



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

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

## Live Streaming of Meetings

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

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

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

#### 1. Apologies/Leaves of Absence

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

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

#### 4. Confirmation of Minutes

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#### 5. Reports

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#### 6. Urgent Business

#### 7. Closed Session ..... 204

The following matters are proposed to be dealt with in Closed Session and have been distributed to Councillors separately with the Agenda:

FC/7.1/22.05	CONFIDENTIAL REPORT - Bondi Pavilion Forecourt - Additional Outdoor Seating Area Licence - Procurement Exemption
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8.    **Resuming Open Session** ..... 206

9.    **Meeting Closure**



## CONFIRMATION OF MINUTES FC/4.1/22.05



**Subject:** Confirmation of Minutes - Finance, Operations and  
Community Services Committee Meeting - 5 April 2022

**TRIM No:** SF21/6064

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

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### RECOMMENDATION:

That the minutes of the Finance, Operations and Community Services Committee meeting held on 5 April 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### Introduction/Background

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

### Attachments

1. Finance, Operations and Community Services Committee Meeting Minutes - 5 April 2022 .



**MINUTES OF THE FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 5 APRIL 2022**

**Present:**

Councillor Tim Murray (Deputy 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 Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemesh	Hunter Ward

**Staff in attendance:**

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

*At the commencement of proceedings at 7.00 pm, those present were as listed above, with the exception of Cr Keenan who arrived at 7.09 pm during item FC/4.1/22.04.*

*In the absence of Cr Wy Kanak (Chair), Cr Murray (Deputy Chair) chaired the meeting.*

*At 7.30 pm, following the vote on item FC/5.2/22.04, the meeting was adjourned to reconvene at the conclusion of the Strategic Planning and Development Committee meeting.*

*At 9.23 pm, the meeting reconvened, adjourned for a short break and resumed at 9.28 pm.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

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

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

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

**1. Apologies/Leaves of Absence**

Apologies were received and accepted from Cr Wy Kanak.

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

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

- 2.1 Cr Kay declared a less than significant non-pecuniary interest in item FC/5.1/22.04 – Draft Street Performance Policy and Guidelines – Exhibition and Trial and informed the meeting that he lives 200 metres from Seven Ways.

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

- 3.1 D Frazer (on behalf of Dover Heights Precinct) – FC/5.4/22.04 – Clifftop Walkway Upgrade.

**4. Confirmation of Minutes**

**FC/4.1/22.04 Confirmation of Minutes - Finance, Operations and Community Services Committee Meeting - 12 October 2021 (SF21/279)**

**MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

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.

## 5. Reports

### FC/5.1/22.04 Draft Street Performance Policy and Guidelines - Exhibition and Trial (A21/0076)

*Cr Kay declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives 200 metres from Seven Ways.*

#### MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Defers placing the draft Street Performance Policy and Guidelines on exhibition.
2. Refers the draft Policy to the Arts and Culture Advisory Committee for its review and advice.
3. Officers prepare a report to Council with the updated draft Street Performance Policy and summary of the advice provided by the Arts and Culture Advisory Committee for Council's consideration.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 2.

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

#### UNANIMOUS DECISION

That Council:

1. Defers placing the draft Street Performance Policy and Guidelines on exhibition.
2. Refers the draft Policy to the Arts and Culture Advisory Committee for its review and advice, and requests it to consider the following additional sites:
  - (a) Roscoe Street Mall.
  - (b) Cox Avenue parklet, Hall Street.
  - (c) Parklet at Seven Ways.
  - (d) Waverley Library forecourt.
  - (e) Boot Factory forecourt.
  - (f) Brisbane Street Plaza.
  - (g) Bondi Road – Park Parade to Denham Street.
3. Officers prepare a report to Council with the updated draft Street Performance Policy and summary of the advice provided by the Arts and Culture Advisory Committee for Council's consideration.

**FC/5.2/22.04 Waste in Public Places Policy - Adoption (A20/0397)****MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Second: Cr Goltsman

That Council:

1. Adopts the Waste in Public Places Policy attached to the report (Attachment 1).
2. Officers amend the Waste in Public Places Guidelines attached to the report (Attachment 2) as follows:
  - (a) Clause 2.3 to read 'A person must not place domestic waste generated at their premises in commercial waste bins, street litter bins, or domestic waste bins from another property unless permission has been given by the resident of the property to which the bin is assigned.'
  - (b) Clause 2.7 to read 'Bins placed on footpaths for collection must not block or endanger pedestrian, bicycle or vehicle traffic, and must be presented with the lids closed, no earlier than the afternoon before the collection day.'
  - (c) Clause 2.12 to read 'Any material booked for a clean-up service by Waverley Council must be placed on the nature strip at the front of the residential property the evening before the collection day unless Council provides permission to do otherwise.'
  - (d) At the end of clause 4.2, add the following sentence: 'Any bin that receives Council approval for permanent storage in a public place must be clearly labelled by Waverley Council, unless Council deems it unnecessary.'
3. Publishes the Waste in Public Places Policy and amended Guidelines on Council's website.
4. Officers continue to action the Waste in Public Places Communications and Engagement Plan attached to the report (Attachment 3).

**FC/5.3/22.04 Biodiversity Action Plan: Remnant Sites 2022-2031 - Adoption (SF20/2340)****MOTION**

Mover: Cr Masselos  
Second: Cr Keenan

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

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council adopts the Biodiversity Action Plan: Remnant Sites 2022–2031 attached to the report subject to the following addition to the glossary section on page 157 of the attachments under separate cover:

1. Low growth: a plant (e.g. shrub, sub-shrub, grass, lily, groundcover) that typically grows to a height of 1.5 metres or less.

**FC/5.4/22.04                      Clifftop Walkway Upgrade (A20/0387)****MOTION**

Mover:        Cr Nemesh

Seconder:    Cr Lewis

That Council:

1.     Defers this item to the April 2022 Council meeting to provide officers the opportunity to investigate areas at the Diamond Bay end of the boardwalk that could potentially be widened to 2.5 metres.
2.     Undertakes the following assessments, with a report to be prepared to Council:
  - (a)    Ecological assessment.
  - (b)    Geotechnical assessment.
  - (c)    Structural assessment.
3.     Investigates a way to build a long-lasting structure that is not subject to tea-staining and corrosion.
4.     Notes that this deferral does not impact the term and funding received by the NSW Government to complete the clifftop walkway project.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1.     Defers this item to the May 2022 Finance, Operations and Community Services Committee meeting to provide officers the opportunity to investigate areas at the Diamond Bay end of the boardwalk that could potentially be widened to 2.5 metres.
2.     Undertakes the following assessments, with a report to be prepared to Council:
  - (a)    Ecological assessment.
  - (b)    Geotechnical assessment.
  - (c)    Structural assessment.
3.     Investigates a way to build a long-lasting structure that is not subject to tea-staining and corrosion.
4.     Notes that this deferral does not impact the term and funding received by the NSW Government to complete the clifftop walkway project.

*D Frazer (on behalf of Dover Heights Precinct) addressed the meeting.*

**FC/5.5/22.04                      Varna Park Seesaw (A19/0671)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Keenan  
Seconder:    Cr Masselos

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.

**6.     Urgent Business**

There were no items of urgent business.

**7.     Meeting Closure**

**THE MEETING CLOSED AT 9.47 PM.**

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**SIGNED AND CONFIRMED**  
**CHAIR**  
**3 MAY 2022**

**REPORT**  
**FC/5.1/22.05**

**Subject:** Code of Meeting Practice - Exhibition

**TRIM No:** SF20/873

**Author:** Al Johnston, Governance Officer

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

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**RECOMMENDATION:**

That Council:

1. Publicly exhibits the draft Code of Meeting Practice attached to the report for 28 days with a 42-day submission period, in accordance with section 361 of the *Local Government Act 1993*.
2. Receives a further report at the June 2022 Council meeting considering any submissions received and presenting the final version of the Code of Meeting Practice for adoption.

**1. Executive Summary**

The purpose of this report is to seek Council's endorsement of a new draft code of meeting practice for public exhibition.

The draft code attached to the report incorporates the new mandatory provisions contained in the Office of Local Government's (OLG) updated *Model Code of Meeting Practice for NSW local Councils* (the Model Code) prescribed in November 2021. The new mandatory provisions reflect amendments to the Local Government (General) Regulation 2021 and are considered minor in nature.

The draft code also incorporates some of the non-mandatory provisions contained in the new Model Code that allows councillors to attend Council and Council committee meetings by audio-visual link, which was initially introduced in response to the COVID-19 pandemic. Attendance at meetings by audio-visual link is permitted by legislation until 30 June 2022. After this date, councillors will not be able to attend a meeting by audio-visual link unless Council adopts a Code of Meeting Practice that allows it.

The report recommends Council publicly exhibits the draft code for 28 days and allows a 42-day submission period and receives a further report at the June 2022 Council meeting presenting the final version of the Code of Meeting Practice for adoption.

**2. Introduction/Background**

In accordance with section 360(3) of the *Local Government Act 1993* (the Act) a council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice based on the Model Code. Before adopting its new Code of Meeting Practice, Council must exhibit a draft Code for 28 days and allow a 42-day submission period.

In November 2021, an updated Model Code was prescribed for the purposes of s360(1) of the Act by the *Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2021*. The new Model Code contains changes to both mandatory and non-mandatory provisions. Council must incorporate



the changes to the mandatory provisions into its Code of Meeting Practice and consider whether to incorporate the new non-mandatory provisions.

The changes to the mandatory provisions reflect amendments to the *Local Government (General) Regulation 2021* and are considered minor in nature. The changes are outlined in Table 1 of the report.

The non-mandatory changes concern councillors' attendance at Council and Council committee meetings by audio-visual link. Non-mandatory provisions are optional and can be included in their entirety, amended or omitted. The non-mandatory provisions proposed to be incorporated into Council's Code of Meeting Practice are outlined in Table 2 of the report.

Attendance at meetings by audio-visual link is permitted by legislation until 30 June 2022. After this date, councillors will not be able to attend a meeting by audio-visual link unless Council adopts a Code of Meeting Practice that allows it.

This report recommends that, in addition to the inclusion of the mandatory provisions shown in Table 1, Council includes the non-mandatory provisions proposed in Table 2 of the report in its draft Code of Meeting Practice and publicly exhibits the draft document for 28 days with a 42-day submission period, as required by legislation.

### 3. Relevant Council Resolutions

Nil.

### 4. Discussion

The new mandatory provisions in Table 1 below have been incorporated into the attached draft Code of Meeting Practice and are shown in yellow highlighting.

The new non-mandatory provisions recommended for inclusion in the draft Code in Table 2 below have been incorporated into the draft Code of Meeting Practice using red font.

#### Mandatory provisions

The changes to the mandatory provisions in the Model Code are listed in yellow highlighting in Table 1 below. Officers have provided a commentary on their inclusion in Council's draft Code of Meeting Practice.

