



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

FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING

A meeting of the FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE will be held at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, TUESDAY 5 APRIL 2022

A handwritten signature in black ink, appearing to read 'Emily Scott', is positioned above the printed name.

Emily Scott
General Manager

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Delegations of the Finance, Operations and Community Services Committee

On 15 March 2022, 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*.

Live Streaming of Meetings

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

FC/4.1/22.04	Confirmation of Minutes - Operations and Community Services Committee Meeting - 12 October 2021.....	4
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5. Reports

FC/5.1/22.04	Draft Street Performance Policy and Guidelines - Exhibition and Trial	12
FC/5.2/22.04	Waste in Public Places Policy - Adoption	32
FC/5.3/22.04	Biodiversity Action Plan: Remnant Sites 2022-2031 - Adoption.....	53
FC/5.4/22.04	Clifftop Walkway Upgrade	61
FC/5.5/22.04	Varna Park Seesaw.....	73

6. Urgent Business

7. Meeting Closure

**CONFIRMATION OF MINUTES
FC/4.1/22.04**

Subject: Confirmation of Minutes - Operations and Community Services Committee Meeting - 12 October 2021

TRIM No: SF21/279

Author: Richard Coelho, Executive Manager, Governance and Risk

RECOMMENDATION:

That the minutes of the Operations and Community Services Committee meeting held on 12 October 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

The Committee's previous meeting was held on 12 October 2021.

Attachments

1. Operations and Community Services Committee Meeting Minutes - 12 October 2021 .



**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 12 OCTOBER 2021**

Present:

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

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Acting Director, Community, Assets and Operations
Rachel Hensman	Acting Director, Customer Service and Organisation Improvement
Evan Hutchings	Director, Finance and Governance
Tony Pavlovic	Director, Planning, Environment and Regulatory

At the commencement of proceedings at 7.01 pm, those present were as listed above with the exception of Cr Lewis who arrived at 7.02 pm during apologies, Cr Keenan who arrived at 7.03 pm after the vote on items by exception, Cr Goltsman who arrived at 7.04 pm during item OC/5.1/21.10 and Cr Wakefield who arrived at 7.11 pm at the commencement of item OC/5.2/21.10.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Betts declared a significant non-pecuniary interest in item OC/5.2/21.10 – Waverley Park Plan of Management – Stage 1 Consultation and informed the meeting that she is on the board of Easts Cricket Club and will leave the meeting for the consideration and vote on this item.

3. Addresses by Members of the Public

There were no addresses by members of the public.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland

Seconder: Cr Masselos

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

- OC/4.1/21.10 Confirmation of Minutes – Operations and Community Services Committee Meeting – 14 September 2021.
- OC/5.4/21.10 Reconciliation Action Plan Advisory Committee Meeting – 15 July 2021 – Minutes.
- OC/5.5/21.10 Public Art Committee Meeting Minutes.

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

4. Confirmation of Minutes

OC/4.1/21.10 Confirmation of Minutes - Operations and Community Services Committee Meeting - 14 September 2021 (SF21/280)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland
Seconder: Cr Masselos

That the minutes of the Operations and Community Services Committee Meeting held on 14 September 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

5. Reports

OC/5.1/21.10 Electric Vehicle Transportation Policy - Exhibition (A11/0853)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Publicly exhibits the draft Electric Vehicle Transportation Policy attached to the report for 28 days.
2. Officers prepare a report to Council following the exhibition period.

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

OC/5.2/21.10 Waverley Park Plan of Management - Stage 1 Consultation (A20/0656)

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

MOTION

Mover: Cr Kay
Seconder: Cr Goltsman

That Council:

1. Continues with stage 1 consultation on the Waverley Park Plan of Management for a minimum 28 days, including specific consultation on the play space, fitness station and indoor cricket nets training facility, noting that additional information will be provided on Council's website to support the Have Your Say website survey, including elements from Council resolution PD/5.3/20.11 concerning the indoor cricket nets training facility, provision of amenities and layout and location of the commercial café.
2. Notes that an email update on consultation outcomes for the Waverley Park Plan of Management, play space, fitness station and indoor cricket nets training facility will be provided to Councillors in November 2021.

3. Subject to consultation outcomes, prepares a concept design for the play space and fitness station, with a report to Council in February 2022.
4. Officers prepare a report to Council following the stage 1 consultation, summarising the consultation outcomes and presenting the draft Plan of Management for public exhibition.
5. Noting that the extended time frame for endorsing a new Waverley Park Plan of Management and the expected timing for commencing construction of the indoor cricket nets is 2023 at the earliest, investigates options to prioritise and urgently implement the following works, subject to funding being available:
 - (a) Combining and better configuring the two change rooms (Sports Court and Away Team/Visitors) to the immediate south of the centre stairwell of the Margaret Whitlam Recreation Centre at the level of the playing field, subject to design approval by the Eastern Suburbs Cricket Club and other regular users of the facility.
 - (b) Removing the non-structural blade wall at the northern end of the Margaret Whitlam Recreation Centre on the eastern side of Waverley Oval at the level of the playing field to provide much improved amenity and line of sight to the playing area.

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

‘Continues with stage 1 consultation on the Waverley Park Plan of Management for a minimum 28 days, including specific consultation on the play space, fitness station (excluding the smaller fitness pods) and indoor cricket nets training facility, noting that additional information will be provided on Council’s website to support the Have Your Say website survey, including elements from Council resolution PD/5.3/20.11 concerning the indoor cricket nets training facility, provision of amenities and layout and location of the commercial café.’

AMENDMENT 1

Mover: Cr Keenan

Seconder: Cr Wy Kanak

That clause 1 be amended to read as follows:

‘Continues with stage 1 consultation on the Waverley Park Plan of Management for a minimum 28 days, including specific consultation on the play space, fitness station (excluding the smaller fitness pods) and indoor cricket nets training facility:

- (a) Noting that additional information will be provided on Council’s website to support the Have Your Say website survey, including elements from Council resolution PD/5.3/20.11 concerning the indoor cricket nets training facility, provision of amenities and layout and location of the commercial café
- (b) Subject to not considering alternative surfaces such as hybrids or synthetics.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

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

Against the Amendment: Crs Burrill, Goltsman, Kay and Nemesh.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 5 SUCH THAT IT NOW READS

AS FOLLOWS:

‘Noting that the extended time frame for endorsing a new Waverley Park Plan of Management and the expected timing for commencing construction of the indoor cricket nets is 2023 at the earliest, investigates options to prioritise the following works, with a report to be prepared to Council detailing the scope and funding required:

- (a) Combining and better configuring the two change rooms (Sports Court and Away Team/Visitors) to the immediate south of the centre stairwell of the Margaret Whitlam Recreation Centre at the level of the playing field, subject to design approval by the Eastern Suburbs Cricket Club and other regular users of the facility.
- (b) Removing the non-structural blade wall at the northern end of the Margaret Whitlam Recreation Centre on the eastern side of Waverley Oval at the level of the playing field to provide much improved amenity and line of sight to the playing area.’

AMENDMENT 2 (WITHDRAWN)

Mover: Cr Wy Kanak
Seconder: Cr Keenan

That clause 5 be amended to read as follows:

‘Noting that the extended time frame for endorsing a new Waverley Park Plan of Management and the expected timing for commencing construction of the indoor cricket nets, subject to funding, is 2023 at the earliest, investigates options to prioritise the following works, with a report to be prepared to Council detailing the scope and funding required:

- (a) Combining and better configuring the two change rooms (Sports Court and Away Team/Visitors) to the immediate south of the centre stairwell of the Margaret Whitlam Recreation Centre at the level of the playing field, subject to design approval by the Eastern Suburbs Cricket Club and other regular users of the facility.
- (b) Removing the non-structural blade wall at the northern end of the Margaret Whitlam Recreation Centre on the eastern side of Waverley Oval at the level of the playing field to provide much improved amenity and line of sight to the playing area.’

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 5 AND THE ADDITION OF A NEW CLAUSE 6:

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

UNANIMOUS DECISION:

That Council:

1. Continues with stage 1 consultation on the Waverley Park Plan of Management for a minimum 28 days, including specific consultation on the play space, fitness station (excluding the smaller fitness pods) and indoor cricket nets training facility:
 - (a) Noting that additional information will be provided on Council’s website to support the Have Your Say website survey, including elements from Council resolution PD/5.3/20.11 concerning the indoor cricket nets training facility, provision of amenities and layout and location of the commercial café

- (b) Subject to not considering alternative surfaces such as hybrids or synthetics.
2. Notes that an email update on consultation outcomes for the Waverley Park Plan of Management, play space, fitness station and indoor cricket nets training facility will be provided to Councillors in November 2021.
 3. Subject to consultation outcomes, prepares a concept design for the play space and fitness station, with a report to Council in February 2022.
 4. Officers prepare a report to Council following the stage 1 consultation, summarising the consultation outcomes and presenting the draft Plan of Management for public exhibition.
 5. Notes that the time frame for endorsing a new Waverley Park Plan of Management has been extended and the expected timing for commencing construction of the indoor cricket nets is 2023 at the earliest.
 6. Investigates options to prioritise the following works, with a report to be prepared to Council detailing the scope and funding required:
 - (a) Combining and better configuring the two change rooms (Sports Court and Away Team/Visitors) to the immediate south of the centre stairwell of the Margaret Whitlam Recreation Centre at the level of the playing field, subject to consultation with the Eastern Suburbs Cricket Club and other regular users of the facility.
 - (b) Removing the non-structural blade wall at the northern end of the Margaret Whitlam Recreation Centre on the eastern side of Waverley Oval at the level of the playing field to provide much improved amenity and line of sight to the playing area.

OC/5.3/21.10 Waverley Oval - Licence to UTS Bats Football Club (A19/0416)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That Council:

1. Enters into a licence agreement with UTS Bats Football Club for the use of Waverley Oval up to August 2023 on the terms set out in the report.
2. Authorises the General Manager to finalise negotiations and execute the licence on behalf of Council.

