION

### CM/8.1/22.04



**Subject:** Carrington Road, Bronte Road and Victoria Street Intersection, Waverley - Red Light Speed Camera

**TRIM No:** A03/0537

**Submitted by:** Councillor Murray  
Councillor Gray

---

#### MOTION:

That Council:

1. Notes that the intersection of Carrington Road, Bronte Road and Victoria Street, Waverley, is a dangerous intersection and there is no available data on the number of cars that frequently run the red lights.
2. Investigates the need for the installation of a red light speed camera with Transport for NSW.
3. Consults the community, the Waverley Police and Transport for NSW (TfNSW) on the installation of a red light speed camera at the intersection of Carrington and Bondi Road.
4. Develops a methodology for data collection with the Waverley Police on the dangerous traffic conditions at the intersection necessary to meet the criteria for consideration of the installation of red light speed cameras.
5. Meets with the community to discuss the implementation of the strategy and support the gathering of the data.
6. Using the gathered data, works with TfNSW to install a red light speed camera at the intersection.
7. Requests the Waverley Traffic Committee to support the above actions to work towards the installation of a red light speed camera at the intersection.
8. Officers prepare a report to Council or the Waverley Traffic Committee with a plan to achieve the above.

#### Background

In peak hours when school children are crossing the intersection, there are often vehicles that run the red lights on Carrington Road heading from the south to the north. We do not wish to wait for an accident before this behaviour is changed.

**General Manager's comment**

Carrington Road is a State Road under the management and control of Transport for NSW (TfNSW), which also responsible for the location of red light cameras.

To place a red light camera at a signalised intersection it must meet certain analytical and physical criteria.

Previous attempts to obtain at red light camera in Carrington Road for northbound traffic have been rejected by TfNSW

Should the motion be adopted, Council officers can investigate the installation of a red light camera with TfNSW. It would not be a matter for consultation and not a matter for consideration by the Waverley Traffic Committee.

**Sharon Cassidy**

**Acting Director, Community, Assets and Operations**

## NOTICE OF MOTION CM/8.2/22.04



**Subject:** Miller Street, Bondi - Streetscape Upgrade

**TRIM No:** A03/0747

**Submitted by:** Councillor Murray  
Councillor Gray

---

### MOTION:

That Council:

1. Notes that the community has a strong desire and is unanimous that Miller Street, Bondi, is a safe pedestrian street.
2. Undertakes a design of a streetscape upgrade that considers the following:
  - (a) Narrow either end of the street to the width that a large truck can pass.
  - (b) Make small speed bumps or pebbled surface at either end of the street.
  - (c) Increase planting and traffic islands within road at either end of the street.
  - (d) Plant an indigenous garden with information about how to use foods.
  - (e) Increase and encourage grass verge gardens and planting.
  - (f) Create seating where neighbours and pedestrians can sit and talk or work on street projects.
  - (g) Set up community notice boards at either end with information about the area's history and connections, such as indigenous names/people/history, Margaret Whitlam's house, original homesteads, local school, church.
  - (h) Set up a 'found-it-on-the-corner' spot where people can put lost items or notices about things they have lost.
  - (i) Establish a street library.
  - (j) Install one or more EV charging hubs.
  - (k) Support community days about gardening, solar technologies, seasonal planting, produce sale and exchange, garage sales, clothes swaps and learn-to-ride-a-bike days.
  - (l) Implement periodic pedestrian/bike-only days.
3. Undertakes community consultation on the design to ensure residents are satisfied with the design.
4. Officers prepare a report to Council on the consultation outcomes and the budget source for the

project.

- Notes that this project is to be considered independent of the planned traffic study in the area.

## Background



Miller Street is in the South Bondi precinct within the Imperial Conservation Area. It runs between Castlefield Street and Imperial Avenue, which both carry significant traffic between Bondi Road and Edward Street.

Miller Street has some verge planting and four planted areas within the road space. There is a kindergarten on the corner of Castlefield and Miller Streets. Many residents have lived in the area for decades and know one another and support tree planting and care for trees on the grass verge.

Miller Street could become a community street and a safe street for local children to walk, play, ride bikes and scooters.

Miller Street could be one in a series of streets, lanes and footpaths that joins existing Green Links and provides information about the area and community. It is only a block away from proposed laneway bike lanes established as part of Bondi Road Village proposal.

### General Manager's comment

Residents of Miller Street have requested the introduction of traffic calming and an overall streetscape improvement. Also, a petition for the closure of Castlefield Street at Bondi Road to create a park has been deferred until an overall traffic study is undertaken in south Bondi.

The traffic study will assess the implications of these proposals together with other recent changes such as the closure of Rickard Avenue at Lamrock Avenue, traffic calming of Barracluff Avenue, and proposals for Glenayr Avenue pedestrian safety improvements, Curlewis Street separated cycleway and Six Ways intersection.