*Table 1. New mandatory provisions to be included in the draft Code of Meeting Practice.*

New mandatory provisions in the Model Code (new text is shown in yellow highlighting)	Officer comments
<b>Statement of ethical obligations</b>	Insert the provision at new clause 3.25 in the Code.
Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.	The following statement will be added to Council and Council committee agendas:  <i>Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under Council's Code of Conduct for Councillors to disclose and appropriately manage conflicts of interest.</i>

<p><b>Attendance by councillors at meetings</b></p> <p>A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.</p>	<p>Add the additional words to clause 5.2 of the Code.</p>
<p><b>Livestreaming of meetings</b></p> <p>Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.</p> <p>At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:</p> <ul style="list-style-type: none"> <li>(a) the meeting is being recorded and made publicly available on the council's website, and</li> <li>(b) persons attending the meeting should refrain from making any defamatory statements.</li> </ul> <p>The recording of a meeting is to be made publicly available on the council's website:</p> <ul style="list-style-type: none"> <li>(a) at the same time as the meeting is taking place, or</li> <li>(b) as soon as practicable after the meeting.</li> </ul> <p>The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.</p> <p>These clauses do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.</p> <p>Recordings of meetings may be disposed of in accordance with the <i>State Records Act 1998</i>.</p>	<p>This is a revision of existing clauses 5.18 to 5.23 of the Code.</p> <p>Replace clauses 5.18 to 5.23 with the revised clauses.</p> <p>Council already complies with the new provisions, so no practical change is necessary.</p> <p>Council has resolved to retain recordings of Council and Committee meetings on its website for at least four years.</p>
<p><b>Acts of disorder</b></p> <p>A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:</p> <ul style="list-style-type: none"> <li>(a) contravenes the Act, the Regulation or this code, or</li> </ul>	<p>Amends clauses 15.11(d) and 15.12(a) and 15.12(c) of the Code.</p>

<p>(b) assaults or threatens to assault another councillor or person present at the meeting, or</p> <p>(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or</p> <p>(d) insults, <del>or makes personal reflections</del> unfavourable personal remarks about, <del>or</del> or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or</p> <p>(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.</p> <p>The chair may require a councillor:</p> <p>(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) <del>or</del> (b), or (e), or</p> <p>(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or</p> <p>(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).</p>	
<p><b>Use of mobile phones and the unauthorised recording of meetings</b></p> <p>Without limiting clause [15.17], a contravention of clause [15.21] or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause [15.17]. Any person who contravenes or attempts to contravene clause [15.21], may be expelled from the meeting as provided for under section 10(2) of the Act.</p>	<p>Amends clause 15.20 of the Code.</p> <p>This provision means a person who live streams or uses an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee may be expelled from the meeting.</p>
<p><b>Definition</b></p> <p>Audio-visual link means a facility that enables audio and visual communication between persons</p>	<p>Add 'audio visual link' to the 'Definitions' section of the Code.</p>

at different places.	
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### Non-mandatory provisions

The changes to the non-mandatory provisions in the Model Code are listed in red font in Table 2 below. The non-mandatory changes concern councillors' attendance at Council and Council committee meetings by audio-visual link. Non-mandatory provisions are optional and can be included in their entirety, amended or omitted. Officers have provided a recommendation on their inclusion in Council's draft Code of Meeting Practice.

Since the Council meeting of 20 October 2020, all meetings of Council and Committees of Council have been conducted via a hybrid meeting model, whereby Councillors have the option to either physically attend the meetings at the Council Chambers or attend remotely by audio-visual link. While Council has experienced some technical issues, particularly initially, the meetings have generally operated effectively through the hybrid model.

In March 2022, officers surveyed all councillors about their desire to continue to be able to attend and participate in meetings via audio-visual link. The majority of councillors expressed a desire to continue with the practice in its current form. Officers have made their recommendations based on the councillor feedback. Of note, the non-mandatory requirement for a councillor to seek approval to attend a meeting by audio-visual link has been omitted from the provisions recommended for inclusion in the draft Code of Meeting Practice as this is not current practice and there is no reason to introduce the requirement at the present time.

Following the adoption of the Code of Meeting Practice in June 2022, the Hybrid Meeting Etiquette Guide will be updated to reflect any changes to meeting practice and distributed to all councillors.

*Table 2. New non-mandatory provisions recommended for inclusion in the draft Code of Meeting Practice.*

New non-mandatory provisions in the Model Code (new text is shown in red font)	Recommended amendment to draft Code of Meeting Practice
<p><b>Meetings held by audio-visual link</b></p> <p>A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.</p> <p>Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:</p> <p>(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and</p>	<p>This introduces non-mandatory provisions allowing council meetings to be held by audio-visual link in the event that a natural disaster or public health emergency occurs.</p> <p>It is recommended that this section be included in the draft Code at clauses 5.15 to 5.17.</p>

<p>(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and</p> <p>(c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.</p> <p>This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.</p> <p>Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.</p>	
<p><b>Attendance by councillors at meetings by audio-visual link</b></p> <p>Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.</p> <p>A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.</p> <p>Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.</p> <p>The council must comply with the Health Privacy Principles prescribed under the <i>Health Records and Information Privacy Act 2002</i> when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.</p> <p>A councillor who has requested approval to attend a meeting of the council or a committee of the</p>	<p>It is recommended that this section be inserted at clauses 5.18 to 5.20 in the draft Code and that references to a councillor requiring approval to attend a meeting by audio-visual link be omitted, such that it reads as follows:</p> <p><b>Attendance by councillors at meetings by audio-visual link</b></p> <p>Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link.</p> <p>This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.</p> <p>Whilst attending a meeting by audio-visual link a councillor must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.</p>

council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and
- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and

<p>will have the same voting rights as if they were attending the meeting in person.</p> <p>A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.</p> <p>A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.</p>	
<p><b>Attendance of the general manager and other staff at meetings</b></p> <p>The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.</p>	<p>It is recommended that this section be included in the draft Code at clause 5.34.</p>
<p><b>Obligations of councillors attending meetings by audio-visual link</b></p> <p>Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.</p>	<p>It is recommended that this section be included at clause 14.23 of the draft Code.</p>
<p><b>How disorder by councillors attending meetings by audio-visual link may be dealt with</b></p> <p>Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.</p> <p>If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.</p>	<p>It is recommended that this section be included at clauses 15.14 and 15.15 of the draft Code.</p>

<p><b>Conflicts of interest</b></p> <p>Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.</p>	<p>It is recommended that this section be included in 16.2 of the draft Code.</p>
<p><b>Minutes of Council and Committee meetings</b></p> <p>At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:</p> <ul style="list-style-type: none"> <li>(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,</li> <li>(b) details of each motion moved at a council meeting and of any amendments moved to it,</li> <li>(c) the names of the mover and seconder of the motion or amendment,</li> <li>(d) whether the motion or amendment was passed or lost, and</li> <li>(e) such other matters specifically required under this code.</li> </ul>	<p>It is recommended that this clause be included at 19.2(a) and 20.22(a) of the draft Code.</p>

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

### Financial

There have been no unbudgeted costs incurred by Council to prepare the new draft Code of Meeting Practice.

### Time frame

The draft Code of Meeting Practice attached to this report, once adopted, will come into effect for the next scheduled Council or Council committee meeting.

Council must adopt a new Code of Meeting Practice by December 2022. However, if councillors wish to attend meetings by audio-visual link Council must adopt a Code of Meeting Practice containing provisions that allow attendance by audio-visual link by 30 June 2022.



**Consultation**

Section 361 of the Act requires Council to exhibit its draft Code of Meeting Practice for a period of at least 28 days and provide members of the community at least 42 days in which to comment. It is proposed to place the document on Council's website and at the Customer Service Centre and seek feedback from the precincts.

Councillors have been consulted about continuing the practice of attending meetings by audio visual link and they may also provide feedback to staff during the exhibition period.

**6. Conclusion**

The draft Code of Meeting Practice attached to the report has been updated to reflect the OLG's update to its Model Code, including incorporation of provisions allowing councillors to attend meetings by audio-video link.

The report recommends Council publicly exhibits the draft Code for 28 days and allows a 42-day submission period and receives a further report following the exhibition period.

**7. Attachments**

1. Draft Code of Meeting Practice for public exhibition [↓](#) .



WAVERLEY  
COUNCIL

# Code of Meeting Practice

## CODE OF MEETING PRACTICE

Policy owner	Executive Manager, Governance and Risk
Approved by	Council
Date approved	
Commencement date	
TRIM Reference	SF20/873
Next revision date	2025
Relevant legislation/codes	Local Government Act 1993; Model Code of Meeting Practice for Local Councils in NSW 2021; Waverley Code of Conduct for Councillors
Related policies/procedures/guidelines	Waverley Live Streaming of Council Meetings Policy
Related forms	

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## PART 1 INTRODUCTION

This code of meeting practice sets out the rules of conduct for meetings of the council and a committee of the council where all members are councillors.

Section 360 of the *Local Government Act 1993* requires a council and a committee of the council of which all the members are councillors to conduct its meetings in accordance with a code of meeting practice adopted by the council.

The Waverley Code of Meeting Practice incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) issued by the Office of Local Government in 2021. The Waverley code also incorporates some of the non-mandatory provisions of the Model Meeting Code and other supplementary provisions that are consistent with the mandatory provisions of the Model Meeting Code.

This code must be read in conjunction with the Waverley Code of Conduct for Councillors, which is based on the Model Code of Conduct issued by the Office of Local Government in 2020. The Model Code of Conduct for Councillors includes provisions relating to binding caucus votes, disclosures of interests, and obligations in relation to meetings (including councillor misconduct). This code references the Waverley Code of Conduct where relevant.

### Preparation, public notice and exhibition of draft code

Before adopting a code of meeting practice, Council must prepare a draft code and give notice to the public of the exhibition of the draft code. The period of public exhibition must not be less than 28 days and the public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition for the receipt of submissions.

After considering all submissions received, Council may decide:

- to amend the non-mandatory or supplementary provisions, or
- to adopt the draft code as its code of meeting practice.



If Council decides to amend its draft code, it may publicly exhibit the amended draft or, if Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

The code may only be amended by Council through those means provided within the Act.

### **Clause references**

This code uses the following references to identify the source of each provision or section of provisions:

- *Model Meeting Code* – Mandatory provisions from the Model Meeting Code. Where the provision directly reflects the *Local Government Act*, the section of the Act is also shown.
- *Model Meeting Code – non-mandatory provision* – non-mandatory provisions from the Model Meeting Code.
- *Supplementary provision* – Additional provisions specific to Waverley.
- *Note* – Information added for explanatory purposes or to add clarity. A note is not enforceable.

## PART 2 MEETING PRINCIPLES

Council and committee meetings should be:

<i>Transparent</i>	Decisions are made in a way that is open and accountable.
<i>Informed</i>	Decisions are made based on relevant, quality information.
<i>Inclusive</i>	Decisions respect the diverse needs and interests of the local community.
<i>Principled</i>	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
<i>Trusted</i>	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
<i>Respectful</i>	Councillors, staff and meeting attendees treat each other with respect.
<i>Effective</i>	Meetings are well organised, effectively run and skilfully chaired.
<i>Orderly</i>	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

## PART 3 BEFORE THE MEETING

### Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will generally be held on the third Tuesday of each month and its committee meetings on the first Tuesday of each month, with the exception of January when no meetings are held. Meetings will normally be held at the council chambers but may be held at or adjourned to other times or venues should that be expedient for the conduct of business.

*Model Meeting Code*

*Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.*

### Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

*Model Meeting Code  
LGA s 366*

*Note: Council may resolve to hold extraordinary meetings as and when required. The Local Government Act 1993 and Model Meeting Code do not specify the kind of business extraordinary meetings may deal with. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required.*

## Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

*Model Meeting Code*  
*LGA s 9(1)*

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

*Model Meeting Code*

- 3.6 Should a meeting be adjourned to resume on the same day, it is sufficient notice for the chair to announce to the meeting the time and place of the resumption.

- 3.7 Should a meeting be adjourned to resume on another day, the provisions of clause 3.3 should apply where practicable.

*Supplementary provisions*

## Notice to councillors of ordinary council meetings

- 3.8 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

*Model Meeting Code*  
*LGA s 367(1)*

- 3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities

to access the notice, agenda and business papers in that form.

*Model Meeting Code*  
*LGA s 367(3)*

### **Notice to councillors of extraordinary meetings**

- 3.10 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

*Model Meeting Code*  
*LGA s 367(2)*

### **Notice of motions for ordinary meetings**

- 3.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted to the general manager by 3.00 pm on the second Friday before the meeting is to be held.
- 3.12 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

*Model Meeting Code*

- 3.13 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a general manager's comment in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

*Model Meeting Code – non-mandatory provision*

## Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the general manager about the performance or operations of the council.

*Note: The general manager will not accept questions about matters that can be dealt with administratively.*

- 3.15 A councillor may submit up to three questions per ordinary council meeting. Questions with notice are not permitted at committee meetings.

*Supplementary provision*

- 3.16 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

- 3.17 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

*Model Meeting Code*

- 3.18 The chair must not permit further questions or discussion on any reply to a question with notice.

*Supplementary provision*

## Agenda and business papers for ordinary meetings

- 3.19 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.20 The general manager must ensure that the agenda for an ordinary meeting of the council states:

## Code of Meeting Practice

- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chair – any matter or topic that the chair proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.11 and 3.14.
- 3.21 Nothing in clause 3.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.7.
- 3.22 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

*Model Meeting Code*

- 3.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

*Model Meeting Code  
LGA s 9(2A)(a)*

- 3.24 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

### Statement of ethical obligations

- 3.25 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

*Model Meeting Code*

### Availability of the agenda and business papers to the public

- 3.26 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

*Model Meeting Code*  
*LGA ss 9(2), (4)*

- 3.27 Clause 3.25 does not apply to the business papers for items of business that the general manager has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

*Model Meeting Code*  
*LGA s 9(2A)(b)*

- 3.28 For the purposes of clause 3.25, copies of agendas and business papers must be published on the council's



website and made available to the public at a time that is as close as possible to the time they are available to councillors.