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

OC/5.4/21.10 Reconciliation Action Plan Advisory Committee Meeting - 15 July 2021 - Minutes (A14/0173)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland

Seconder: Cr Masselos

That Council receives and notes the minutes of the Reconciliation Action Plan Advisory Committee meeting

held on 15 July 2021 attached to the report.

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

OC/5.5/21.10 Public Art Committee Meeting Minutes (A20/0106)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland
Seconded: Cr Masselos

That Council receives and notes the minutes of the Public Art Committee meetings held on 8 February 2021, 22 March 2021 and 10 May 2021 attached to the report.

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

6. Urgent Business

There were no items of urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 8.05 PM.

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SIGNED AND CONFIRMED
CHAIR
9 NOVEMBER 2021

REPORT
FC/5.1/22.04

Subject: Draft Street Performance Policy and Guidelines -
Exhibition and Trial

TRIM No: A21/0076

Author: Michael Galeazzi, Producer (Music), Arts and Culture
Tanya Goldberg, Executive Manager, Communications, Culture and Events

Director: Meredith Graham, Acting Director, Customer Service and Organisation
Improvement

RECOMMENDATION:

That Council:

1. Publicly exhibits the draft Street Performance Policy and Guidelines attached to the report for 90 days.
2. Trials new performance zones in Bondi Beach to coincide with the public exhibition period.
3. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

Officers have undertaken a review of Council's current busking guidelines in response to actions included in two strategic Council documents, the Waverley Arts and Culture Plan 2021-2026 and Bondi Junction Evening Culture and Entertainment Strategy 2018-2028. The proposed new draft Street Performance Policy and Guidelines combines those documents and addresses the research and community input indicating demand for both increased opportunities and spaces for cultural activation.

The draft Street Performance Policy and Guidelines (SPP&G) propose four main areas of difference from current operations:

- Expansion of performance zones to include Bondi Beach (previously Bondi Junction only).
- Increase of licence duration (to 12 months from 6 months) and the number of licences (to 30 licences from seven), and decrease in performance duration (to a maximum of one hour concurrently at each site, from 4 hours per day).
- Transition to online application process.
- Reduction of parental consent age from under 18 to under 16 years.

It is recommended that the draft SPP&G be placed on public exhibition for 90 days, coinciding with a trial of new street performance locations at Bondi Beach. Following the exhibition period and trial, community feedback will be incorporated into the draft Policy and a report prepared for Council with the final version.

2. Introduction/Background

In 2018, the Urban Planning Policy and Strategy team reviewed the Commercial Activity in Public Spaces (CAPS) policy and invited specific internal stakeholder input into the SPP&G section of the document. Officers from Health and Rangers, Urban Planning Policy and Strategy, Property Infrastructure Services, Outdoor and Flagship Events, and Arts and Culture teams commenced a review of the SPP&G. The CAPS policy was not adopted at this time, and instead it was determined that relevant teams would progress individual policies in their areas of responsibility.

Over 2019-2020, the Arts and Culture team continued the SPP&G review and benchmarked definitions and terms against policies and guidelines from City of Sydney, Inner West Council and Property NSW (formerly Sydney Harbour Foreshore Authority). Potential Bondi Beach busking site inspections were undertaken to determine safe and appropriate potential performance zones.

In April 2021, Council adopted a new Arts and Culture Plan that established a framework to achieve five interconnected goals that articulate the desired long-term future for arts and culture in Waverley. The five goals focus on the community's desire for growth in: the sharing of our stories; arts and cultural places and spaces; cultural participation; showcasing our creative sector; and developing partnerships with the cultural sector.

The draft SPP&G responds to the community-led objectives of the new Arts and Culture Plan, particularly:

- Goal 2: We have a vibrant network of spaces and places for arts and cultural participation, production and experience; and
- Goal 4: Showcasing and supporting our creative sector and community.

It also responds directly to the following action outlined for Objective 2.3 in the Arts and Culture Plan:

- Review the current Street Performers Policy to support a greater variety of busking and buskers in more locations across Waverley, including at the Bondi Pavilion forecourt.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 April 2021	CM/7.5/21.04	That Council: <ol style="list-style-type: none"> 1. Adopts the Arts and Culture Plan 2021–2026 attached to the report subject to the following amendment: <ol style="list-style-type: none"> (a) Page 118 of the agenda, first column, second paragraph – After the word 'are', insert 'as sovereign custodians' before the word 'the'. 2. Changes the name of the Cultural Advisory Committee to the Arts and Culture Advisory Committee, to match the proposed name of the redrafted Plan.
Strategic Planning and Development Committee 7 August 2018	PD/5.3/18.08	That Council adopts the Bondi Junction Evening, Culture and Entertainment Strategy attached to this report, subject to the following amendments: <ol style="list-style-type: none"> 1. General Actions – 4. Place Curator and Co-ordinator Function (page 8). Change the first recommendation to

		<p>read as follows: ‘Develop relationships between stakeholders, traders, residents, representatives of the Bondi Junction Precinct Committee and the Chamber of Commerce, including support for the Trader Group.’</p> <ol style="list-style-type: none"> 2. Bold Precinct Gateway (pages 12 and 21). Change the wording of the specific action to: ‘Bold Precinct Gateway Artwork’. 3. Application to wider LGA (page 24 of the agenda). At the end of the first sentence, add ‘if deemed appropriate.’ 4. Page 465 of the attachment. Change ‘block party’ to ‘street party’.
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4. Discussion

‘Sydney buskers are ambassadors for the cultural life of the city and values we celebrate: diversity, generosity, respect and inclusion’, The Sydney Busking Code.

Currently, busking in the Waverley local government area (LGA) is limited to the Bondi Junction Mall and the number of available street performance licences is capped at seven. As a result, street performance activity in Waverley is limited. This represents a lost opportunity to activate the broader LGA through street performance, supporting the economic viability of local businesses and artists, and increasing the vibrancy of public spaces for the enjoyment of residents and visitors.

The draft SPP&G propose four main areas of change from current operations:

1. Expansion of performance zones to include Bondi Beach

Bondi’s local busking community (Bondi Artists United) has lobbied for busking licences to be available at Bondi Beach since 2018. Bondi Beach is an internationally recognised site where creative and cultural activities cater to a broad demographic, support community wishes for local vibrancy, energise the trading context of local businesses, and enhance its global reputation as a leading travel destination.

Increasing street performance spaces available in the Waverley LGA specially addresses Objective 2.3 in the Waverley Arts and Culture Plan 2021-2026 as outlined above.

Trial street performance zone locations are strategically proposed adjacent to specific local foot traffic routes to maximise benefit for both performer and audiences without obstructing passers-by or interfering with access to public transport and other services. An acoustic performance zone will also be trialled in Waverley Street Mall Bondi Junction.

Note that the proposed Hall Street Performance Zone is currently in front of a construction site and may be amended during the trial period only.

2. Change of licence duration (to 12 months), performance duration (1 hour concurrently at each site) and increasing the number of licences (30 licences)

A proposed increase in the number of licences to be granted, corresponds to an increase in the number of performance sites and a decrease in permitted performance duration. This three-

pronged action is intended to make street performance opportunities available to more artists and improve the variety of offerings available for audiences.

3. Transition to online application process

The proposed transition to an online application process reduces obstacles for performers to apply and alleviates the administrative overhead on Council officers, making processing applications more efficient. Performers will continue to collect their licence in person at the Customer Service Centre, enabling confirmation of identity.

4. Reducing the age of parental consent from under 18 to under 16 years of age

This is current practice for other councils and reduces the barrier for young people to apply, enhancing cultural participation, a strategic objective of the Waverley Arts and Culture Plan expressed in Goal 2 of the plan.

These proposed changes align the draft policy with best-practice industry standards and respond to community input into the Arts and Culture Plan 2021-2026 and Bondi Junction Evening Culture and Entertainment Strategy 2018-2028. The proposed changes are outlined in Table 1.

Table 1. Details of proposed changes

	Current Terms and Conditions in Busking Guidelines and Bondi Junction Mall Code and Markets Policy	New Draft Street Performance Policy and Guidelines
1	Waverley Council permits busking at sites in Oxford St Mall, Bondi Junction only.	Proposal to extend Street Performance Zones to Bondi Beach.
2	Buskers must submit a copy of their photo ID along with the application	No change
3	Children under the age of 18 years who wish to make an application will be required to obtain parental consent.	Proposal to reduce of parental consent requirement to under 16 years.
4	Busker must provide Council a copy of Certificate of Currency for Public liability insurance in the amount of \$20 million.	No change
5	Successful applicants are required to obtain their Busking Permit in person from Council. Permits will not be posted emailed or sent via other means.	No change
6	Any permit will be issued for a maximum period of six (6) months. Permits cannot be sold, transferred or assigned to another party. Buskers must re-apply at expiry of permit to continue busking.	Proposal for 12 months duration, running Jan - Dec. Proposal to increase the number of licences from 7 to 30.
7	A person holding a busking permit is permitted to busk for a maximum period of four (4) hours per day.	Proposal to change to one hour concurrently in any street performance location. Performers must leave the zone for at least an hour before a second performance.
8	There should be not more than three (3) buskers at any time busking in the Mall.	No change
9	There should be no more than a maximum of four (4) performers per busking group.	No change