The study will provide a comprehensive analysis of the cumulative effects on traffic and vehicle routes of the various proposals above. It is recommended this traffic study is completed prior to consideration of the items in the motion. However, should Council endorse motion the next step would be to report back to Council on the budget required for concept design and consultation to allow this project to be included in the 2022–23 Capital Works program.

**Sharon Cassidy**

**Acting Director, Community, Assets and Operations**

## NOTICE OF MOTION CM/8.3/22.04



**Subject:** St Charles' Primary School, Waverley - Bus Stop Removal

**TRIM No:** A03/0537

**Submitted by:** Councillor Murray  
Councillor Gray

---

### MOTION:

That Council:

1. Notes that St Charles' Primary School wishes to remove the bus stop at the front of the school as no children from the school use the bus and it is inconvenient and unsafe in that location next to the school drop off and pick up zone. The school has unsuccessfully lobbied for five years to achieve this outcome.
2. Investigates the removal of the bus stop outside St Charles' Primary School on Carrington Road with Transport for NSW including consultation with the community and transport unions.
3. Officers report back to the Council or the Waverley Traffic Committee on the outcome of the investigation.

### Background

School Bus Stop 202445 is no longer required by St Charles' Primary School students.

There is no school bus service 'using' the bus stop in front of St Charles' at all in the mornings. However, in the afternoons, the 665e school bus service does 'try' to stop each afternoon at approximately 3.20 pm. However, St Charles' does not have any primary school student passengers and from a recent check by the school with the school parents it is very unlikely to be required in the future.

The 665e school bus service does have another pick up point further along Carrington Road (in front of the War Memorial Hospital) which may be used by St Clare's College and Waverley College High School students in the afternoons.

Removing the St Charles' school bus stop would be very helpful for the flow of traffic along Carrington Road at peak times. A bus trying to pull in and out of this designated bus stop 'zone' directly in front of St Charles' Primary School in the afternoons often causes traffic to 'back up' to the nearby traffic lights and pedestrian crossing. And given the size of a bus vehicle length it is often 'blocking' the other road lane as bus drivers try to manoeuvre into the bus stop 'zone', which causes erratic and potentially dangerous car driver behaviour as they try to 'get around' the back of the bus.

The bus stop is in the middle of the area where parents queue to drop off and pick up children. If parents queue in the bus stop then they are liable for a fine for being in the bus stop. This frequently occurs. If parents queue behind the bus stop then other drivers que jump. This causes parents to accelerate into the kiss and go area which is dangerous. A child exiting a car while a parent was queued behind the bus stop fell out of the car and was run over by the parent.

The bus stop also covers the driveway into the school grounds.

The school and the parents have lobbied the State Government and Transport for NSW over many years

**General Manager's comment**

Carrington Road is a State Road under the management and control of Transport for NSW. They are also responsible for determining the location of bus stops.

The bus stop on Carrington Road outside St Charles' School is a school special that operates from 7.30 am–9.30 am and 3.00 pm–4.00 pm, school days only. This bus stop provides access to St Charles' and St Clare's. There is also a bus stop outside Waverley War Memorial providing access to Waverley College.

Previous requests to relocate or move the bus stop have been rejected by Sydney Buses and Transport for NSW.

Should this motion be adopted, Council officers can investigate the removal of the bus stop with Transport for NSW. It would not however be usual practice to consult with the community or the transport unions on a bus stop issue. This would be undertaken by Transport for NSW.

**Sharon Cassidy**

**Acting Director, Community, Assets and Operations**

## NOTICE OF MOTION

### CM/8.4/22.04



**Subject:** Modern Slavery Act 2018 (NSW)

**TRIM No:** A22/0114

**Submitted by:** Councillor Goltsman

---

#### MOTION:

That Council:

1. Notes that on Friday, 19 November 2021, the NSW Parliament voted in favour of amendments to the *Modern Slavery Act 2018* (NSW).
2. Further notes that the purpose of this Act is to:
  - (a) Combat modern slavery.
  - (b) Provide assistance and support for victims of modern slavery.
  - (c) Provide for an Anti-slavery Commissioner.
  - (d) Provide for detection and exposure of modern slavery that may have occurred or is likely to occur.
  - (e) Raise community awareness and provide education and training about modern slavery.
  - (f) Encourage collaborative action to combat modern slavery.
  - (g) Provide the assessment of the effectiveness and appropriateness of laws prohibiting modern slavery and improve the implementation and enforcement of such laws.
  - (h) Provide for mandatory reporting of risks of modern slavery occurring in the supply chains of government agencies.
  - (i) Make forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales.
  - (j) Further, penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for child abuse material or encourage another person to use a digital platform to deal with child abuse material.
  - (k) Provide education, training, and guidance about identifying and addressing modern slavery within organisations' supply chains.
3. Officers prepare a report for the June 2022 Council meeting detailing the steps taken by Council regarding schedule 5.4B of the *Modern Slavery Act 2018* from when the bill became law in January 2022. The details of the report need to outline:

- (a) What reasonable process has been taken to ensure that goods and services procured by and for Council are not the product of modern slavery within the *Modern Slavery Act 2018*.
- (b) A statement of the action taken by Council concerning any issue raised by the Anti-slavery Commissioner during the year concerning the operations of Council and identified by the Commissioner as being a significant issue.
- (c) A statement of steps taken to ensure that goods and services procured by and for Council during the year were not the product of modern slavery within the *Modern Slavery Act 2018*.

## Background

The Walk Free Foundation's Global Slavery Index estimates that 15,000 people in Australia and 40 million people globally live in modern slavery.

In the last complete year of records, the Australian Federal Police received 224 reports of human trafficking, slavery, and slavery-like offences. One of those reports led to the arrest of the owners of a chain of cake stores in Western Sydney.

The *Modern Slavery Act 2018* (Cth) (Commonwealth Act) has existed for nearly four years. It imposes mandatory reporting obligations on Commonwealth government bodies and private enterprises to meet specific criteria. Local councils were not subject to modern slavery reporting requirements under the Commonwealth Act.

With recent amendments to the *Modern Slavery Act 2018* (NSW) (Act), which came into effect on 1 January 2022, local councils will now be obliged to review their supply chains and undertake modern slavery reporting.

Thanks to their extensive supply chains, local councils can play an essential role in the fight against modern slavery. The Act requires councils to take reasonable steps to ensure the goods and services they buy are not the product of modern slavery and report on how to do this.

A local council is not obliged to prepare a Modern Slavery Statement under the Commonwealth Act or file it on the federal Modern Slavery Statement Register. However, if it chooses to do so, it will meet the requirements of the Act.

To facilitate disclosure and transparency, the Act also protects from criminal and civil liability if the information is disclosed in good faith to the Anti-Slavery Commissioner, which may otherwise be subject to disclosure restrictions, such as confidentiality obligations.

## General Manager's comment

Sustainable Procurement is a key strategy that Council utilises to ensure that the purchase of its goods and services are carried out in an ethical, fair and socially responsible manner. One of the key components that supports Sustainable Procurement is the *Modern Slavery Act 2018* (Act) which came into effect on 1 January 2022.

To ensure that Council's suppliers clearly understand the importance of complying with the *Modern Slavery Act*, Council's market approach documents, including requests for quotes (RFQ), requests for tenders (RFT) and expressions of Interest (EOI), each contain references to the *Modern Slavery Act*. When suppliers lodge a response to any RFQ/RFT/EOI documents issued to them by Council, that is deemed to be an acknowledgement and representation of requirements in relation the *Modern Slavery Act* and that the supplier will comply with all relevant legislation. Suppliers also agree to provide periodic evidence of

compliance and give access to all relevant information demonstrating compliance for the duration of any contract that may be awarded.

When tendering for significant projects in major spend categories such as Construction, Maintenance and ICT, Council frequently uses external vendor panels including Local Government Procurement (LGP), NSW Government Procurement, SSROC and Procurement Australia. In order to be accepted as a pre-qualified supplier on any of these vendor panels, suppliers must agree to comply with the legislative requirements of the *Modern Slavery Act* and provide any relevant information to their respective vendor panel manager upon request.

This provides Council with an additional level of assurance that when dealing with suppliers that have each gone through a comprehensive application process in order to become a pre-qualified supplier on these vendor panels, we can be certain that these suppliers are providing their goods and services in accordance with the relevant Modern Slavery legislative requirements.

Council's internal Procurement Policy contains specific details that explain the purpose of the *Modern Slavery Act 2018*, and the importance of conducting Council's procurement activities in a manner that complies with the requirements of the Act.

**Richard Sheridan**  
**Interim Director, Finance and Governance**

**URGENT BUSINESS**  
**CM/10/22.04****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/11/22.04**

**Subject:** Moving into Closed Session

**Author:** Emily Scott, General Manager

**RECOMMENDATION:**

That:

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

CM/11.1/22.04      CONFIDENTIAL REPORT - Community Tenancies - Award of Leases

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

CM/11.2/22.04      CONFIDENTIAL REPORT - Bondi Pavilion Restoration and Conservation Project - Quarterly Report

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

CM/11.3/22.04      CONFIDENTIAL REPORT - Bondi Festival - Switzerland Tourism Sponsorship

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

2. Pursuant to section 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*.



**Introduction/Background**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION CM/12/22.04**

**Subject:** Resuming in Open Session  
**Author:** Emily Scott, General Manager



---

### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

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