*Model Meeting Code*  
*LGA s 9(3)*

- 3.29 A copy of an agenda, or of an associated business paper made available under clause 3.25, may in addition be given or made available in electronic form.

*Model Meeting Code*  
*LGA s 9(5)*

### **Agenda and business papers for extraordinary meetings**

- 3.30 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.31 Despite clause 3.29, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) the business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council, and
- (b) a motion is passed to have the business considered at the meeting.

- 3.32 A motion moved under clause 3.30(b) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.33 Despite clauses 10.23–10.33, only the mover of a motion moved under clause 3.31(b) can speak to the motion before it is put.

- 3.34 A motion of dissent cannot be moved against a ruling of the chair under clause 3.31(a) on whether a matter is of great urgency.

*Model Meeting Code*

## **PART 4 ADDRESSES BY MEMBERS OF THE PUBLIC**

- 4.1 Council permits members of the public to make oral submissions at council and committee meetings on items of business to be considered at the meeting.
- 4.2 A person wishing to address a meeting must register by 3.00 pm on the day of the meeting.
- 4.3 Late requests to address council or a committee meeting, and requests received after the commencement of a council or committee meeting, will be determined by the chair.
- 4.4 Each address must be no longer than 3 minutes in duration.
- 4.5 The address must relate to an item of business to be considered at the meeting. The chair will call to order any speaker who fails to comply with this requirement. If the speaker fails to comply with chair's call to order, the chair may withdraw that speaker's right to address the meeting.
- 4.6 Speakers cannot ask questions of the council, councillors or council staff.
- 4.7 When addressing council, speakers must comply with this code.
- 4.8 Speakers may provide hardcopies of their speech to councillors at the meeting. Audio-visual presentations are not permitted.

*Supplementary provisions*

## PART 5 COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

*Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.*

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

*Model Meeting Code*

### Leave of absence

- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

## Vacancy of civic office

- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

*Model Meeting Code*  
*LGA s 234(1)(d)*

## Meeting attendance while on leave of absence

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

*Model Meeting Code*

## The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

*Model Meeting Code*  
*LGA s 368(1)*

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

*Model Meeting Code*  
*LGA s 368(2)*

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chair, or
  - (b) in the chair's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- Model Meeting Code*
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead

be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

### Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

*Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.*

### **Attendance by councillors at meetings by audio-visual link**

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link.
- 5.19 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.20 Whilst attending a meeting by audio-visual link a councillor must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

*Model Meeting Code – non-mandatory provision*

### **Entitlement of the public to attend meetings**

- 5.21 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

*Model Meeting Code  
LGA s 10(1)*

- 5.22 Clause 5.21 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.23 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the

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person presiding to exercise the power of expulsion.

*Model Meeting Code  
LGA s 10(2)*

*Note: Council does not have a standing resolution giving the chair the power of expulsion referred to in clause 5.23(b).*

Draft



## Live streaming of meetings

- 5.24 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.25 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.26 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
  - (b) as soon as practicable after the meeting.
- 5.27 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.28 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- 5.29 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

*Model Meeting Code*

## Attendance of the general manager and other staff at meetings

- 5.30 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

*Model Meeting Code*  
*LGA s 376(1)*

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- 5.31 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

*Model Meeting Code  
LGA s 376(2)*

- 5.32 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

*Model Meeting Code  
LGA s 376(3)*

- 5.33 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

*Model Meeting Code*

- 5.34 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

*Model Meeting Code – non-mandatory provision*

## PART 6 THE CHAIR

### The chair at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

*Model Meeting Code  
LGA s 369(1)*

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

*Model Meeting Code  
LGA s 369(2)*

### Election of the chair in the absence of the mayor and deputy mayor

- 6.3 If no chair is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chair to preside at the meeting.
- 6.4 The election of a chair must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chair, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chair is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:

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- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chair.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

*Model Meeting Code***Chair to have precedence**

- 6.9 When the chair rises or speaks during a meeting of the council:
  - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chair to be heard without interruption.

*Model Meeting Code***Recognising the authority of the chair**

- 6.10 When addressing a meeting of the council, councillors and all other persons present must, unless the chair states otherwise:
  - (a) stand; and
  - (b) direct their address through the chair.
- 6.11 Councillors and all other persons attending a meeting of the council must at all times show respect to, and observe the ruling of, the chair.

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Code of Meeting Practice

- 6.12 Despite clause 6.11 of this code, a councillor may, through a motion of dissent, challenge a ruling made by the chair (see clause 15.8 of this code for motions of dissent).

*Supplementary provisions*

Draft

## PART 7 MODES OF ADDRESS

- 7.1 If the chair is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chair is not the mayor, they are to be addressed as either 'Mr Chair' or 'Madam Chair'.
- 7.3 A councillor is to be addressed as 'councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

*Model Meeting Code – non-mandatory provisions*

## **PART 8 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS**

- 8.1 The general order of business for council and committee meetings is as fixed by resolution of the council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council or committee if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.23–10.33, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

*Model Meeting Code*

## **PART 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

### **Business that can be dealt with at a council meeting**

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.11, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chair to preside at the meeting, or
  - (c) subject to clause 9.10, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

*Model Meeting Code*

### **Dealing with urgent matters without notice**

- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) the business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by the council



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before the next scheduled ordinary meeting of the council, and

- (b) a motion is passed to have the business considered at the meeting.

- 9.4 A motion moved under clause 9.3(b) can be moved without notice. Despite clauses 10.23–10.33, only the mover of a motion referred to in clause 9.3(b) can speak to the motion before it is put.

*Model Meeting Code*

- 9.5 The mover of the motion referred to in clause 9.3(b) must, when speaking to the motion, explain why he or she believes it requires a decision by the council before the next scheduled ordinary meeting of the council.

*Supplementary provision*

- 9.6 A motion of dissent cannot be moved against a ruling by the chair under clause 9.3(a).

*Model Meeting Code*

### **Mayoral minutes**

- 9.7 Subject to clause 9.10, if the mayor is the chair at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chair (but only if the chair is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.10 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this

clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

*Model Meeting Code*

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

*Model Meeting Code – non-mandatory provision*

### **Staff reports**

- 9.12 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

*Model Meeting Code*

### **Reports of committees of council**

- 9.13 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.14 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

*Model Meeting Code*

*Note: Council's committees adopt their own minutes. The provisions in this section apply only to recommendations of the committee of the whole.*

## Questions to councillors and staff

- 9.15 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 and 3.14.
- 9.16 A councillor may, through the chair, put a question to another councillor about a matter on the agenda.
- 9.17 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.18 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.19 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.20 The chair must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

*Model Meeting Code*

## PART 10 RULES OF DEBATE

### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

*Model Meeting Code*

*Note: This Code specifies that mayoral minutes (see clause 9.7) and 'put' motions (see clause 10.28) do not require a seconder.*

### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chair, move the motion at the meeting, or
  - (b) the chair may defer consideration of the motion until the next meeting of the council.

*Model Meeting Code*

### Chair's duties with respect to motions

- 10.5 It is the duty of the chair at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

*Model Meeting Code*

- 10.6 At the time a motion or amendment is moved, the chair must ensure the motion or amendment is announced to the meeting in its entirety so its intent can be clearly understood. This requirement does not apply when the motion or amendment appears on the agenda.

*Supplementary provision*

- 10.7 The chair must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.8 Before ruling out of order a motion or an amendment to a motion under clause 10.7, the chair is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.9 Any motion, amendment or other matter that the chair has ruled out of order is taken to have been lost.

*Model Meeting Code*

### **Motions requiring the expenditure of funds**

- 10.10 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

*Model Meeting Code – non-mandatory provision*

### **Amendments to motions**

- 10.11 An amendment to a motion must be moved and seconded before it can be debated.

*Model Meeting Code*

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Code of Meeting Practice

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- 10.12 The seconder of a motion cannot move an amendment to the motion.

*Supplementary provision*

- 10.13 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chair.
- 10.14 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.15 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.16 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.17 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.18 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

*Model Meeting Code*

*Note: Under clause 10.18, the acceptance of an amendment by the seconder of the original motion is not required.*

## **Foreshadowed motions and amendments**

- 10.19 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.20 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.21 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

*Model Meeting Code*

## **Motions and amendments to be submitted in writing**

- 10.22 All motions and amendments, including those foreshadowed, should be submitted in writing to staff in the governance section prior to the meeting where practical for the purposes of live minuting.

*Supplementary provision*

## **Limitations on the number and duration of speeches**

- 10.23 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made

during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

- 10.24 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.25 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.26 Despite clause 10.25, the chair may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.27 Despite clause 10.25, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.28 Despite clauses 10.23 and 10.24, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.29 The chair must immediately put to the vote, without debate, a motion moved under clause 10.28. A seconder is not required for such a motion.
- 10.30 If a motion that the original motion or an amendment be now put is passed, the chair must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original



motion has exercised their right of reply under clause 10.23.

- 10.31 If a motion that the original motion or an amendment be now put is lost, the chair must allow the debate on the original motion or the amendment to be resumed.
- 10.32 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.33 Once the debate on a matter has concluded and a matter has been dealt with, the chair must not allow further debate on the matter.

*Model Meeting Code*

### **Laying an item on the table**

- 10.34 A councillor may move a procedural motion that an agenda item 'lay on the table' to allow further consideration or information to be provided before the matter is decided. If the motion is carried, no further debate can be undertaken until there is a procedural motion for the item to be 'taken from the table.'
- 10.35 A motion to lay an item on the table, or to take an item from the table, is not debateable and there can be no amendments or right of reply.
- 10.36 A matter laid on the table must be taken from the table and dealt with prior to the end of the meeting.
- 10.37 When the item is taken from the table, debate resumes where it left off.

*Supplementary provisions*

## PART 11 VOTING

### Voting entitlements of chair and councillors

- 11.1 Each councillor is entitled to one (1) vote.

*Model Meeting Code  
LGA s 370(1)*

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

*Model Meeting Code  
LGA s 370(2)*

- 11.3 Where the chair declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

*Model Meeting Code*

### Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.6 The decision of the chair as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.7 When a division on a motion is called, the chair must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted

against the motion in accordance with clause 11.4 of this code.

- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

*Model Meeting Code*

### **Voting on planning decisions**

- 11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

*Model Meeting Code*  
*LGA s 375A*

*Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.*

## PART 12 COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

*Model Meeting Code  
LGA s 373*

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

*Note: Clauses 10.23–10.33 limit the number and duration of speeches.*

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

*Model Meeting Code*

## **PART 13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together, the chair must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chair that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 A motion to adopt multiple items of business together must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.5 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.6 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

*Model Meeting Code – non-mandatory provisions*

## **PART 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

### **Grounds on which meetings can be closed to the public**

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - i. prejudice the commercial position of the person who supplied it, or
    - ii. confer a commercial advantage on a competitor of the council, or
    - iii. reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and

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- location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

*Model Meeting Code*  
*LGA ss 10A(1), (2)*

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

*Model Meeting Code*  
*LGA s 10A(3)*

### **Matters to be considered when closing meetings to the public**

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

*Model Meeting Code*  
*LGA s 10B(1)*

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and

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- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

*Model Meeting Code*  
*LGA s 10B(2)*

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

*Model Meeting Code*  
*LGA s 10B(3)*

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - i. cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - ii. cause a loss of confidence in the council or committee.

*Model Meeting Code*  
*LGA s 10B(4)*

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

*Model Meeting Code*  
*LGA s 10B(5)*



### **Notice of likelihood of closure not required in urgent cases**

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - i. should not be deferred (because of the urgency of the matter), and
    - ii. should take place in a part of the meeting that is closed to the public.

*Model Meeting Code  
LGA s 10C*

### **Representations by members of the public**

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- Model Meeting Code  
LGA s 10A(4)*
- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause

- 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 3.00 pm on the day of the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than three speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, the chair is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chair is to permit no more than three speakers to make representations in such order as determined by the chair.
- 14.17 Each speaker will be allowed three minutes to make representations, and this time limit is to be strictly enforced by the chair. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chair is to direct the speaker not to do so. If a speaker fails to observe a direction from the chair, the speaker will not be further heard.