10	No direct soliciting or collecting of donations will be permitted. Any collection container must remain stationary on the ground.	No change
11	Busker are permitted to use small amplification equipment only. Specification of any proposed amplification equipment is to be provided in the application.	Proposed extra stipulation of battery powered amplification permitted only.
12	Where a complaint has been received about excessive noise, level of noise amplification, music of a repetitive nature, excessive duration of an act, a Busker may be directed by Council Rangers to cease busking. It is a condition of licence that the busker immediately complies with any such direction.	No change
13	Busker must have their permit with them at all times whilst performing in the Mall. This should be produced on request from Council Rangers.	No change
14	Busking activities not permitted include dangerous acts, including the use of fire, saws, swords, knives, bicycles, acts including animals, balloon sculpting, tarot card, palm or fortune reading, aerosol artistry, face painting, masseurs.	No change
15	Buskers must not:	No change
	a) obstruct or hinder the passage of pedestrians or vehicles;	
	b) cause inconvenience, annoyance or obstruction to any person;	
	c) create any nuisance or unreasonable noise;	
	d) beg or spruik;	
	e) operate closer than five (5) metres from the door of premises open for business;	
	f) create a threat to public safety;	
	g) affix any material or mark/draw on any Mall property.	
16	Busker must comply immediately with any lawful direction given by the Police or Council Officers.	No change
17	Any breach of these conditions will result the busking permit being revoked. Council may revoke a permit at any time.	No change
	How to apply	
	Applications should be submitted via email to busking@waverley.nsw.gov.au	Proposal to move applications to an online process.
	Supporting Documents	
	Proof of identity/current address (e.g. passport, drivers licence).	No change
	Children under 18 years of age must provide written permission from a	Proposal to change parental consent requirement to under 16 years.

	parent/guardian.	
	Public Liability insurance Certificate of Currency in amount of \$20 million.	No change
	Specification of any proposed amplification equipment is provided in the application.	No change

The draft SPP&G's public exhibition period is proposed for June 2022 to August 2022. At the same time, a trial of the new Street Performance zones at Bondi Beach is proposed, pending the current NSW Public Health Order. This trial will enable the community to experience street performance at the new proposed sites, helping to inform their feedback on the draft SPP&G. The trial will also enable officers to assess any issues with the new permit application process and make any required changes.

A Have Your Say survey will invite feedback on the draft SPP&G. Additionally, intercept surveys will target respondents in the vicinity of the new performance zones during the trial period to gather data on performance zone usage and audience response. This data will inform the creation of a Street Performance Code, adapting the City of Sydney model code to specifically address community concerns and performer etiquette. This will support assessment of the impact of the zones and policy amendments and gauge the opinion of residents, artists and local businesses. This data will be applied to a final version of the revised policy.

5. Financial impact statement/Time frame/Consultation

The implementation of a new SPP&G has minimal financial impact. Although an increase in performance footprint and licence numbers necessitates some administrative and compliance input, this is modest compared to the cultural capital and economic stimulus gains for artists, local businesses and the community, and within existing officer resources.

Should Council resolve to publicly exhibit the draft policy, the exhibition period and trial of the new Street Performance Zones will be undertaken from June 2022 to August 2022. Community feedback will be elicited and reviewed by the Arts and Culture team in consultation with relevant Council officers, with a report to come back to Council for the final policy to be adopted.

The proposed timing assumes that activities in and around Bondi Beach will be at normal levels for that time of year. If the COVID-19 pandemic, associated lockdowns and Council's beach management plans indicate that the proposed timing for the public exhibition and policy trial is not appropriate, this will be rescheduled.

The draft SPP&G attached to this report has been reviewed and developed in consultation with multiple Council teams and benchmarked against current industry standards. Instigated by a CAPS review from the Urban Planning Policy and Strategy team, the draft policy reflects language and definitions consistent with the new Arts and Culture Plan 2021-2026.

6. Conclusion

The draft Street Performance Policy and Guidelines attached to this report was developed through an internal review of several Council teams in response to the community feedback articulated through the Arts and Culture Plan. It is recommended that this be placed on public exhibition for 90 days.

It is also recommended that Council conducts a trial of new performance zones in Bondi Beach during the exhibition period, pending the current NSW Public Health Order. The purpose of this trial is to refine the placement of the proposed new performance zones and to obtain feedback from performers, businesses and the community as to the success and suitability of the proposed new performance zones and policy.

Council officers will review feedback received with a view to presenting the draft policy for adoption in 2022.

7. Attachments

1. Draft Street Performance Policy and Guidelines [↓](#) .



WAVERLEY
COUNCIL

Street Performance Policy and Guidelines

REPORT
FC/5.2/22.04

Subject: Waste in Public Places Policy - Adoption

TRIM No: A20/0397

Author: Beth Kasumovic, Manager, Sustainable Waste

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

RECOMMENDATION:

That Council:

1. Adopts the Waste in Public Places Policy attached to the report (Attachment 1).
2. Notes the Waste in Public Places Guidelines attached to the report (Attachment 2).

1. Executive Summary

The Waste in Public Places Policy and Guidelines will support the Waverley community to correctly present waste in the public place and improve amenity and litter issues.

Consultation on the draft Policy was undertaken in September 2021 for 28 days through Council's Have Your Say website.

This report provides a summary of community feedback and recommends that the Policy and associated Guidelines be adopted.

2. Introduction/Background

Council has ongoing issues with bins and excess waste being left in public places. These are frequently not able to be solved within existing Council Policies or legislative framework. To overcome this, in 2017 a review identified a policy for waste in public places as a best practice local government framework. This will support and enable Council to meet the Environmental Action Plan and Community Strategic Plan goal to 'Keep our streets, beaches and parks clean and free of litter, rubbish and pollution'.

The policy (Attachment 1) will increase the ability of Council to respond to issues related to waste presented in the public place by providing clear direction to residents, businesses, and commercial waste operators around acceptable waste presentation in public places for the purposes of collection. It will also:

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

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

Activities related to waste presentation impacts the community in several ways. The uncontrolled presence of waste and recycling in public places can negatively impact the amenity of Waverley Council's streets, lanes and footpaths and present an environmental pollution and human health risk, which may impact our community's quality of life. This policy addresses these impacts in a clear, sustainable, and practical way.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Operations and Community Services Committee 6 July 2021	OC/5.1/21.07	That Council: <ol style="list-style-type: none"> 1. Publicly exhibits the draft Waste in Public Places Policy attached to the report for a minimum of 28 days. 2. Officers prepare a report to Council following the exhibition period.

4. Discussion

Officers have prepared Waste in Public Places Guidelines (Attachment 2) to accompany the Waste in Public Places Policy. This outlines the requirements for bin storage types, location, and time allowances for bins to remain on public land while awaiting collection such as in Waverley's commercial centres. In doing so, Council states the expectations for residents and the business community for presenting waste on public land for collection.

A key challenge that Waverley and other councils have identified is storage of bins in laneways where some properties may have bin storage within their property boundary while others may not. Although frequently this is not a problem, when residents have concerns it can create an unfair situation should Council approve certain properties to store bins on public land. These situations are currently being discussed internally and in consultation with other Councils to ensure the best outcomes for our community. While the Policy will assist with the majority of the bins left on footpaths and laneways in our community (which creates potential environmental, amenity and health issues), it can be a difficult issue that requires ongoing communication with residents and businesses. A Communication Plan (Attachment 3) has been prepared to assist with the implementation of the policy and guidelines.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

There is no financial impact related to the drafting and approval of this policy and associated guidelines. The implementation of the Policy requires the establishment of procedures and amendments to current resources but can be delivered with current staffing. The benefits of keeping our streets clean and clear of bins and rubbish may lead to financial savings as less reactive cleaning may be required.

The policy has been consulted on internally with relevant staff and with the Executive Leadership Team. Council's General Counsel has reviewed the policy and is satisfied with the legislative and regulatory implications.

Consultation

There has been significant consultation and collaboration across Council in the preparation of the policy and guidelines. Council officers have liaised with staff from other councils to achieve best practice through the policy, guidelines and supporting processes and procedures.

Community consultation was undertaken from 5 September to 5 October 2021 to inform the community of the Waste in Public Places Policy and Guidelines to improve waste management in the public place, and reduce the impacts of litter, and excess waste on our environment.

During the public consultation period, 48 people visited the Have Your Say webpage for the Waste in Public Places Policy, 35 people downloaded the policy, 14 downloaded the guidelines and there were no submissions. Written feedback was limited to one email of general support for the policy.

There are no recommended changes to the draft version of the Waste in Public Places Policy and Guidelines.

If Council adopts Waste in Public Places Policy, the Communications Plan will be delivered place to inform the community of the policy and guidelines going forward.

6. Conclusion

The Waste in Public Places Policy and Guidelines, if adopted, will enable Council to communicate clearly to the community Council's expectations for presenting waste on public land and assist in keeping our streets clean of rubbish and clear of bins. By educating and informing the community of Council's expectations, it provides a clearer avenue for enforcing non-compliant bin presentation.

7. Attachments

1. Waste in Public Places Policy [↓](#)
2. Waste in Public Places Guidelines [↓](#)
3. Waste in Public Places Communications Plan [↓](#) .

REPORT
FC/5.3/22.04

Subject: Biodiversity Action Plan: Remnant Sites 2022-2031 - Adoption

TRIM No: SF20/2340

Author: Sue Stevens, Co-ordinator, Urban Ecology

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

RECOMMENDATION:

That Council adopts the Biodiversity Action Plan: Remnant Sites 2022–2031 attached to the report.

1. Executive Summary

This report proposes that the draft Biodiversity Action Plan: Remnant Sites 2022–2031 (BAP/‘the Plan’) be adopted following the public exhibition and community feedback. There was significant community feedback on the Plan, and a number of changes have been made to the draft BAP so that Council is better able to improve the condition of our bushland remnants and ensure that the area of bushland remnant is maintained and potentially increased.

2. Introduction/Background

The pressures of development within the Waverley local government area mean that there is only 1% or just under six hectares of pre-European remnant vegetation. This is down from seven hectares in 1990. These remnants provide valuable habitat, food and shelter for local wildlife and locally indigenous plant species and are irreplaceable features of our natural heritage. For these reasons such sites are a priority for environmental protection works.

When Waverley’s first Flora Study and Remnant Condition Survey was undertaken in 2010, it was found that 66% of the remnants were in very poor condition, and that without very significant effort further remnant losses would occur. The remnant vegetation is mapped in the *Waverley Local Environmental Plan 2012* (LEP).

The 2020 Waverley Flora Study and Remnant Condition Survey found that the area of remnant vegetation in good condition remnant vegetation recorded in 2020 was double that identified in the 2015 survey. These increases in vegetation area and condition are strong evidence that the implementation of the Biodiversity Action Plan: Remnant Sites 2015–2020, has been successful.

In the Biodiversity Action Plan: Remnant Sites 2022-2031, Council has prepared 13 remnant action plans for the following sites.

- Clifftop Remnants North.
- Caffyn Park.
- Diamond Bay Reserve.
- Loombah Road Cliffs.
- Eastern Reserve.

- Weonga, Raleigh and Rodney Reserves.
- Hugh Bamford Reserve.
- Bondi Golf Course and Williams Park.
- Clifftop Remnants South.
- Tamarama Pacific Marine Drive.
- Calga Reserve and Bronte Cutting.
- Waverley Cemetery Cliffs.
- York Road Eastern Suburbs Banksia Scrub.

Waverley contains an area of the critically endangered plant community Eastern Suburbs Banksia Scrub (ESBS) which is protected under Commonwealth and State legislation. ESBS in our area is located on private and public land adjoining York Road, and within Queens Park. Council manages the verge adjoining the main ESBS area which is managed by Centennial Parklands.

There is a population of the threatened species *Acacia terminalis* (subsp. *Eastern Sydney*) at Loombah Road Cliffs at Dover Heights. This is the only remaining population of this species in the Waverley local government area (LGA). A number of this species having been lost during the past decade due to private development.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 August 2021	CM/7.9/21.08	That Council: <ol style="list-style-type: none"> 1. Publicly exhibits the draft Biodiversity Action Plan: Remnant Sites 2021–2030 attached to the report for a minimum of 28 days. 2. Officers prepare a report to Council following the exhibition period.

4. Discussion

Council undertook a third *Flora Study and Bushland Remnant Condition Survey* in February 2020 to assess the health of remnant bushland following previous surveys being undertaken in 2010 and 2015.

Highlights of the *Flora Study and Bushland Remnant Condition Survey* 2020 include:

- The area of good condition remnant vegetation recorded in 2020 doubled compared to the 2015 survey. The significant gains in the area of good condition were:
 - 1,500 m² at York Road Bushland, Queens Park (Centennial Parklands land with the assistance from Council).
 - 625 m² at York Road verge, Queens Park (Council managed land).
 - 629 m² at Hugh Bamford Reserve, Dover Heights (Council managed land).

In addition to this increase of remnant vegetation in good condition:

- There was 10% increase in the average number of indigenous plant species per patch of remnant vegetation in 2020 compared with 2015.
- 26 patches of remnant vegetation expanded via natural processes, including natural regeneration from the soil seedbank as a result of bush regeneration.

- 15 native plant communities are present in the LGA, as in 2015.
- 4 'new' species were recorded in 2020 that were not previously recorded in the Waverley LGA and 4 species which weren't recorded in 2015, but which were recorded between 1995 and 2010 have 'reappeared'.
- 4 species once thought rare in the LGA are no longer rare
- 63 plant species are locally rare species, representing 54% of the 117 indigenous plant species.

These increases in vegetation area and condition are strong evidence that the implementation of the Biodiversity Action Plan: Remnant Sites 2015–2020 has been successful. Despite many successes during the past five years, some areas of remnant vegetation have been lost, such as a section at Eastern Reserve. Recent periods of low rainfall, weed incursions and the fragmented and the small sizes of the remnants make Waverley's remnant bushland somewhat difficult and resource-intensive to manage.

The Biodiversity Action Plan: Remnant Sites 2022-2031 have been prepared by an experienced expert bush regeneration consultant. They applied tested and best practice principles of bush regeneration to prepare the Plan. The management actions in the Plan continues applying a similar methodology to what Council has been doing for many years. One management action recommended by the Plan that has not previously been undertaken by Council is the use of 'ecological burns', such as pile burns, or cultural burning to promote new growth of plants. This controlled use of fire is proposed at a number of sites such as Hugh Bamford Reserve where the plants require fire for seeds to germinate, and alternative natural regeneration processes such as manual soil disturbance, have been tried over a number of years and have been unsuccessful.

Consultation – Exhibition period and submissions

The exhibition period began on 24 August 2021 and ended on 21 September 2021.

The following table summarises consultation activities undertaken during this period. No face-to-face consultation was undertaken due to COVID-19 concerns.

Table 1. Summary of consultation.

Action	Stakeholders	Methodology
Web-based consultation	Broad community	http://haveyoursaywaverley.com.au/ Promoted through Council's regular communication channels including Mayors Column in Wentworth Courier, Facebook and Instagram, Enviro eNews, and Bushcare eNews All Councillors and Precincts invited / notified.
Consultation with specific community stakeholders	Private property owners	All residents within 100 m remnant bushland were mailed a letter via Australia Post inviting them to participate in the HYS process. Letters were sent to 3082 residents. Presentation to Combined Precincts Meeting on 9 September 2021 Key neighbours (approx. 10) to remnant bushland were contacted individually, including neighbours at Hugh Bamford Reserve, Clifftops, and Calga Reserve.

Details of submissions received

The main platform for consultation was Council’s ‘Have Your Say’ page.

Sixteen submissions were received as submissions through the ‘Have Your Say’ portal, and 45 were received via direct email. Sixty-six submissions were received in total, plus one comprehensive peer review.

This survey was open for four weeks from 24 August 2021 to 21 September 2021. The traffic to the ‘Have Your Say’ page is summarised below.

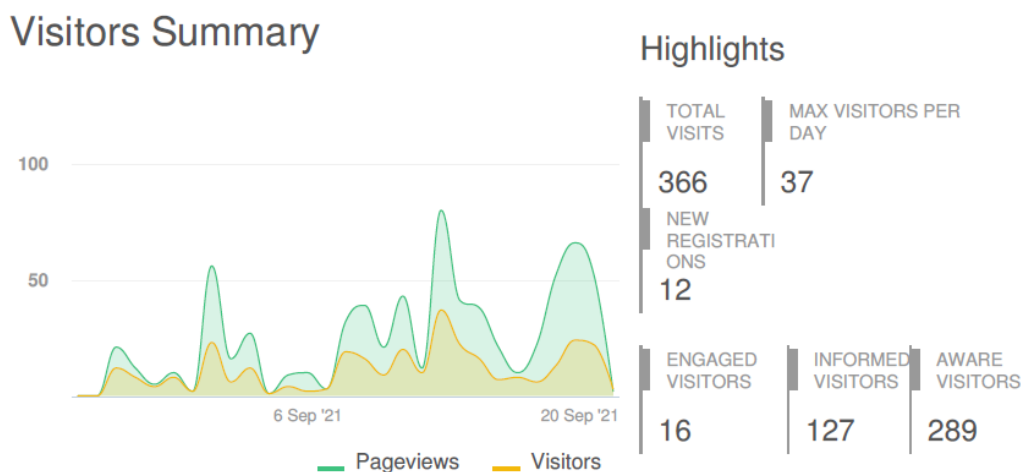


Figure 1. Have Your Say visitors summary.

Summary of submissions

The following table summarises the issues raised in the submissions. The number of submissions in this table exceeds total number of submissions as some submissions addressed more than one topic

Table 2. Summary of submissions.

Topic	Number of submissions
No planting in Rodney Raleigh or Weonga Reserves	33
Support for whole plan	25
Rodney Reserve planting support	5
Support More Planting	1
Planting Design	1
Choice of Fencing Materials	1
Eastern Reserve	1
Tamarama Remnant	1
Weeds outside BAP area	1
No planting in Bronte Cutting	1
Support but not fencing in Bronte Cutting	1
No herbicide or reduced herbicide use	2
Feral Animal Control	1
Weeds outside BAP area	1
Hugh Bamford Issues	4
Dominant Natives	0
Don't want fences	2

TOTAL	81
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Thirty-seven percent of submissions offered overall support for the whole plan. Some wanted it to go further than what was in the draft Biodiversity Action Plan.

Planting in Rodney, Raleigh and Weonga Reserves

Thirty-three submissions opposing planting of buffer vegetation in Raleigh, Rodney and Weonga Reserves were received from Dover Heights residents. A significant number of submissions were almost identical, reading as follows:

'I am writing to express my concern at the overzealous planting in the buffer areas (west side of fence) in the Rodney, Weonga and Raleigh reserves. While biodiversity is important council needs to balance this with residents amenity and the views from these reserves are enjoyed by sportspeople, walkers, dog walkers and many others in the local area. Please consider the users of the park and reserves before injudicious planting.'

Five submissions with opposing views to the above were received - supporting plantings in Raleigh, Rodney and Weonga Reserves. While all in support of plantings, both existing and future, each one was unique. For example: *'I have a house near Raleigh, Rodney and Weonga Reserves and welcome the continuation of the planting which is already flourishing in this area. There are residents who feel that the vegetation will spoil the amenity of the area by blocking some views of the water. I think to allay their concerns it might be prudent for the Council to consider planting low growing vegetation.'*

'I am requesting that the Council does not remove any vegetation in Weonga, Rodney, Raleigh or Eastern Reserves. This vegetation is important for native flora and fauna and adds character to the area. The vegetation also acts as important windbreaks to the surrounding properties.'

'I am in favour of as much buffer/ street planting as you can do...there isn't enough vegetation in our suburb (Dover Heights).'