### **Expulsion of non-councillors from meetings closed to the public**

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

### **Information to be disclosed in resolutions closing meetings to the public**

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open

meeting would be, on balance, contrary to the public interest.

*Model Meeting Code  
LGA s 10D*

### **Resolutions passed at closed meetings to be made public**

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chair must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chair under clause 14.21 during a part of the meeting that is webcast.

*Model Meeting Code*

### **Obligations of councillors attending closed meetings by audio-visual link**

- 14.23 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

*Model Meeting Code – non-mandatory provisions*

## PART 15 KEEPING ORDER AT MEETINGS

### Points of order

- 15.1 A councillor may draw the attention of the chair to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Part 2.
- 15.3 A point of order must be taken immediately it is raised. The chair must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chair must then rule on the point of order – either by upholding it or by overruling it.

*Model Meeting Code*

### Questions of order

- 15.4 The chair, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chair, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chair to the matter.
- 15.6 The chair must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chair's ruling must be obeyed unless a motion dissenting from the ruling is passed.

*Model Meeting Code*

## Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chair on a point of order or a question of order. If that happens, the chair must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chair must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chair must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chair can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

*Model Meeting Code*

## Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or

- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

*Note: A councillor also commits an act of disorder if, at a meeting of the council or a committee of the council, the councillor behaves in a manner described under clause 3.22 of the Waverley Code of Conduct for Councillors.*

15.12 The chair may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

### **How disorder at a meeting may be dealt with**

- 15.13 If disorder occurs at a meeting of the council, the chair may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

*Model Meeting Code*

### **How disorder by councillors attending meetings by audio-visual link may be dealt with**

- 15.14 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by

the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

- 15.15 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

*Model Meeting Code – non-mandatory provisions*

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### Expulsion from meetings

- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

### Use of mobile phones and unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Without limiting clause 15.17, a contravention of clause 15.21 or an attempt to contravene that clause,

constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

*Model Meeting Code*

## PART 16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

*Model Meeting Code*

- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

*Model Meeting Code – non-mandatory provisions*

**Note:** See Parts 4 and 5 of the Waverley Code of Conduct for Councillors.

## PART 17 DECISIONS OF COUNCIL

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

*Model Meeting Code  
LGA s 371*

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

*Model Meeting Code*

### Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.

*Model Meeting Code  
LGA s 372(1)*

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

*Model Meeting Code  
LGA s 372(2)*

- 17.5 If notice of a rescission motion is not given before the close of the meeting at which the decision was made, the decision may be carried into effect before the rescission motion has been dealt with. However, the general manager will not carry the decisions from a meeting into effect until 10 am on the next working day following the meeting. Notice of a rescission motion received by the general manager before this time will stop the decision being carried into effect until the rescission motion has been dealt with.

*Supplementary provision*

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- 17.6 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.11.

*Model Meeting Code*  
*LGA s 372(3)*

- 17.7 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

*Model Meeting Code*  
*LGA s 372(4)*

- 17.8 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

*Model Meeting Code*  
*LGA s 372(5)*

- 17.9 The provisions of clauses 17.6–17.8 concerning lost motions do not apply to motions of adjournment.

*Model Meeting Code*  
*LGA s 372(7)*

- 17.10 A notice of motion submitted in accordance with clause 17.7 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.

*Model Meeting Code*

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

*Model Meeting Code*  
*LGA s 372(6)*

17.12 In cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chair, and
- (b) the chair rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council; and
- (c) a motion to have the motion considered at the meeting is passed.

17.13 A motion moved under clause 17.12(c) can be moved without notice. Only the mover of the motion can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chair under clause 17.12(b).

*Model Meeting Code – non-mandatory provisions*

### **Foreshadowing an alternative motion**

17.15 If a councillor wishes to have an alternative motion considered once a rescission motion is adopted, the alternative motion must be:

- (a) included in the notice of motion to rescind the resolution lodged with the general manager, and be listed on the meeting agenda, or
- (b) foreshadowed during the debate on the rescission motion.

### **Who can deal with a rescission motion**

17.16 A notice of motion to rescind or alter a committee resolution can be dealt with by the committee or by the council.

17.17 A notice of motion to rescind or alter a council resolution can only be dealt with by the council.

*Supplementary provisions*

## PART 18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 11.30 pm.
- 18.2 If the business of the meeting is unfinished at 11.30 pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 11.30 pm, and the council does not resolve to extend the meeting, the chair must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chair.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

*Model Meeting Code – non-mandatory provisions*

## PART 19 AFTER THE MEETING

### Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

*Model Meeting Code*  
*LGA s 375(1)*

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

*Model Meeting Code*  
*LGA s 375(2)*

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

*Model Meeting Code*

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

*Model Meeting Code*  
*LGA s 375(2)*



- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

*Model Meeting Code*

### **Correspondence and reports tabled at a meeting**

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports tabled at, or submitted to, the meeting.

*Model Meeting Code*  
*LGA s 11(1)*

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or tabled at, or submitted to, the meeting when the meeting was closed to the public.

*Model Meeting Code*  
*LGA s 11(2)*

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

*Model Meeting Code*  
*LGA s 11(3)*

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

*Model Meeting Code*

**Implementing council decisions**

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

*Model Meeting Code  
LGA s 335(b)*

*Note: See clause 17.5 of this Code regarding  
rescission motions.*

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## PART 20 COUNCIL COMMITTEES

### Application of this part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

*Model Meeting Code*

### Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

*Model Meeting Code*

### Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

*Model Meeting Code*

### Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and

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- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

*Model Meeting Code*

### **Attendance at committee meetings**

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

*Model Meeting Code*

### **Non-members entitled to attend committee meetings**

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

*Model Meeting Code*

## Chair and deputy chair of council committees

- 20.11 The chair of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chair of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chair of the committee. If the council does not elect a deputy chair of such a committee, the committee may elect a deputy chair.
- 20.13 If neither the chair nor the deputy chair of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chair of the committee.
- 20.14 The chair is to preside at a meeting of a committee of the council. If the chair is unable or unwilling to preside, the deputy chair (if any) is to preside at the meeting, but if neither the chair nor the deputy chair is able or willing to preside, the acting chair is to preside at the meeting.

*Model Meeting Code*

## Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chair of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

*Model Meeting Code*

### **Closure of committee meetings to the public**

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chair must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chair under clause 20.19 during a part of the meeting that is webcast.

*Model Meeting Code*

### **Disorder in committee meetings**

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

*Model Meeting Code*

## Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a committee meeting and whether they are attending the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a council meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 20.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of

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committees of the council on its website prior to their confirmation.

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## PART 21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

*Model Meeting Code*  
*LGA s 374*

## PART 22 DEFINITIONS

<b>the Act</b>	means the <i>Local Government Act 1993</i>
<b>act of disorder</b>	means an act of disorder as defined in clause 15.11 of this code
<b>amendment</b>	in relation to an original motion, means a motion moving an amendment to that motion
<b>audio recorder</b>	any device capable of recording speech
<b>audio-visual link</b>	means a facility that enables audio and visual communication between persons at different places
<b>business day</b>	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
<b>chair</b>	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code; and, in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
<b>this code</b>	means the council's adopted code of meeting practice
<b>committee of the council</b>	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
<b>council official</b>	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
<b>day</b>	means calendar day
<b>division</b>	means a request by two councillors under clause 11.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion
<b>foreshadowed amendment</b>	means a proposed amendment foreshadowed by a councillor under

## Code of Meeting Practice

	clause 10.20 of this code during debate on the first amendment
<b>foreshadowed motion</b>	means a motion foreshadowed by a councillor under clause 10.19 of this code during debate on an original motion
<b>live stream</b>	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
<b>open voting</b>	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
<b>planning decision</b>	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
<b>performance improvement order</b>	means an order issued under section 438A of the Act
<b>quorum</b>	means the minimum number of councillors or committee members necessary to conduct a meeting
<b>the Regulation</b>	means the <i>Local Government (General) Regulation 2021</i>
<b>year</b>	means the period beginning 1 July and ending the following 30 June

## REPORT

### FC/5.2/22.05



**Subject:** Public Gardening Policy and Verge Garden Guidelines - Adoption

**TRIM No:** A13/0054

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

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

#### RECOMMENDATION:

That Council:

1. Adopts the Public Gardening Policy attached to the report (Attachment 1).
2. Notes the Verge Garden Guidelines and expression of interest form attached to the report (Attachments 2 and 3).

#### 1. Executive Summary

This report resubmits for Council's adoption the Public Gardening Policy for gardening in public spaces, following further investigations and legal advice regarding the 'permission to use' verge gardens.

#### 2. Introduction/Background

Officers have reported on progress with updating Council's public gardening policy and street garden guidelines; improved and faster application processes; better promotion; and consultation with residents prior to removal of any gardens in the public domain. The policy and guidelines were reviewed and updated through a comprehensive internal consultation process. A best practice review of other Council systems supporting similar activities was conducted to guide improvement proposals.

The draft Public Gardening Policy, Verge Garden Guidelines and expression of interest form for gardening in public spaces were on public exhibition from 11 August 2021 until 8 September 2021, and a report was considered at the Council meeting on 26 October last year. Council deferred the item for further consideration of the nature and process of issuing the 'permission' to use verge gardens, and of compliance and inspection. In addition there was discussion at the Council meeting that officers consider laneway gardens as part of the Public Gardening Policy

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 October 2021	CM/7.11/21.10	That Council defers this item for further consideration of the nature and process of issuing the 'permission' to use verge gardens, and of compliance and inspection, to be discussed at a Councillor workshop.
Operations and	OC/5.2/21.07	That Council:

Community Services Committee 6 July 2021		<ol style="list-style-type: none"> <li>Publicly exhibits the draft Public Gardening Policy and draft Verge Garden Guidelines attached to the report for 28 days, subject to inserting the following words after the word 'biodiversity' in the third paragraph of the background to the Policy: 'an opportunity for native indigenous planting that expresses First Nations "connection to Country" and "custodianship".'</li> <li>Officers prepare a report to Council following the exhibition period, including a resourcing strategy to enable implementation of the policy and guidelines.</li> </ol>
Council 10 October 2017	CM/8.5/17.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>Updates the Public Gardens Policy and Street Garden Guidelines to make it easier and quicker for residents to apply for a verge garden outside their property.</li> <li>Assesses its current measures to promote street gardens and identifies ways to improve uptake by residents, including a process for faster approvals.</li> <li>Notes that there is no street garden application fee to the resident.</li> <li>Ensures that existing street gardens in the public domain are not removed without first consultation with adjacent residents.</li> <li>Prepares a report on the above matters for consideration, including progress and achievements to date from the Council resolution CM/7.7/16.09 on street gardens and residential verges.</li> </ol>

#### 4. Discussion

In response to the deferral, Council officers have sought legal advice to determine if the *Roads Act 1993* (NSW) would affect the proposed Public Gardening Policy and Verge Garden Guidelines. In summary, the phrase 'verge garden' is not defined by statute or case law. There are no legislative provisions that specifically apply to verge gardens or prescribe the circumstances in which a council may allow them. The definition of Verge Gardens in the Policy and Guidelines is considered appropriate and essentially consistent with that used by other councils.

Based on the advice, this report proposes that the Public Gardening Policy is approved with a minor amendment to the approval process to include a site visit once gardens have been installed (see Figure 1). Including an annual compliance check would represent a best practice approach, which would need to be adequately resourced and allocated to relevant teams to enable regular monitoring and follow up actions in relation to any non-compliant gardens.

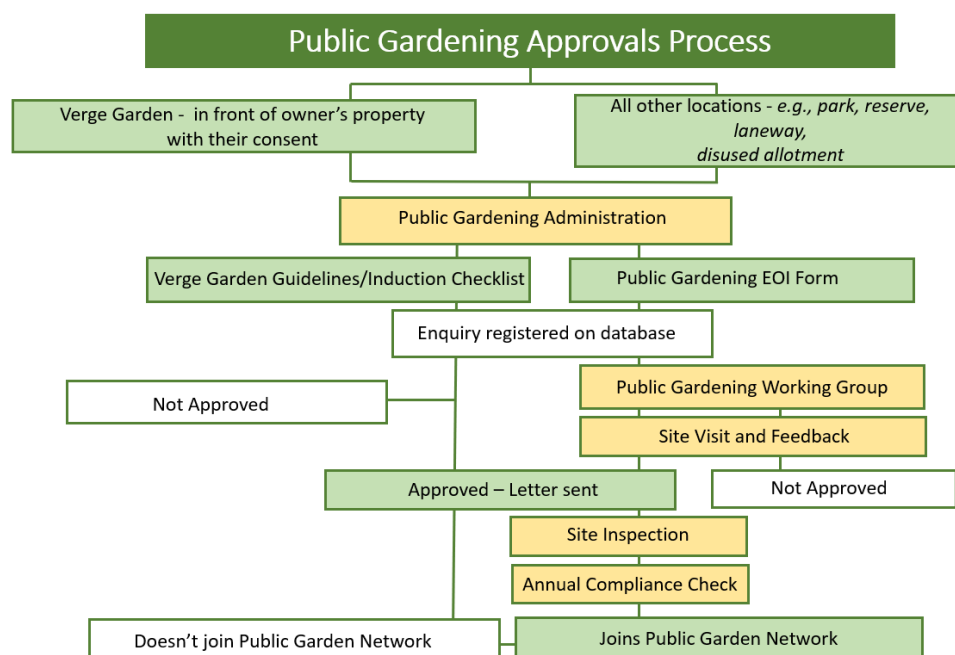


Figure 1. Public Gardening approvals process.

Due to the straightforward nature of this advice and update, a Councillor workshop was not considered essential.

With regard to laneway gardens, it is noted that draft policy does make reference to this, and following the approval and implementation of the public gardening policy and verge garden guidelines, officers will draft guidelines for shared gardens including laneway gardens.

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

Once endorsed, the attached final draft documents will be professionally designed and used for communications and promotion, to support community education and direct internal workflow processes.

## 6. Conclusion

Based on legal advice received by Council, this report confirms that Council does not need to incorporate a formal 'permission process' (i.e. licence or formal lease) to approve public gardens. Some minor amendments to the process have been incorporated to the draft policy to include a site inspection once gardens have been installed. It is noted that an annual compliance check included in Figure 1 is considered best practice and would require adequate resourcing.

Given the outcome of the advice and update, officers seek Council endorsement of the final draft documents.

## 7. Attachments

1. Public Gardening Policy [📄](#)
2. Verge Garden Guidelines [📄](#)
3. Expression of interest form - Gardening in Public Spaces [📄](#) .



WAVERLEY  
COUNCIL

# Public Gardening Policy

## Public Gardening Policy

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



Public Gardening Policy

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## 1. Background

Community interest in all types of gardening in the public domain, including individual resident activities as well as group or neighbourhood projects is steadily increasing. The COVID-19 Pandemic, concerns about climate change and food security, and an increasing appreciation for streetscape aesthetics, neighbourhood amenity and social cohesion have combined to drive a resurgence of community gardens and interests in 'home grown' foods.

Community consultation across the LGA on 'Our Liveable Places' has also demonstrated strong support for increased planting and improved greenery such as planter boxes, community gardens, pocket parks, laneways, roof gardens, green walls and verge gardens.

Council supports public gardening as a valuable activity that contributes to health and well-being, positive social interaction, community development, and environmental education, protection and enhancement. Specific environmental benefits include increased urban biodiversity, reduced heat, improved air quality and reduced stormwater runoff. Council is committed to ensuring that public place gardening contributes to and enhances sustainable and connected public spaces.

## 2. Purpose

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

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

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

## 3. Scope

This Policy will apply to planting activities in the public domain of Waverley Local Government Area (LGA). State roads, median strips and roundabouts are excluded from this policy, as are Village Centres. To identify where these 'Centres' are in Waverley, refer to the map on Discover:

<https://maps.waverley.nsw.gov.au/connect/analyst/mobile/#/main>

## 4. Policy Content

### 4.1. Council Responsibilities

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

- Support streamlined and efficient public gardening application, assessment, and approval processes - where projects fall outside guidelines or are of a complex nature,

## Public Gardening Policy

an internal panel representing relevant technical expertise will assist decision making and approval.

- Help residents identify appropriate sites for gardening activities.
- Assist interested individuals and groups to join existing sites or establish new sites.
- Promote and raise awareness through council's website, newsletters, publications, workshops, and events.
- Provide information about potential grant funding opportunities for eligible groups.
- Host presentations and workshops to develop skills and capacity.
- Provide information about appropriate native plant species for Waverley.
- Provide information to the public about the operation of groups and activities.
- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information, resources, and experiences.
- Prioritise resourcing to projects with greatest community benefit.
- Periodically review guidelines or checklists in consultation with key stakeholders where gaps have been identified.
- Assist with site risk assessments, site safety briefings, inductions, and garden audits.

#### 4.2 Policy Implementation and Guidelines

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

In relation to approvals for public gardening:

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

## Public Gardening Policy

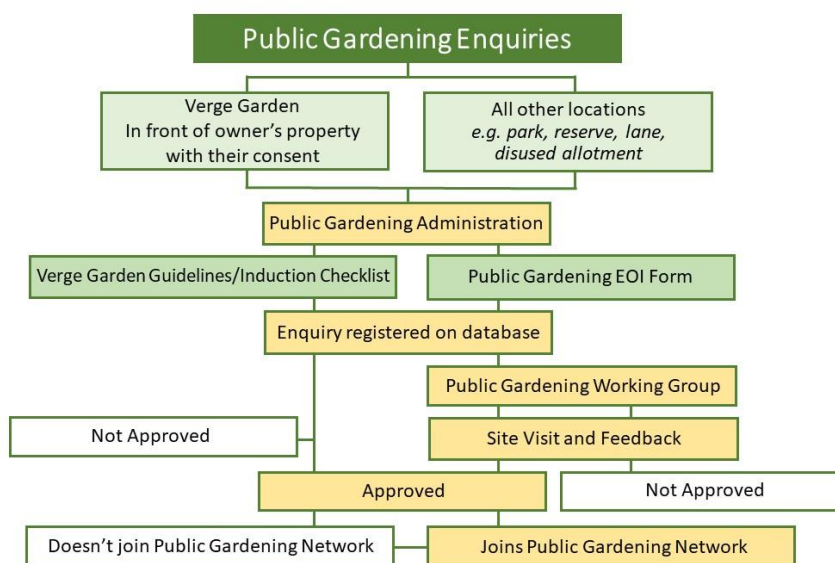


Figure 1. Public Gardening Approvals Process

#### 4.3 WHS, Risk and Insurance

Safety is a high priority of Council. Depending on the type of gardening activity, Council's induction, site risk assessment and risk management processes seek to ensure the safety of gardeners and their potential impact on other public domain users are well managed. Additional information relating to specific garden types, including any insurance requirements and implications, are included in the applicable guidelines. Any business or commercial enterprise that is granted approval under the Public Gardening Policy must take out and keep current applicable public liability insurance of not less than \$20,000,000.

#### 4.4 Compliance

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

#### 4.5 Public Gardening Controls

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

##### a) Access

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

## Public Gardening Policy

**b) Consultation**

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

**c) Biodiversity Protection**

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

**d) Habitat Corridors**

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

**e) Tree Management**

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

**f) Plans of Management**

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

**g) Public Land Management**

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

**h) Public Garden Compost Facilities**

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

**i) Soil Contamination**

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

#### Public Gardening Policy

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

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

#### j) Weed Management

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

## 5. Related Documents

- Verge Garden Guidelines 2021
- Public Gardening Expression of Interest Form 2021
- Environmental Action Plan 2018-2030
- Weed Management Policy 2012
- Tree Management Policy 2019
- Our Liveable Places Centres Strategy 2020
- Street Design Guidelines 2020
- Public Domain Technical Manual 2020
- Local Strategic Planning Statement
- Sustainable Communities Strategy 2021
- Volunteering Policy 2010
- Volunteer Handbook 2012

## 6. Review of Policy

This Policy will be updated every three years.

## 7. Definitions

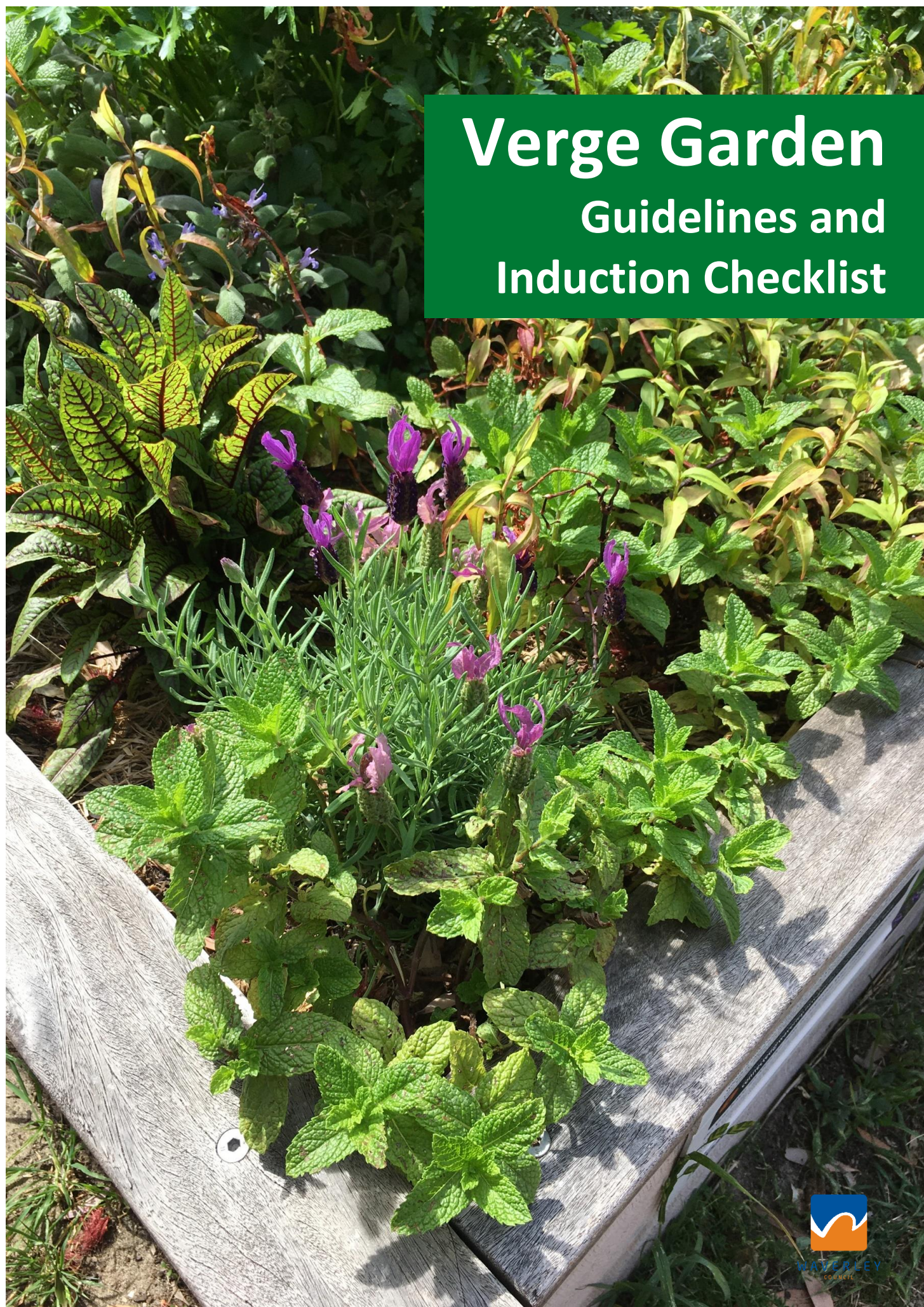
### Public Place Gardening Types

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

## Public Gardening Policy

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





# Verge Garden

## Guidelines and Induction Checklist



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<b>DEPARTMENT</b> Community Programs
<b>DATE CREATED</b> July 2021
<b>DATE ADOPTED BY EXECUTIVE TEAM</b> October 2021
<b>DATE ADOPTED BY COUNCIL</b>
<b>NEXT REVIEW DATE</b> October 2022

## 1. Introduction and Definition

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

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

The Verge Garden Guidelines detail requirements for gardening on the verge directly in front of a property. To create a new verge garden, complete the Induction Checklist at the end of the guidelines and email it to [publicgardening@waverley.nsw.gov.au](mailto:publicgardening@waverley.nsw.gov.au) for feedback and assessment. Gardening projects in parks, laneways, or reserves are not included in the scope of this document and will be considered individually by Council Officers.