The Combined Precincts asked that before Council proceeds with a new infill or buffer planting in the Eastern Ave, Weonga, Rodney and Raleigh Reserves on the west side of the fence which separates the Reserves from the cliffs, that Council staff consult with relevant stakeholders to ensure the right plants are selected

The remnant vegetation in Rodney, Raleigh and Weonga Reserve is long and elongated and located at the top of a significant cliff. In 2015-16 Council planted a significant buffer vegetation on the downslope below Dover Rd and north to Rodney Reserve. In addition to providing a weed buffer for the remnant, the buffer provides habitat and coastal corridor connectivity, increases vegetated area, and subjectively improves the aesthetics of the area. As shown by the submissions, this planting has been contentious. While the planting is coastal heath species and low growing, Council has had several vandalism occurrences of *Acacia longifolia* species in this location. An image of the vegetation and the impact it has on views is shown below. Council is over time thinning these species out so that a diverse range of plant species can be established in this location that require low levels of maintenance. This Plan does not propose any additional areas on the western side of the fence be planted but that the current area continue to be maintained.



Figure 2. Rodney Reserve slope buffer planting (background).

The Plan did propose additional planting on the coastal side of the fence adjacent to Rodney Reserve playing field. This has been removed following feedback for the community and the resourcing required to achieve this. The area is currently infested with entrenched weed *Salpichroa organifolia*. In 2015/16 Council attempted to establish a small native planting in this area but this was unsuccessful as the weeds were able to rapidly outcompete any new plantings. As a result of feedback and this issue, Buffer 5 has been removed from Rodney Reserve in the final version of the Plan.

Eastern Reserve

A resident who lives adjacent to Eastern Reserve not only supported the Plan but said it does not go as far as it might or should, and supports an expansion of the area next to the cliff fence which would have the added benefit of reducing the numbers of people who climb the fence and fall off the cliff (there have been two deaths here in the 10 years we have lived here), and on the steeper sections of the northern and southern ends of the reserve, which are rarely used. Although this would have biodiversity benefits the Plan has not been amended as Council is aware of opposition to this planting such as demonstrated through feedback to the Cliff walk upgrade project.

Submissions supporting the entire plan

The consultation received 25 submissions of support. A number of these submissions also raised other issues; namely:

- The need for more ambitious targets for the remnant vegetation.
- The need to allocate adequate budget to deliver and achieve the objectives of this plan.

Typical of these responses were these:

'I would like to register my support of the Biodiversity Action Plan aimed at the regeneration of bush land along the coastline. In particular, the areas around Hugh Bamford Reserve and Diamond Bay. It is an excellent initiative and hopefully will protect these vital and beautiful areas for years to come.'

'Thank you for accepting submissions on this very important Action Plan to conserve and promote biodiversity.'

'This is a project that should be widely promoted and supported. It is good to see emphasis on wildlife corridors and high standards of bushcare and regeneration techniques. Would suggest staged removal of weeds, especially lantana given habitat benefits.'

Other submissions

- The staged removal of plants should ensure wildlife habitat is not destroyed and that this sensible and ecologically sensitive approach is taken throughout the LGA.
- The need for consideration of habitat maintenance for existing fauna through staging of interventions with a good focus on connectivity and corridors.
- The need for more ambitious targets for the remnant vegetation.
- The need to allocate adequate budget to deliver and achieve the objectives of this plan.
- Support for the emphasis on wildlife corridors and high standards of bushcare and regeneration techniques.
- Support to promote and educate the community on the implementation and outcomes of the Plan
- Support increasing the area that is has planted native vegetation such as in Eastern Reserve.
- The potential for a Council policy on a remnant seed bank.
- Support for a program of cultivating seedlings of endangered species that could be used by residents to plant in their gardens.
- Support for signage to mark out our remnant sites across the LGA. Response - This is not part of the BAP, but Urban Ecology team is following this up.

Concerns about fencing

A number of submissions were concerned with the addition of new fences as part of this Plan. No new fences are proposed for any sites in the Plan. 'Delineation' is recommended in many areas, to prevent turf grasses and weeds from entering and outcompeting the remnant vegetation. This will usually take the form of a low (10cm or lower) edging, or a spray or mulch edge, or sediment fences. (Sediment fences are typically 50-80 cm high and temporary).

Installation of coastal fencing is being managed by Infrastructure Services and is consulted on and uses a Council standard for fencing. No changes are proposed in the Plan with regards to fencing.

Peer review

A very detailed peer review of the document was submitted by Danny Hirschfeld during the exhibition period. Danny has undertaken three Flora and Bushland Remnant Condition Surveys for Council, and has a very deep knowledge of all our remnant bushland. This review addresses a number of technical issues in the draft BAP, and has been provided to the consultants Total Earth Care. Total Earth Care has updated the BAP to incorporate changes based on this review.

This is a summary of amendments to the Biodiversity Action Plan: Remnant Sites 2022-2031 in response to submissions made during the exhibition period:

1. In response to the requests for no new planting in Raleigh, Rodney and Weonga Reserves, the proposed 'Buffer 5' in Rodney Reserve has been removed. It must be noted that Buffer 5 was the only new planting proposed in these reserves, and that all other Buffer plantings marked on the maps already exist.

2. In response to the requests for no new planting in Bronte Cutting, only one new buffer is proposed (Buffer 3.1). This planting will be entirely below the cliff edge and will not impact views, the same as the already existing Buffer 3.2, which was planted in 2016.
3. In response to requests for more planting, no additional planting to that proposed in the draft BAP is planned. Planting will be undertaken at Bronte Gully, Tamarama Gully and Thomas Hogan Reserve restoration sites, which are outside the scope of the Biodiversity Action Plan and have their own plans.
4. In response to correspondence around Hugh Bamford issues, these are mostly outside the scope of the BAP, although the management actions in the BAP will help rectify some of the damage done by vandals to the site. Upgraded fencing would also help, but this is outside the scope of the BAP.
5. In response to request for reduced or no herbicide use, this has already occurred in response to Councils' glyphosate ban. It must be noted that reduced herbicide use is resulting in higher maintenance costs for remnant vegetation, as more weed control is done by hand.
6. All recommendations from the Peer Review will be incorporated into the final document. These changes are of a technical and proof-reading nature.

As noted earlier in this report, many of the submissions received were not relevant to the Plan, for example. fencing, feral animals, general weeds issues.

5. Financial impact statement/Time frame/Consultation

Implementation of the Biodiversity Action Plan: Remnant Sites 2022-2031 will be budgeted from Council's Operational Budget.

Professional bush regeneration contractors undertake most bushland remnants and buffer vegetation maintenance, with some work completed by Bushcare volunteers. Council is currently looking at some of this work to be undertaken in-house in future years.

Achieving the remnant target of 20% in good condition by 2031 requires an estimated \$422,000 per annum under the current outsourced arrangement. Due to the COVID pandemic impact and budget constraints, officers propose to reduce the Biodiversity Action Plan – Remnant Sites spend to around \$324,000 in the 2022–23 financial year and increase it back to \$422,000 in subsequent years of the Long Term Financial Plan (LTFP) to achieve the 2031 remnant target. These funding allocations are subject to the 2022–23 budget and LTFP funding availability.

6. Conclusion

To preserve Waverley's natural heritage and achieve Environmental Action Plan targets around retention and condition of remnant native vegetation, it is essential to take specific management actions over an extended period.

The implementation of Biodiversity Action Plan: Remnant Sites 2022-2031 provides detailed guidance and a structured program of management actions for Council staff and contractors to help reach these goals.

7. Attachments

1. Biodiversity Action Plan: Remnant Sites 2022-2031 (under separate cover) .

REPORT
FC/5.4/22.04

Subject: Clifftop Walkway Upgrade

TRIM No: A20/0387

Author: Amanda Tipping, Project Manager, Major Projects

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

RECOMMENDATION:

That Council:

1. Notes the outcome of the investigations for widening the boardwalk between Kimberley Street and Craig Avenue and the remainder of the boardwalk.
2. Does not proceed with widening the boardwalk, as it will negatively impact existing remnant vegetation, identified significant Aboriginal sites, encroach onto the property boundary of 33 Kimberley Street, will increase the project cost and further delay the project risking the loss of NSW grant funding.
3. Notes the outcome of the investigations for increasing the size of the viewing platform.
4. Does not proceed with increasing the viewing platform due to geotechnical engineering advice restricting its potential size, negative impacts on significant historical sandstone walls and residential amenity concerns.
5. Notes that notifications informing residents of the modifications to the development application (DA-378/2021) have been completed.

1. Executive Summary

The purpose of this report is to present the outcome of investigations to widen the boardwalk and increase the viewing platform size at Eastern Reserve and Diamond Bay Reserve and note that notifications to residents on the modifications to the development application (DA-378/2021) were completed on 21 February 2022.

The report is also an opportunity for Council to note the materials included in the approved DA plans.

2. Introduction/Background

Council committed in June 2019 (CM/8.3/19.06 and CM/7.5/19.09) to the replacement of the existing Eastern Reserve and Diamond Bay Reserve boardwalks and viewing platform.

Council engaged consultancy Cardno in 2019 to complete asset condition assessments of Eastern Reserve and Diamond Bay Reserve boardwalks and a Feasibility Report comparing repair and replacement options. Both boardwalks were assessed as being in poor (condition 4) to very poor (condition 5) condition.

As a result, short term remediation works (CM/7.14/19.11) were completed in June 2020 to ensure that stairways and walkways are secure until scheduled replacement as part of this project. This is timed to coincide with Sydney Water's Refresh Vaucluse and Diamond Bay Project which will require Sydney Water to undertake works in Eastern Reserve and Diamond Bay Reserves to under bore pipe connections, build a pumping station and connect a new sewer rising main to the existing sewer network for treatment at Bondi Sewerage Treatment Plant.

In addition to the remediation works, temporary safety works (CM/7.10/20.07) based on an independent access assessment were completed in June 2020 to deter and restrict people from leaving the boardwalk through attachment at selected points of secure mesh infill panels to existing fencing and hoarding beneath the boardwalk. Further safety measures including additional mesh infill and removal of the Diamond Bay lookout were undertaken in 2021.