## 2. Location and Access

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

The location of a garden within the verge will depend on the verge width, other structures and plants present and how the verge is used. The most important consideration will be that a clear pedestrian travel path is provided or maintained. The best place for a verge garden, whether in-ground or in a planter box, will usually be closest to the property boundary, as most public utilities run along the kerb-side of the verge. For safety reasons, it is also important to maintain clear lines of sight.

There are exclusion zones such as main roads, median strips, and Village Centres where verge gardens will not be permitted. The location of 'Centres' can be identified on Discover: <https://maps.waverley.nsw.gov.au/connect/analyst/mobile/#/main> Council also maintains a register identifying the location of approved verge gardens.

### 2.1 Site Assessment

When assessing your verge for its suitability for a garden, consider the following:

- Access to sunlight in both summer and winter and how this will influence the garden location and plant species selected.
- How the movement of surface water will affect the verge garden.
- Waverley's street trees are owned and managed by Council and must not be damaged by any gardening (or other) activity.
- Contact Council if in doubt about the proximity of a proposed garden to street trees.
- Corners are to be unplanted for a 45degree splay from the property (see Figure 3).
- Pedestrians, cyclists, and vehicular traffic share our public spaces. Consider how many people use or walk by the proposed verge garden location and how potential impacts may be reduced.
- As verges are often used to place bins for Council garbage collection, ensure access for this service is maintained.
- The stormwater drains of some properties may be at shallower depths, therefore planting must be limited in depth to avoid infrastructure damage.

- Permanent fixtures or structures are not permitted on verge gardens; however, garden edging is allowed so long as it doesn't create a trip hazard.
- Retaining walls, paving, and seating are not permitted.
- Gardens must be neat, well maintained and without trip hazards.

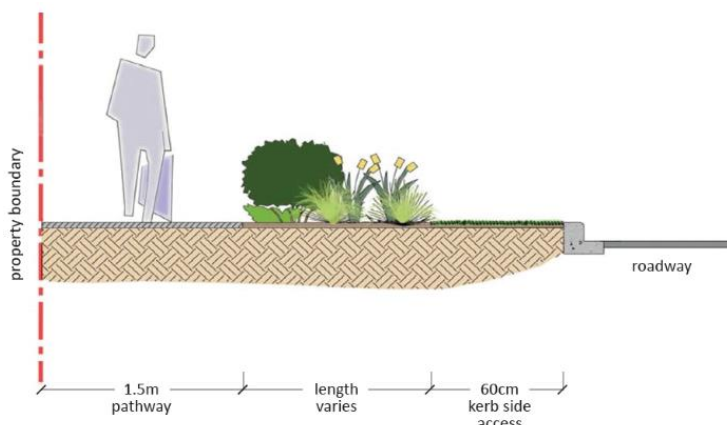


Figure 1: A 60cm access area must be maintained between the kerb and in ground planting.

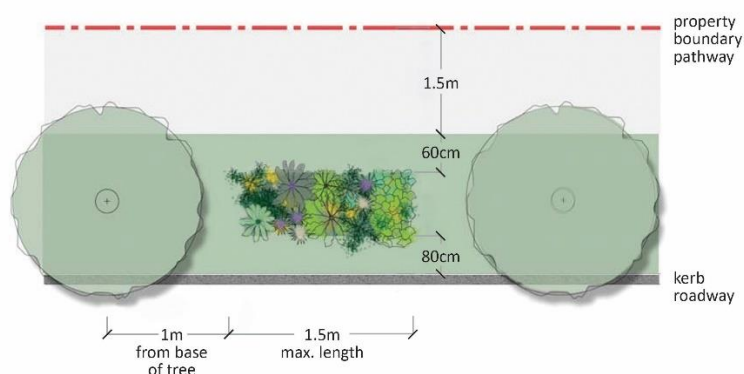


Figure 2: An 80cm access area must be maintained between the kerb and planter boxes. A 60cm access area must be maintained between raised beds and the footpath. A diameter of 1m around a tree must remain unplanted and free of planter boxes so as not to damage roots. Planter boxes must not exceed than 1.5m om length.

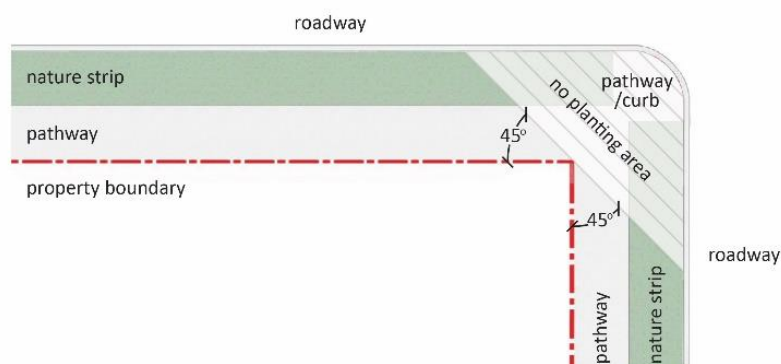


Figure 3: To maintain visibility, street corners are not to be planted for a 45degree splay from the property.

### 3. Design and Materials

Gardens that use existing site soil are preferred by Council, rather than those needing new materials. Plants should be selected that are suited to local soil conditions so that soil additives, such as fertilisers, are not needed. Sustainable gardening is encouraged therefore, the use of synthetic fertilisers, herbicides and pesticides are not permitted.

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

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

Waverley encourages residents to compost and utilise the rich soil and liquid fertiliser it provides while reducing landfill. Compost should be established and maintained within a resident's property, however if there is no outdoor space available within the property, composting may be approved on public land in limited circumstances when connected to a verge garden. Composting in Waverley is supported by the 'Compost Revolution' program.

#### 3.1 Garden design elements

*When thinking about designing your verge garden, consider the following:*

- Keep plants and soil clear of utility covers such as fire hydrants, phone, and stormwater pits.
- Monitor the sun, shade, damp, dry conditions of the site before selecting plants.
- Native plants are encouraged. Choose drought-tolerant plants and those suited to coastal conditions. Planting native plants encourages native birds and wildlife.
- Choose perennial plants over those that last for one growing season to minimise garden maintenance (see recommended species list in Plant List).
- Consider mulching around plants to suppress the growth of weeds and reduce watering.
- Make sure plants do not overhang the pathway or roads, or into gutters.
- Avoid planting weeds or allowing them to grow.
- Trees are not allowed. This includes frangipani.
- Edible plants that require soil cultivation and regular replacement are not recommended.
- Eating produce grown on the verge is at your own risk.
- Plant low growing plants at corners to ensure visibility to traffic.
- Materials used must be low risk e.g., no bamboo or hardwood stakes, steel pickets or guide wires that might injure a pedestrian or cause irritation or toxicity.
- The garden must remain free of physical structures that cause a trip hazard and pedestrian pathways must remain clear.
- Gardening work must be undertaken by hand. Mechanised equipment is not permitted.
- All digging should be limited to shallow depths to avoid interference with underground utilities. Contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) to identify underground services.

#### 3.2 Planter box considerations

*When deciding on the type and location of a planter box, consider the following:*

- Planter boxes are permitted in verge gardens and recommended in areas with hard, level surfaces.

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

## 4. Safety when working on a verge garden

### 4.1 Working safely on verge gardens

Residents are responsible for their own safety while working on a verge garden. This means taking basic safety precautions such as wearing appropriate clothing and protective equipment, sun safety and utilising and taking care when using tools and materials.

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

- How the garden and related activities will affect others.
- Always work from the footpath or verge, never from a position on the road.
- Watch out for passing cars and keep clear of cyclists and pedestrians.
- Wearing high visibility clothing is recommended.
- Wear gloves and any other personal protective equipment.
- Use tools safely and do not store tools or materials on the footpath as they may cause a trip hazard.

### 4.2 Insurance

Council will take out and keep current public liability insurance to cover private individuals in relation to approved verge gardens which are subsequently maintained in accordance with the Public Gardening Policy and applicable Guidelines. However, this does not prevent a third party from making a claim against the applicant relating to gardens.

### 4.3 Compliance

Applicants must complete the Induction Checklist for their verge garden to be approved. Council will undertake regular inspections of approved verge gardens to monitor compliance. If Council receives complaints about a verge garden, a staff member will contact the applicant.

Council will acknowledge receipt of a submitted induction checklist and provide feedback where required prior to approval. Council can advise if there are any potential or immediate development plans for the intended site.

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

## 5. Plant List

### Local Native and Bushtucker Plants and Herbs

SHRUBS BOTANICAL NAME	SHRUBS COMMON NAME	CLIMBERS, GROUNDCOVERS BOTANICAL NAME	CLIMBERS, GROUNDCOVERS COMMON NAME
<i>Acacia myrtifolia</i>	Myrtle Wattle	<i>Billardiera scandens</i>	Apple Berry
<i>Acacia suaveolens</i>	Sweet Wattle	<i>Carpobrotus glaucescens</i>	Pigface
<i>Atriplex semibaccata</i>	Berry Saltbush	<i>Centella asiatica</i>	Gotu Cola
<i>Austromyrtus dulcis</i>	Midjim Berry	<i>Clematis aristata</i>	Old Man's Beard
<i>Baeckea imbricata</i>	Heath Myrtle	<i>Commersonia scandens</i>	Wrinkled Kerrawang
<i>Banksia spinulosa</i>	Hairpin Banksia	<i>Dichondra repens</i>	Kidney Weed
<i>Banksia robur</i>	Swamp Banksia	<i>Eustrephus latifolius</i>	Wombat Berry
<i>Bauera rubioides</i>	River Dog Rose	<i>Geranium homeanum</i>	Cranesbill
<i>Boronia ledifolia</i>	Sydney Boronia	<i>Gonocarpus teucrioides</i>	Germander Raspwort
<i>Bossiaea heterophylla</i>	Variable Bossiaea	<i>Goodenia hederacea</i>	Ivy Goodenia
<i>Brachyloma daphnoides</i>	Daphne Heath	<i>Hardenbergia violacea</i>	False Sarsaparilla
<i>Correa alba</i>	White Correa	<i>Hibbertia dentata</i>	Toothed Guinea Flower
<i>Correa reflexa</i>	Native Fuchsia	<i>Hibbertia scandens</i>	Golden Guinea Flower
<i>Crocea saligna</i>	Crocea	<i>Mirbelia rubiifolia</i>	Heathy Mirbelia
<i>Darwinia fascicularis</i>	Darwinia	<i>Myoporum parvifolium</i>	Creeping Boobialla
<i>Dillwynia retorta</i>	Heathy Parrot Pea	<i>Oplismenus species</i>	Basket Grass
<i>Einadia hastata</i>	Berry Saltbush	<i>Pandorea pandorana</i>	Wonga Wonga Vine
<i>Grevillea speciosa</i>	Red Spider Grevillea	<i>Pelargonium australe</i>	Native Storksbill
<i>Leucopogon ericoides</i>	Pink Beard-heath	<i>Persicaria decipiens</i>	Slender Knotweed
<i>Lomatia silaifolia</i>	Crinkle Bush	<i>Plectranthus parviflorus</i>	Cockspur flower
<i>Melaleuca thymifolia</i>	Thyme Honey-Myrtle	<i>Scaevola aemula</i>	Fairy Fan-flower
<i>Micromyrtus ciliata</i>	Fringed Heath-myrtle	<i>Scaevola calendulacea</i>	Dune Fan-flower
<i>Olearia tomentosa</i>	Toothed Daisy -Bush	<i>Tetragonia tetragonoides</i>	Warrigal Greens
<i>Phebalium squamulosum</i>	Scaly Phebalium	<i>Viola hederacea</i>	Native Violet
<i>Philotheca buxifolia</i>	Box-leaf wasflower	<b>FERNS</b>	<b>FERNS</b>
<i>Philotheca myoporoides</i>	Long leaf wax flower	<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
<i>Pimelea linifolia</i>	Slender Rice flower	<i>Doodia aspera</i>	Rasp Fern
<i>Platysace lanceolata</i>	Native Parsnip	<i>Histiopteris incisa</i>	Bat's-wing Fern
<i>Plectantrhus parviflorus</i>	Little Spurflower	<i>Hypolepis muelleri</i>	Harsh Ground Fern
<i>Pultenaea linophylla</i>	Halo Bush Pea	<i>Pellaea falcata</i>	Sickle Fern
<i>Rhagodia spinescens</i>	Creeping Saltbush	<i>Pteridium esculentum</i>	Common Bracken
<i>Westringia fruticosa</i>	Coastal Rosemary	<i>Sticherus flabellatus</i>	Umbrella Fern
<b>PERENNIAL HERBS</b>	<b>PERENNIAL HERBS</b>	<b>GRASSES, LILLIES, SEDGES</b>	<b>GRASSES, LILLIES, SEDGES</b>
<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
<i>Beta vulgaris</i>	Perpetual spinach	<i>Austrodanthona var racemosa</i>	Wallaby Grass
<i>Borago officinalis</i>	Borage	<i>Carex appressa</i>	Tussock Sedge
<i>Capsicum species</i>	Chilli	<i>Carex pumila</i>	Strand Sedge
<i>Chamaemelum nobile</i>	Roman Chamomile	<i>Cissus antarctica</i>	Kanagaroo Grape
<i>Cymbopogon citratus</i>	Lemongrass	<i>Crinum pedunculatum</i>	Swamp Lily
<i>Echinacea sp.</i>	Coneflower	<i>Cymbopogon refractus</i>	Barbed Wire Grass
<i>Lactuca sativa</i>	Perpetual lettuce	<i>Danthonia linkii</i>	Wallaby Grass
<i>Melissa officinalis</i>	Lemon Balm	<i>Dianella caerulea</i>	Blue Flax Lily
<i>Origanum majorana</i>	Marjoram	<i>Dianella congesta</i>	Coastal Flax Lily
<i>Origanum vulgare</i>	Oregano	<i>Dianella revoluta</i>	Black-anther Flax Lily
<i>Persicaria odorata</i>	Vietnamese Mint	<i>Dichelachne crinita</i>	Long Hair Plume Grass
<i>Petroselinum crispum</i>	Parsley	<i>Echinopogon caespitosus</i>	Tufted Hedgehog Grass
<i>Rumex acetosa</i>	Sorrel	<i>Ficinia nodosa</i>	Knobby Club Rush
<i>Salvia elegans</i>	Pineapple Sage	<i>Imperata cylindrica</i>	Blady Grass
<i>Salvia officinalis</i>	Common Sage	<i>Juncus pallidus</i>	Pale Rush
<i>Salvia rosmarinus</i>	Rosemary	<i>Juncus usitatus</i>	Common Rush
<i>Sanguisorba minor</i>	Salad Burnet	<i>Lomandra longifolia</i>	Spiny-headed Mat Rush
<i>Tanacetum parthenium</i>	Feverfew	<i>Microleana stipoides</i>	Weeping Grass
<i>Thymus vulgaris</i>	Common Thyme	<i>Poa labillardieri</i>	Tussock Grass
<i>Zingiber officinale</i>	Ginger	<i>Themeda australis</i>	Kangaroo Grass

# VERGE GARDEN INDUCTION CHECKLIST



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

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

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

Address .....

*Applicants need to complete this induction checklist and submit a sketch of the proposed garden design indicating measurements of the footpath and kerb side zones, any access ways, as well as the type and dimension of any planter boxes and proposed list of selected plants. Induction checklists will be stored on the Waverley Council register for insurance and compliance purposes.*

Please return this induction checklist and submit any enquiries to [publicgardening@waverley.nsw.gov.au](mailto:publicgardening@waverley.nsw.gov.au)

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

OTHER PROVISIONS	TICK IF AGREE
18. The verge is located directly in front of my property	
19. I have attached a letter of support from the property owner if this is not the applicant	
20. Neighbours on both sides of my property have been consulted and support the garden design	
21. The site is located outside exclusion zones	
22. A sketch of the verge garden is included indicating planting area, any planter boxes and plant species	
23. A photo of the verge garden will be provided to Council once complete	
24. The top level of soil in the garden will be level with or below the top of the kerb and pathway	
25. The garden will remain free of spiky plants and weeds	
26. Materials used will be low risk to reduce injury or cause irritation and toxicity	
27. The garden and pathways will remain free of physical structures that could cause a trip hazard	
28. The garden will be regularly maintained to keep it tidy, safe and in an attractive condition	
29. Planter boxes are positioned away from access points e.g., taxi stands, bus stops, accessible parking	



## Expression of Interest – Gardening in Public Spaces

Contact Details	
Date	
Name	
Phone	
Email	
Address	

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

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

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



**REPORT**  
**FC/5.3/22.05**

**Subject:** Draft Disability Inclusion Action Plan (DIAP) - Exhibition

**TRIM No:** A21/0205

**Author:** Annette Trubenbach, Executive Manager, Community Programs  
Chris Bath, Manager, Older People and Disability Services

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

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**RECOMMENDATION:**

That Council:

1. Publicly exhibits the draft Disability Inclusion Action Plan 2022–26 (DIAP) attached to the report (Attachment 1) for 28 days.
2. Officers prepare a report to Council following the exhibition period.

**1. Executive Summary**

Council is required to submit a new Disability Inclusion Action (DIAP) every four years detailing Council's commitment to improving physical access and social inclusion for people of all abilities. Due to COVID-19, an extension until June 2022 was granted for Council's current plan. DIAPs cover every aspect of Council business, including services, facilities, capital works, communications, events, consultation, and access to and within the public domain.

Council's second DIAP continues as a joint regional framework shared with Randwick City Council to facilitate consistent approaches to disability planning across the eastern suburbs. In addition to shared strategies, each Council is pursuing its own set of localised priorities. Unavoidably, the timing presents some challenges—on final adoption, a resourcing strategy will need to accompany proposed actions at the same time as Council adopts key Council plans (e.g. Community Strategic Plan, Long Term Financial Plan etc).

Officers have, however, already identified potential opportunities for DIAP integration across Council programs to better align with existing or planned strategies and projects (e.g. Customer Experience Strategy; Bondi Pavilion; moving around and disability parking). Annual actions will continue to be prioritised and updated as part of Council's Integrated Planning Framework and reported on annually.

**2. Introduction/Background**

In 2016–17, Council developed its first plan under the *Disability Inclusion Act 2014* (NSW). We partnered with Randwick Council and engaged a consultant to support extensive research, analysis, and engagement strategies. A regional disability planning framework, *An Inclusive Community for Everyone*, was complemented by individual DIAPs outlining actions for each Council. A new four-year DIAP can now be firmly based on the strong foundation already developed.

The draft actions presented here reflect extensive feedback received during consultation, resulting in continuation of existing commitments, further development of projects and initiatives, as well as opportunities for innovation, partnerships and strengthened community connections.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 23 November 2021	CM/8.2/21.11	<p>That Council officers, as part of the draft Disability Inclusion Action Plan (DIAP) currently on exhibition until 20 December 2021, identify what needs to be done to optimise accessibility and inclusion for Waverley to become the most accessible place in NSW, including consideration of the following:</p> <ol style="list-style-type: none"> <li>1. Conducting access audits of commercial and villages centres to plan and prioritise continuous paths of travel and installation of kerb ramps, accessible toilets, seating, lighting, safe crossings and pick-up/drop-off parking spaces.</li> <li>2. Updating 'Discover Waverley' with the information from the audits to help people plan their journey.</li> <li>3. Progressively upgrading play spaces as outlined in the Inclusive Play Space Study and Open Space Strategy.</li> <li>4. Developing an Inclusive Tourism strategy and link information into the NSW Destination website.</li> <li>5. Establishing a walking and mobility working group to progress pedestrian access under the DIAP and People, Movement and Places Strategy. The working group could have representatives from the Access and Inclusion Advisory Panel and Cycling Advisory Committee, and staff from Community Services and Transport Planning.</li> </ol>

### 4. Discussion

Increased awareness and community expectations supported by stronger legislation and reforms require us to look beyond minimum standards and compliance actions to holistic planning which genuinely supports the inclusion and active participation of people with disability in the community. A recent Council resolution (CM/8.2/21.11) reflects the hopes and aspirations of many residents and visitors to keep making Waverley accessible and inclusive.

This second DIAP builds on the strengths of Council's existing initiatives and will demonstrate ongoing commitment in key focus areas of access and inclusion:

- Developing positive community attitudes and behaviours.
- Creating liveable communities.
- Supporting access to meaningful employment.
- Improving access to mainstream services through better systems and processes.

### Highlights and achievements of Council's 2017–21 DIAP

- A Regional Disability Expo in partnership with Randwick and City of Sydney councils attracted 50 stall holders and approximately 700 people to access to information and connect with services.
- Strong sector collaboration and regional initiatives brought together ageing and disability service providers to jointly plan community support actions to manage pandemic impacts and keep communities informed and safe. Outreach services visit people on a regular basis and monthly meetings are held between eastern suburbs councils and specialist services to help people to move out of homelessness. During the Pandemic, accommodation support was ramped up significantly, offering housing to many vulnerable people. The annual Eastern Suburbs Street Count across Waverley, Woollahra and Randwick local government areas continues to be supported.
- New Access and Inclusion Advisory Panel. The Access Advisory Committee has been reconstituted as the Access and Inclusion Advisory Panel with strong representation of people with a lived experience of disability or professional expertise in supporting or advocating for people with disabilities.
- Access Bondi. A lot of work has gone into making Bondi Beach more accessible, including a new ramp onto the beach at North Bondi; beach wheelchairs, lockers, beach and accessible amenities, including an accessible shower. Officers are working with Bondi Surf Life Saving Club to help roll out matting on the sand to facilitate wheelchair access.
- Bondi Pavilion Project featuring strong inclusive design elements with members of the Access Advisory Committee participating in the stakeholder consultation group to provide input into the concept design.
- Playgrounds and park upgrades. The comprehensive Inclusive Play Space Study engaged with and considered feedback from the Access Advisory Committee, incorporating best practice approaches and recommendations for the integration of inclusion principles into the planning and design of projects and upgrades.
- Waverley Community Living Program (WCLP) - Living the Dream video designed and developed by participants in Council's NDIS registered program for people with an intellectual disability. The video was launched end of 2020 for International Day of People with a Disability.
- Centre for Intellectual Disability (CID) – More than Just a Job facilitated a partnership with Council to raise awareness of Council's potential for creating job opportunities and pathways to employment for people with disability. One of WCLP's participant is employed by CID.
- Grant funding. Council's community and small grants funding programs create opportunities for supporting local initiatives and services that benefit people with disability, their families, friends and carers.
- Accessible design options. Concept design for the renewal of one of Council's social housing building incorporates extensive accessibility and adaptable design features.

### Next steps

The draft DIAP now requires additional input and fine tuning which can be achieved during the public exhibition period. Before submitting the final draft to Council, design, format, and layout will be developed to ensure the document's visual appeal and accessibility to a wide audience.

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

Some DIAP implementation costs can be absorbed through Council's annual planning and resource allocation processes. Some actions are being implemented as part of Council's core plans or regular functions and may not require additional funding. Actions may include multi-year improvement works, structural alterations to ageing infrastructure or the purchase of specialist equipment to improve accessibility. Where this is the case and project proposals are outside endorsed LTFP or operational budgets, Council officers will propose a resourcing strategy/planned schedule of works for endorsement. There may also be opportunities for Council to seek funding from external sources to help with the cost of identified improvement works.

### **Time frame**

If endorsed by Council, the draft DIAP will be placed on public exhibition from early May to early June 2022, with a final draft DIAP coming to Council for endorsement at its June meeting. Following endorsement, the final plan will then be lodged with the Disability Council of NSW and Office of Local Government.

### **Consultation**

The Consultation Report (Attachment 2) outlines the time frame, process and key findings of Council's initial engagement with the community and key stakeholders. More than 130 people participated in engagement activities between 25 October 2021 and 20 February 2022. We heard from younger and older people with disability, families, carers and services with diverse experience of disability including physical, sensory, neuro diverse, cognitive, mental health, and chronic illness. Council held two regional workshops, resident focus groups, and met with individuals, disability service providers and local networks. We also received survey responses and submissions.