Head Consultancy Thompson Berrill Landscape Design (TBLD) were engaged to design replacement boardwalks and upgrades to Eastern Reserve and Diamond Bay Reserve. The objectives are to:

- Connect the coastal walk.
- Improve pedestrian safety, amenity and equity of access where possible.
- Improve access to natural features and vantage points.
- Consistent coastal walk design language, materials and finishes.
- Protect and celebrate heritage and cultural value.
- Protect and enhance remnant vegetation.
- Minimise landscape and visual impact.
- Ensure residential amenity.
- Investigate opportunities to light the walkway.

As well as utilising robust materials and providing safe maintenance access, the project will minimise construction risks and provide value for money as well as meet environmental and social sustainability targets.

Following the DA approval in December 2021, the detailed design has been developed based on Australian Standards, technical requirements and advice, planning advice, grant fund requirements of the NSW Government Public Legacy Program and through consultation with Sydney Water and internal stakeholders.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 23 November 2021	CM/10.1/21.11	That Council: <ol style="list-style-type: none"> 1. Amends DA-378/2021 in respect of Eastern Reserve as follows: <ol style="list-style-type: none"> (a) Delete the proposed 1.5 metre wide concrete pedestrian path extending from the bottom of Oceanview Avenue into the reserve. (b) Delete the timber bench seating with sandstone paving and sandstone block retaining wall at the end of the proposed path from the bottom of Oceanview Avenue. (c) Relocate the accessible seating to the eastern end of Oceanview Avenue.

		<p>(d) Maintain the access to Eastern Reserve from George Street while ensuring that the remnant vegetation and nearby Aboriginal archaeological site are protected.</p> <p>2. Directs officers to amend the proposed vegetation planting identified in DA-378/2021 as follows:</p> <p>(a) The proposed new low vegetation adjoining the clifftop coastal fence be no wider than 1 metre.</p> <p>(b) Remove reference to all tree planting of heath-leaved banksia and scrub she-oak to the northwest of Eastern Reserve and replace with low vegetation.</p> <p>(c) The proposed native vegetation on the western boundary of Eastern Reserve be no wider than 1.5 metres.</p> <p>3. Informs residents of these modifications.</p> <p>4. Officers consider widening the boardwalk between Kimberley Street and Craig Avenue from 2 metres to 2.5 metres.</p> <p>5. Officers investigate widening the rest of the boardwalk from 2 metres to 2.5 metres, with a report to come back to Council with cost implications and a funding source.</p> <p>6. Officers investigate increasing the size of the viewing platform, as provided in the plans, with a report to come back to Council with cost implications and a funding source.</p>
Council 21 July 2020	CM/7.10/20.07	<p>That Council:</p> <p>1. Receives and notes the findings and recommendations of the independent coastal risk assessment.</p> <p>2. Notes that a number of recommendations from the risk assessment have been addressed via the remediation works undertaken at the Diamond Bay Reserve boardwalk and Eastern Avenue Reserve, including installation of mesh infill panels to the existing balustrade and installation of hoarding beneath the boardwalk to further deter and restrict access to the cliff edge in 'hotspot' locations.</p> <p>3. Endorses ongoing implementation of the risk treatment plans set out in the coastal risk assessment report in accordance with the recommended priorities.</p> <p>4. Notes that it has provided for the design and reconstruction works of the Diamond Bay Reserve and</p>

		<p>Eastern Avenue boardwalks in its Capital Work program.</p> <ol style="list-style-type: none"> 5. Notes the actions undertaken to date in relation to coastal safety risks in Table 1 of this report. 6. Notes that the fence at the northern end of Rodney Reserve has collapsed, and replaces the fence as soon as possible due to safety concerns.
Council 19 November 2019	CM/7.14/19.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes the current status of actions to improve safety along the coastal cliff edge outlined in this report. 2. Undertakes remediation works on the Diamond Bay and Eastern Avenue boardwalks as per condition assessment findings, noting cost estimates outlined in this report, with works to be funded from the SAMP reserve. 3. Proceeds to the design stage of reconstructing the Diamond Bay Reserve and Eastern Avenue boardwalks, noting cost estimates outlined in this report, with works to be funded in the 2020–21 capital works program. 4. Includes the possibility of a viewing platform as part of the design of the reconstructed boardwalk. 5. Does not install CCTV cameras at Diamond Bay Reserve at this stage until the final design is completed. 6. Acknowledges the heritage significance of the existing stone archway, wall and steps at Diamond Bay Reserve, and commences proceedings to heritage list them in order to protect and maintain these items as part of any future design and works.
Council 17 September 2019	CM/7.5/19.09	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the current status of actions to improve safety along the coastal cliff edge outlined in this report. 2. Considers and investigates the cost and feasibility of installing a viewing platform at Diamond Bay Reserve as part of any works proposed on the Diamond Bay boardwalk, following consideration of the boardwalk condition assessment. 3. Officers report back to Council with the results of the investigation.
Council 20 August 2019	CM/11.4/19.08	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats this report as confidential in accordance with

		<p>section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(g) of the <i>Local Government Act 1993</i>. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</p> <ol style="list-style-type: none"> 2. Expresses its sympathy and sadness at the tragic loss of life that occurred at the Diamond Bay Reserve on Saturday, 17 August 2019. 3. Notes the action taken and underway in response to Council resolution CM/8.3/19.06. 4. Notes the additional action undertaken by Council following the tragic events of 17 August 2019. 5. Notes the legal advice and summary of issues set out in the report. 6. Endorses the carrying out of an independent coastal risk review by suitably qualified assessors to guide further decision making on risk management along the Waverley local government area coastline. Diamond Bay Reserve is to be a priority, with an interim report to be presented to Council as soon as possible. 7. Urgently explores and takes appropriate action related to: <ol style="list-style-type: none"> (a) Installing additional temporary barriers. (b) Signage. (c) Social media messaging, including on WeChat, Weibo and similar channels. (d) Internet sites, tourist sites and other PR outlets, including TripAdvisor. (e) Compliance action. (f) Investigating legal remedies, including trespass. 8. Investigates action related to: <ol style="list-style-type: none"> (a) Community education. (b) Licensing and other legal options. (c) CCTV. (d) Identifiable commercial operators, such as photographic businesses.
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		<ul style="list-style-type: none"> (e) Parking regulations in the immediate vicinity. (f) Activities by other Councils in managing similar locations. <p>9. Contacts the State Member for Vacluse, Gabrielle Upton, MP, to seek assistance in this matter.</p> <p>10. Requests the Diamond Bay/Vacluse and Dover Heights Precincts to provide input.</p>
Council 18 June 2019	CM/8.3/19.06	<p>That Council:</p> <ol style="list-style-type: none"> 1. Officers investigate measures to restrict or deter movement from the Diamond Bay Reserve and the Coastal Boardwalk to the cliff ledge. Such measures to include: <ul style="list-style-type: none"> (a) Appropriate multilingual signage (b) Further physical barriers to restrict or hinder movement to the cliff ledge. 2. Investigates the cost and appropriateness for CCTV and consults the local police area command. 3. Officers report back to Council by September 2019 with a further investigation to consider the appropriateness and cost of installing a viewing platform from the coastal boardwalk. 4. Increases the frequency of ranger patrols in the area, in particular on weekends. 5. Installs an additional bin in Diamond Bay Reserve. <ol style="list-style-type: none"> 1. Informs the Vacluse/Diamond Bay Precinct of Council's decision. 2. As part of the investigation Council officers liaise with Sydney Water and groups representing recreational fishermen about the access taken along the edge of the cliff to Sydney Water infrastructure by local fishermen.

4. Discussion

At its meeting on November 2021, Council resolved that amendments to the design and further notification and investigations be carried out for the Clifftop Walkway Upgrade Project. The information below details the outcome of these requirements.

Notifications to residents on modifications to DA-378/2021

A notification dated 21 February 2022 was sent, informing residents of the modifications included in the Council resolution (CM/10.1/21/11) from the November 2021 Council meeting, in relation to DA-378/2021.

Council officers advised that Council's development application regarding the Clifftop Walkway Upgrade project had been approved, subject to the general modifications in the notice of determination, including the deletion of the pedestrian path extending from the bottom of Oceanview Avenue and changes to vegetation in Eastern Reserve and adjoining the clifftop coastal fencing as detailed in the determination.

Widening the boardwalk and viewing platform investigation

The Table below presents the background and justification for the boardwalk design.

Table 1. Widening the boardwalk and viewing platform response to Council resolution.

CM/10.1/21/11	Council Officer's Investigation and Recommendation
<p>4. Officers consider widening the boardwalk between Kimberley Street and Craig Avenue from 2 metres to 2.5 metres.</p> <p>5. Officers investigate widening the rest of the boardwalk from 2 metres to 2.5 metres, with a report to come back to Council with cost implications and a funding source.</p>	<p><u>Boardwalk width design parameters:</u></p> <p>The trail and elevated walkway was specifically designed along the route of the existing elevated walkway to avoid any additional removal of remnant indigenous vegetation.</p> <p>Any widening of the walkway beyond 2m would necessitate removal of additional indigenous flora, with potential impacts on fauna. Widening would necessitate additional survey, vegetation mapping and detailed flora and fauna assessment reporting and require referral to relevant Authorities to lodge a permit to remove indigenous vegetation.</p> <p>Indigenous flora species are documented to be present to both sides of the existing trail and elevated walkway as documented in the Flora and Fauna report (Ecological: Clifftop Walkway Upgrade, Dover Heights & Vaucluse - Flora and Fauna Assessment, Aug 2021).</p> <p>This report notes: 'The proposed development would remove and impact a total of 0.045 ha of vegetation (comprising a native vegetation community and native landscaped area), therefore it does not meet the threshold trigger for the BOS under S7.3 of the BC Act.' and 'The BC Act requires that a BDAR be submitted with a DA when the BOS is triggered.'</p> <p>Therefore, any additional clearing would be assumed to trigger a BDAR (Biodiversity Development Assessment Report) and therefore a BOS (Biodiversity Offsets Scheme).</p> <p>The current elevated walkway is in very close proximity (under 1 m) of adjacent boundary at 33 Kimberley Street and any widening may encroach on the property title.</p> <p>Increasing the width of one section of the walkway would create an inconsistency with adjoining paths to north and south.</p> <p>Any additional widening may have impacts on the registered Aboriginal heritage site (cave) near George Street. A report on the Heritage Significance of the site (Ecological: Clifftop Walkway Upgrade - Statement of Heritage Impact, Aug 2021), states:</p> <ul style="list-style-type: none"> • It is recommended that the works area and movement

	<p>around the works area is kept to a minimum to reduce impacts on sensitive flora and fauna.</p> <ul style="list-style-type: none">• Works should be designed to avoid removal of vegetation where feasible.• No rock carvings are known to be in the study area however care should be taken around exposed sandstone outcrops and sandstone should not be further exposed.• Installation of furniture, signage and boardwalk supports into sandstone should minimise impacts to prevent the stone from splitting, spalling and degrading. <p>A report (Ecological: Clifftop Walkway Upgrade - Aboriginal Due Diligence Assessment and Heritage Constraints) states:</p> <p>Following the desktop assessment, it has been identified that the study area contains one Aboriginal site, a rock shelter with potential archaeological deposit, listed on the AHIMS database and the Waverley LEP 2012 (AHIMS ID 45-6-2895, LEP AH559).</p> <p>The study is also located within the curtilage of one heritage listed item (Coastal Sandstone Escarpment - LEP C37) with local/ regional significance and adjacent to one heritage item (Street Trees – LEP C54) with local significance.</p> <p>Depending on the scope of the proposed works the Aboriginal rock shelter has the potential to be impacted, as the entirety of the study area is located within the curtilage of a regional significant heritage item, impacts cannot be avoided.</p> <p>In conclusion the report states: Aboriginal sites should be considered for conservation where possible. AHIMS ID 45-6-2895 is an Aboriginal site and should not be impacted. Protection measures need to be implemented to protect the site during the proposed Clifftop walkway upgrades.</p> <p>Any widening of the walkway as provided to the heritage and cultural assessment consultants may impact on the registered Aboriginal heritage site (cave) near George Street and would trigger additional assessments.</p> <p>The boardwalk was designed with consideration given to the physical, geological and engineering constraints of the site.</p> <p><u>Cost implications and funding source</u></p> <p>Additional costs would be associated with further assessments. These further assessments would result in a delay to the project and therefore impact the construction timings, generating a high risk of losing the grant funding for this project.</p> <p><u>Council officer's recommendation</u></p> <p>Widening the boardwalk would remove indigenous vegetation, pose a risk to aboriginal heritage sites, potentially encroach on property</p>
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	<p>boundaries, and conflict with the geological assessments and engineering constraints of the site.</p> <p>Due to the above constraints Council Officer's recommend that the boardwalk width is to remain at 2m (an already increased width from the existing boardwalk which is 1.8m).</p>
<p><i>6. Officers investigate increasing the size of the viewing platform as provided in the plans, with a report to come back to Council with cost implications and a funding source.</i></p>	<p><u>Viewing platform design parameters</u></p> <p>The lookout is designed to reflect the intended maximum capacity of 15 persons, as required by Council Officers.</p> <p>The lookout maximises the site area for a lookout and had been assessed by the consulting engineers Golders (Golders: Geotechnical Advice, Diamond Bay Clifftop Walk, Nov 2021) and Douglas Partners (Douglas Partners, Geotechnical Assessment, Proposed Clifftop Walkway and Coastal Fencing Dover Heights and Vaucluse, April 2021) as fit for purpose.</p> <p>Golders approved the current lookout design as being geologically suitable as designed. The lookout is designed to avoid any damage or modifications to the remnant stone wall which is located at the perimeter of the lookout.</p> <p>A larger lookout is not considered feasible within the physical, geological and engineering constraints of the site.</p> <p>Council requested a limit of 15-person capacity to discourage large groups to gather at night time that could cause public disturbance to the property directly adjacent at 33 Kimberley St.</p> <p><u>Cost implications, funding source and recommendation</u></p> <p>There are no cost implications or further funding to investigate as the lookout is designed to specific physical, geological and engineering constraints of the site.</p> <p>Due to the above limitations Council Officer's recommend the viewing platform size to remain as per the approved plans.</p>

Material specifications for the Clifftop Walkway Upgrade project

The materials recommended for the stairs and boardwalks are stainless steel balustrades and handrails with hardwood timber decking and fibre reinforced plastic (FRP) lookouts. The structure is steel posts and timber or composite bearers and joist.

The material selection is consistent with the southern Coastal Walk and was further interrogated and guided by a Clifftop Walkway replacement feasibility study completed by external Engineering consultants, Cardno in 2019. Cardno assessed a range of material options that would achieve a 50-year lifespan as part of the feasibility study. Cardno's feedback is summarised below:

Hardwood decking

Hardwood is a naturally durable, maintenance friendly and sustainably sourced material. Australian sustainable sourced hardwood can achieve a 50-year lifespan.

Hardwood timber deck vs. Weldlok FRP Mesh

Fibre reinforced plastic (FRP) grating is a moulded, one-piece fibreglass reinforced plastic grating, available in standard panels or fabricated into customised panels ready for installation.

There is little cost difference between hardwood timber and Weldlok FRP mesh. Both systems are lightweight, easy to handle and can be cut on site.

The decks are assumed to be used within significant vegetation zones on the Coast Walk. Fiberglass grating is a better option by allowing the sunlight penetrates to vegetation below.

As for the FRP grating, due to the type of fixing clips currently available in the market, the system is better fitted within the steel or aluminium supporting frame.

Cardno understands that there is ongoing maintenance cost issue on the Coastal Walk boardwalks where Weldlok FRP mesh has been fixed to hardwood structure. Timber is flexing under load causing decking fixings to come loose. Cardno's recommendation is to not use FRP grating with timber joist walkway. We also have contacted Webforge raising this issue and they have advised the same.

Furthermore, the design of the structure at Eastern Reserve includes a large section of suspended boardwalk designed to move and flex. FRP material cannot be used for this section, as it is too rigid and the fixings will just pop out.

Fence material – Stainless steel

The coastal fence design specifies as marine grade 316 stainless steel with a 600-grit primary polish and an electropolish final polish to achieve a roughness smoother than 0.5 µm Ra. This finish is based on advice from the Australian Stainless Steel Development Association for managing 'tea-staining' in coastal environments.

There are many types of materials used for fencing. Selecting the most appropriate depends on properties such as durability, strength and cost. In coastal environments the types of structurally strong and robust materials which are appropriate are limited as salt winds and water corrodes metals. Stainless steel is the preferred metal in coastal environments as it's resistant to rust and corrosion. There are different grades of stainless steel available, each with different properties such as corrosion resistance, heat and low temperature resistance and strength. In addition, there are different ways in which stainless steel can be treated to improve its corrosion resistance such as polishing, passivation and electropolishing. Polished marine grade 316 stainless steel is the most used and commercially available and cost-effective grade for coastal locations.

In coastal locations ocean salt carried by sea spray contains chlorine and when deposited on the surface of stainless steel it reacts and corrodes with any iron deposits left on and in scratches on the stainless-steel surface. This chemical reaction is known as tea-staining. Tea-staining is only on the surface creating a discoloration which is considered an aesthetic issue. It is not rust and does not affect the strength or structural stability of the stainless steel.

Polishing stainless steel to remove rough scratches to achieve a smoothness greater than 0.5 µm Ra prevents very fine particles of iron and salt from being trapped on the surface of stainless steel and causing discoloration known as tea-staining.

The coastal fence specification is marine grade 316 stainless steel with a 600-grit primary polish followed by an electropolish final finish to achieve a roughness smoother than 0.5 µm Ra to all surfaces.

The 600-grit primary finish will achieve a smooth reflective like finish. To achieve a 'linshed' finish a 320-grit or 400-grit finish is used. This polish is generally applied to the stainless members, such as flats and rods on the fence/ balustrade, prior to fabrication (cutting, welding and drilling) of the panels and posts. Areas of welds are also ground smooth and polished before the final electropolishing process.

The final finish specified is a passivation process known as electropolishing. Electropolishing is the most effective treatment for the polishing and surface protection of stainless steel. It is a process conducted in a tank filled with electrolyte through which a direct electric current is passed through the fully fabricated fence panels, posts and any fixing bolts. The resultant force produces a chemical reaction which removes a microscopic layer of metal, which is basically iron, to leave a bright chrome surface that is clean, very smooth and highly resistant to tea-staining. This ensures the fence, balustrade or handrail is resistant to tea-staining.

All stainless steel will show some tea staining over time. Tea-staining will occur on any surface because particles of iron are contained in windblown dust and dirt and these react with moisture and sea-spray (containing salt). Rain naturally washes the surface of fences, balustrades and handrails helping to prevent tea-staining. However, all stainless steel requires an annual maintenance program to wash down surfaces to remove these contaminants.

The material suggested as an alternative for consideration is a higher grade 2205 stainless steel product which is typically used in manufacturing and plant and severe coastal conditions such as oil rigs. This product does not offer significant increased structural stability, however it is less likely to tea stain. The drawback is that 2205 stainless steel is more expensive, limited commercially in the size of flat and round bars available and more difficult to fabricate. It also does not polish as brightly or develop the same deep lustre when electropolished compared to 316 stainless steel.

Based on advice from the Australian Stainless Steel Development Association there is no performance benefits of increasing to grade 2205 stainless steel when compared to properly maintained, fabricated and electropolished marine grade 316 grade stainless steel.

Marine grade 316 Stainless Steel, that is correctly fabricated, polished and passivated is cost effective, affordable and commercially readily available product relative to others higher grades of stainless steels such as 2205.

Based on this advice and the substantial cost associated with the quantity of stainless steel required for the project, the stainless-steel material specification will remain as marine grade 316 stainless steel with a 600 grit primary polish and electropolished final polish to achieve a roughness smoother than 0.5 µm Ra to all surfaces to prevent tea staining.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

The current quantity surveyor cost estimate is for \$3.6 million for boardwalk replacement and safety upgrades.

Council is allocating as part of 2022–2023 capital works budget the amount of \$3,743,100 for the delivery of the Eastern Avenue and Diamond Bay boardwalk.

Council has received confirmation that \$2.993 million in grant funding has been allocated from the NSW Government's Public Spaces Legacy Program. Additional funding is anticipated from Sydney Water (to

compensate for the impact of their Refresh Vacluse and Diamond Bay Project works) and is subject to current Heads of Agreement negotiations.

Time frame

The table below outlines the predicted timings of key milestones for the project. Construction is planned to commence mid-2022 and staged around Sydney Water works in order to minimise the length of time that the walkway will be closed and construction impacts on neighbouring properties. Works are required to be completed by December 2022 to meet grant funding requirements.

Table 2. Milestones.

Milestone	Estimated Completion
Detailed Design for tender for construction	March 2022
Tender for Construction	April/ May 2022
Contract finalisation	June 2022
Construction of both stages (Subject to completion of Sydney Water works)	December 2022

Consultation

During the development of the concept design, engagement was undertaken with Sydney Water, NSW Government and Council staff across: Open Space Planning, Asset Maintenance, Urban Design and Heritage, Environmental Sustainability, Asset Management, Major Projects, Strategic Town Planning, Safety and Wellbeing and Risk Management.

A concurrent community consultation and DA process was undertaken to meet the grant funding and Sydney Water construction timeline.

Public notifications were undertaken by Council's Planning team during the DA process. This enabled neighbouring property owners and others to provide feedback for consideration by the development assessor and the experts on the Waverley Local Planning Panel as part of their deliberations on how well the project meets NSW Government and Waverley Council development objectives and controls.

Council's Project Manager undertook meetings with key stakeholders such as the precinct committee and Sydney Water as well as conducted on-site Have Your Say pop-ups to inform the community that the project is going through a DA pathway and submissions could be made through the NSW Planning Portal.

This was complimented by communications via letter box drop, site signage, website updates and Council newsletter updates.

6. Conclusion

It is recommended that Council receives and notes the outcome of investigations to widen the boardwalk and increase the viewing platform and that it remains as per DA approved plans. It further notes the material specifications for the project including notifications informing residents of the modifications to DA-378/2021 completed on 21 February 2022.

7. Attachments

Nil.

REPORT
FC/5.5/22.04

Subject: Varna Park Seesaw

TRIM No: A19/0671

Author: Carl Nugent, Senior Landscape Architect

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

RECOMMENDATION:

That Council:

1. Notes the outcome of the investigation into the condition and suitability of the seesaw play equipment in Varna Park.
2. Retains the existing seesaw play equipment in Varna Park and applies a sticker to caution carers that the equipment is best suited for children over six years old.

1. Executive Summary

This report presents the findings of an investigation into the condition and suitability of the seesaw play equipment in Varna Park further to concerns expressed by park users.

As the 'hip-hop' equipment in Varna Park complies with Australian Standards for play equipment it is recommended that the 'hip hop' equipment be retained. Although not required under the Australian Standards, to address community concerns raised, Council Officers recommend a cautionary sticker be placed on the equipment to inform carers that this equipment should be used by children over the age of six.

2. Introduction/Background

Further to a notice of motion passed in the September Council meeting, an investigation has taken place into the seesaw play equipment in Varna Park.

Varna Park playground is a neighbourhood play space in Waverley and was refurbished earlier this year with a new picnic shelter, barrier fence, bubbler, steppers and balance beams and planting. The play equipment wasn't replaced as it was in good condition and was not at the end of its useful life.

Concerns have been raised by park users through Councillors into the suitability of the seesaw at Varna Park. The play equipment in question is called the 'hip hop' and is manufactured by a company called Proludic. The 'hip 'hop' requires two children to sit on seats to spin and bounce, providing play experiences such as balancing, spinning and social interacting with others.

This equipment caters to slightly older school aged children being over six years old who can get themselves onto the equipment and have the coordination and balance, bounce, and swing. It's important that our playgrounds present graduated challenges to extend children's abilities as they grow, not all equipment is suitable for all ages as it must be challenging and fun. The equipment in question is available to purchase today and complies with current Australian Standards for play equipment design.

Since the September meeting, the seesaw has been vandalised and a new ‘hip hop’ equipment has been installed.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 23 September 2021	CM/8.3/21.09	<p>That Council:</p> <ol style="list-style-type: none"> 1. Investigates the removal of the steel seesaw from the playground at Varna Park, which parents claim poses a risk to children. 2. Officers prepare a report to Council with options. 3. Notes paragraphs 2–4 of the General Manager’s comment, which state that: <ul style="list-style-type: none"> ‘Council regularly inspects and audits our playgrounds to ensure they are safe, and the equipment is in good repair. The most recent audit of Varna Park playground was completed in July 2021 by an independent playground certifier. On auditing Varna Park, the ‘hip hop’ equipment was reported in good condition with no repairs required. Officers have also inspected the equipment and have not reported any defects. There are very strict standards around the design of play equipment to ensure safety. Of course, there are some calculated risks of minor falls (for example, from a swings or ladders) and risks of scrapes and bruising in playgrounds. These risks are calculated risks and deemed acceptable. Following reports from Councillors on safety, further investigation was done. However, there have not been any reports regarding the ‘hip hop’ equipment through the Merit system or through the recent community consultation in improving the park. Understanding that the equipment complies with Australian Standards, is installed correctly and is not broken, the question raised regarding safety may be due to use of the equipment by younger children who may not have the height or co-ordination required to use the equipment as intended. Carers do need to watch out for younger children trying out new equipment to make sure they are up for the challenge.’

4. Discussion

Condition of the seesaw

Council regularly inspects and audits our playgrounds to ensure they are safe, and play equipment is in good repair. A comprehensive annual audit by an independent playground certifier was completed in July 2021 of all playgrounds including Varna Park. A three-monthly inspection was also completed in September

2021. Extracts from both reports are attached to this report. On auditing Varna Park, the 'hip hop' equipment was reported in good condition with no repairs required, officers have also inspected the equipment and have not reported any defects. There are very strict standards around the design of play equipment to ensure safety. Of course, there are some calculated risks of minor falls, i.e. from a swings or ladders, and risks of scrapes and bruising in playgrounds. These risks are deemed acceptable and a necessary part of play, learning and physical and cognitive development.

Following reports from Councillors on safety, further investigation was done with site inspections in June and again in September testing the equipment, the equipment was found to be in working order. Notwithstanding all the inspections the equipment was vandalised in September and has been replaced with a new 'hip hop' equipment piece. A sticker has been placed on the equipment reading 'This equipment is for children aged over six. Adult supervision is recommended.'

Play value

Research into historic complaints and merit requests was reviewed dating back several years, no reports or negative customer reviews regarding the 'hop hop' equipment have been made through the Merit system or during community consultation recently undertaken when improving the park.

Understanding that the equipment complies with Australian Standards, is installed correctly and is not broken the question raised regarding safety may be due to use of the equipment by younger children who may not have the height or coordination required to use the equipment as intended. Carers do need to watch out for younger children trying out new equipment to make sure they are up for the challenge.

Varna Park is a small playground and comprises a swing, springers and a multi play piece with slides and climbing. The playground also has a nature play area featuring rocks, planting, timber logs and steppers. There is also a climbing tree popular with children and space to run or kick a ball. The playground therefore offers active play, free play, nature play and climbing, swinging, sliding, spinning, and balancing. For a playground of its size this meets the requirements for play.

The playground has equipment catering for toddlers up to pre-school children to approximately seven years old. The 'hip hop' appeals to the older range of these ages.

Options to address complaints

Working on the assumption that the negative feedback received by Councillors regarding this equipment was in the circumstance that younger children were using the equipment, a cautionary sticker will be fixed to the post on the equipment to state reading 'This equipment is for children aged over six. Adult supervision is recommended.'

An alternative maybe to remove the equipment however in this circumstance it is not recommended as this would be a disbenefit to older children who use the playground.

It is worth noting that local children utilising the playground under the age of six years old now will soon grow and be seeking new age-appropriate challenges within the playground. Removing this piece of equipment to only suit their needs now will disbenefit this group in the future.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

Fixing a sticker to the equipment cost approximately \$50 specifying quality materials suitable for outdoor conditions and cut to size. This expense can be met by Council's operational budget.

If Council determines the equipment is to be removed, a budget will need to be established for a replacement piece of equipment. The cost is likely to range from \$5,000 to \$10,000 for the supply and install of new play equipment, depending on the equipment selected. It would be recommended that any new equipment enable spinning or bouncing similar to that provided by the hip-hop piece.

Time frame

If new equipment were to be ordered, it is expected to take approximately three months to be supplied and installed.

Consultation

If further complaints are raised regarding the seesaw equipment, it will be investigated to establish the circumstances under which the equipment was used and if further action needs to be taken.

Council consults the community when undertaking play space upgrades to ensure the play experiences and equipment meet community expectation. Community consultation will be undertaken when the playground is next renewed.

6. Conclusion

As the 'hop-hop' equipment in Varna Park complies with Australian Standards and is new it is recommended that the 'hip hop' equipment remain in place with a cautionary notice placed on the equipment to inform carers that this equipment should be used by children over the age of six.

7. Attachments

1. Comprehensive Play Reports July 2021 Audit Varna Park extract [↴](#)
2. Operational Play Reports August 2021 Varna extract [↴](#) .