## **6. Conclusion**

The *Disability Inclusion Act 2014* requires local government to undertake disability planning and to deliver action plans. The development of Council's second DIAP continues to provide a regional framework for Council to develop and progress a range of strategies to enable people with disability, their families and carers to realise their aspirations, maximise their independence and participate in their communities. This report recommends that Council endorses the draft DIAP for public exhibition.

## **7. Attachments**

1. Draft Waverley Disability Inclusion Action Plan (DIAP) 2022-26 [↓](#)
2. Consultation Report [↓](#) .



# DRAFT Waverley Disability Inclusion Plan

2022 – 26

## **An Inclusive Community For Everyone**

We support our community members to participate positively in community life – whatever their age, gender, physical ability, socio-economic status, sexuality or cultural background – to feel that they can be active, healthy, valued and connected.

We plan and design for our diverse community, by providing safe, healthy and inclusive services and spaces.

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

## Message from the Mayor

Disability does not discriminate. People with a disability are represented in every age, social or cultural group. Council recognises that people with a disability have many strengths and attributes but can also face barriers and stereotypes preventing them from fully enjoying life.

The Disability Inclusion Action Plan (DIAP) recognises the underlying social responsibility of Local Government and others to protect the rights of people with disability, improve their access and participation in community life, and promote the value of diversity and inclusion.

This is Council's second draft plan. It reflects our learnings while rolling out the first DIAP as well as feedback from diverse groups, services and individuals we have received through various engagement channels.

The plan addresses important focus areas that will help improve the lives of people with disability, their friends, family and carers. Waverley and Randwick City Councils will continue to work together as part of a regional framework to achieve a more coordinated approach to making our communities accessible and welcoming.

We've already achieved a lot over the last five years but there is still much to do.

This plan offers practical ideas for collaborating with our partner agencies, local business, services and networks to make a difference in people's lives and create a more welcoming and inclusive Waverley: a community where:

- people can move around easily and can access services, facilities and participate in community life;
- genuine opportunities to engage in meaningful employment exist for everyone;
- people of all abilities can live independent lives and connect, engage and make choices about the services they want to access.

An inclusive community is a community where everyone belongs. I'm proud of the many successful projects and initiatives already completed or under way and excited about the prospect of working with everyone on innovative and emerging opportunities.

Paula Masselos, Mayor of Waverley

# Content

1. Introduction
2. Developing the plan
3. Actions we will take
4. Delivering the plan



## 1.Introduction

This is Council's second DIAP since the introduction of the NSW Disability Inclusion Act in 2014 and builds on actions taken by Council over many years to improve accessibility in Waverley. In 2017, Randwick and Waverley committed to developing a joint regional framework to support a consistent approach to disability planning across the Eastern suburbs. The DIAP commits to shared strategies while identifying local issues and priority recommendations in relations to barriers to access, good practice examples and opportunities for improvement. It identifies achievable strategies that improve physical access, participation, engagement, and inclusion of people of all abilities.

The DIAP sets out actions Council will take in partnership with others and builds on the success of our previous achievements. It is based around **four key outcome areas** and regional strategies identified by people who live, visit and work in the Eastern suburbs. This joint regional framework establishes various regional strategies under four outcome areas:

1. Inclusive attitudes and behaviours
2. Liveable community
3. Meaningful employment
4. Engagement and accessible systems

## 2.Developing the Plan

The plan was developed by reviewing the outcomes from the 2017-2021 plan. Council engaged with the community to identify gaps and emerging needs. We do this to ensure the DIAP continues to respond to changing community expectations, issues and trends. Some actions are ongoing and these have been included in this plan as well. Feedback from participants together with an overview of engagement strategies is summarised in a separate report and attached to this plan. Importantly, consultation feedback confirmed that the regional framework and strategies continue to be relevant focus areas for action.

More than 130 people participated in engagement activities between 25 October to 20 February 2022. We heard from younger and older people with disability, families, carers and services with diverse experience of disability including physical, sensory, neuro diverse, cognitive, mental health, and chronic illness.

Council held two regional workshops, resident focus groups, and met with individuals, disability service providers and local networks. We also received survey responses and submissions.

## What people told us

### Participants told us about their **priorities**

- Accessibility of streetscapes, open spaces, and beaches
- Access to meaningful employment
- Genuine engagement and opportunities for codesign
- Engagement and connection with local business and community networks.

### They also told us about **what works well**

- New and upgraded accessible venues and streets
- Transport network and light rail
- Information and community education sessions on interesting topics
- Inclusive skill development opportunities eg: Learn to surf classes, Tactile Tours and Our Vision for Inclusion

### **Areas identified for further improvement**

- Make it easier to access commercial centres and shops, places to exercise, socialise and play
- Make it easier to participate in recreation, events and cultural activities
- Improve community perception about people's abilities and needs to support greater connection and opportunity to access employment
- Treat inclusive design as an essential component when designing streetscapes, programs, communications, and activities

Key achievements

Access Bondi

Access Bondi was launched in 2019 to celebrate and promote improved access to the beach. The improvements include a new ramp to the north end of the beach, storage lockers to enable independent access to beach wheelchairs, accessible outdoor shower, new accessible amenities, including an accessible shower and beach matting which is currently rolled out three days a week pending weather. A grant from NSW Surf Lifesaving helped to fund elements of the initial project. Council continues to work in partnership with Bondi Beach Surf Lifesaving and other partners on initiatives to improve inclusion at Bondi.

Inclusive Play Space Study

The Waverley Inclusive Play Space Study provides strategic direction on how Council’s existing play spaces can be improved to provide equitable and inclusive play opportunities for everyone. The study was recognised by industry experts and peers from around Australia and awarded the Strategic Planning Award at the Parks and Leisure Australia NSW/ACT Awards 2021.

Our Vision for Inclusion

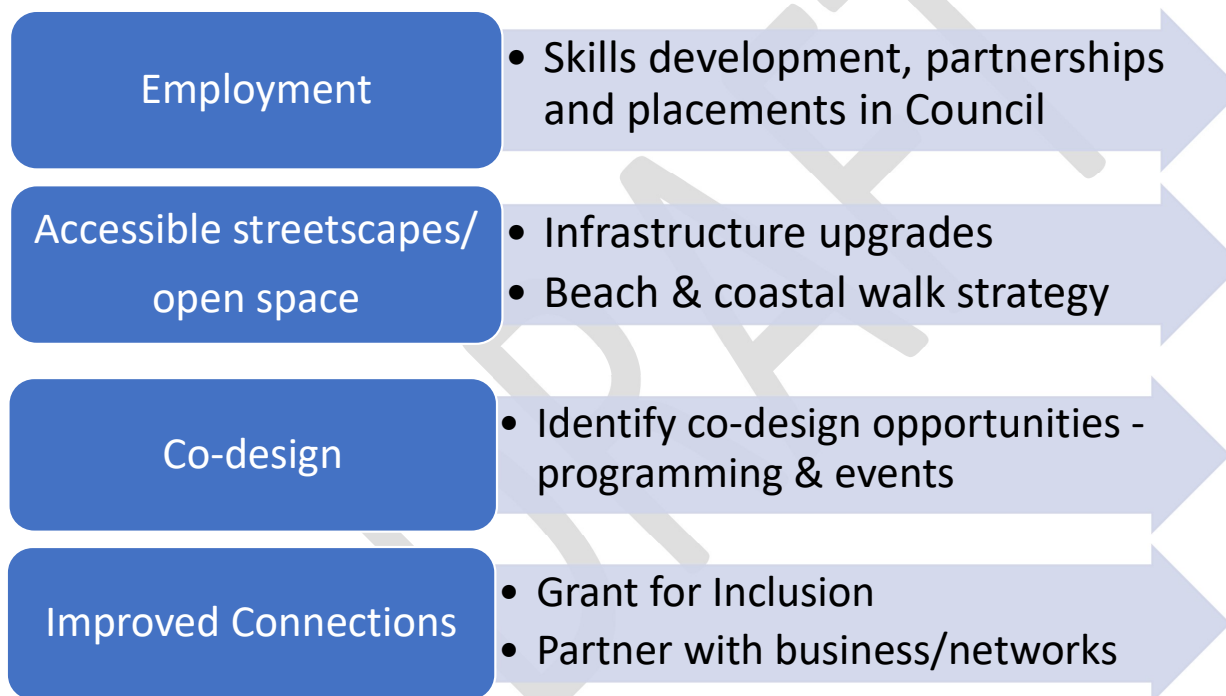
‘Our Vision for Inclusion’ is an awareness raising video addressing topics such as bullying, employment, relationships, and social stigma faced by people with disability. The video was produced by the Waverley Community Living Program participants as part of an advocacy project. The video was launched on International Day of People with Disability 2020.

Bondi Pavilion

Bondi Pavilion restoration project incorporates inclusive design elements throughout the building and surrounding area. Temporary accessible amenities and changing places were installed whilst the building was restored. Access Advisory Committee members provided input into the concept design through participation in a stakeholder consultation group.

## 02/ Actions we will take

### Top 4 priorities



## Focus Area 1. Inclusive Attitudes and Behaviours

**Outcome Statement: Council values and supports inclusive attitudes and behaviours across Council and the community**

What some people have told us...

*"Sometimes I feel when I go to my local area, some of the shops don't understand how to treat people with disabilities ... they treat other people like normal but not me and that's discriminating. They should just have proper training of how to talk to people with disabilities, like everybody else."*

### Regional Strategy

#### 1.1 Provide community awareness raising activities to support inclusive attitudes and behaviours

##### Actions

- 1.1.1 Continue to deliver a community awareness program to promote inclusive attitudes and increase understanding of hidden disability and codesign some initiatives with people with disability
- 1.1.2 Continue to Increase the visibility of people with disability in Council publications and communications

### Regional Strategy

#### 1.2 Increase organisational understanding, knowledge and skills to apply access and inclusion principles and practices in their key job responsibilities

##### Actions

- 1.2.1 Continue to deliver Disability Awareness training for all Council workers, including training on dignity of risk.

- 1.2.2 Continue to provide learning and development opportunities to support staff to apply access and inclusion principles and practices into their job responsibilities, including use of inclusive communications.

### Regional Strategy

#### 1.3 Engage with local business to promote the benefit of providing accessible services, environments and inclusive communications

##### Actions

- 1.3.1 Continue to award good practice in access and inclusion through Council's Local Business Awards
- 1.3.2 Continue to promote the benefits to local business of inclusive and accessible services and employment practices
- 1.3.3 Develop an Inclusive Tourism strategy and link key information to NSW Destination website

## Focus Area 2. Liveable Communities

**Outcome Statement 2. People of all abilities have opportunities to live independent lives in their community and to connect, engage and make choices about the services they access**

What some people have told us...

*‘I lived in Waverley for 30 years. It was a rental. We were given a no grounds eviction. We spent six months looking for a house and I've moved out of Waverley now. We found a house outside the area and we've had to adapt the ramps ourselves with no help from NDIS. We basically took this place because we had no choice. I'm not happy, it is not accessible, it's too expensive, it's in bad condition, but we are forced into these places with no choice because the rent is too expensive and the houses are not accessible. We need to stay in the area to be close to our community, hospitals, and doctors. ‘*

### Regional Strategy

#### 2.1 Work with partner agencies to increase access to services and information that support people to live independently

##### Actions

2.1.1 Continue to deliver quality services that promote independence and wellbeing and support people with disability to make community connections

2.1.2 Deliver an information program that helps people navigate the service system, including targeted information for people from diverse backgrounds.

2.1.3 Implement an Access and Inclusion Grant to increase opportunity for people to participate in mainstream activities

2.1.4 Identify and promote digital inclusion initiatives to help upskill people and create more opportunities to access supports and connections

2.1.5 Continue to support a mixed and balanced service network to cater for the diversity of need

2.1.6 Investigate how to minimise the impacts of construction and residential redevelopment on residents with disability

**Regional Strategy****2.2 Recreational and cultural activities and events are inclusive and are actively promoted****Actions**

- 2.2.1 Implement and promote accessible event guidelines to improve the accessibility and inclusiveness of all events held in Waverley
- 2.2.2 Increase the number of accessible and inclusive events and cultural programs
- 2.2.3 Carer's companion card promoted and accepted at all paid events
- 2.2.4 Identify sporting and recreational opportunities and gaps within the region and work with neighbouring Councils and organisations to increase the number of recreational activities

**Regional Strategy****2.3 Advocate for increased diversity of housing stock that is affordable and accessible****Actions**

- 2.3.1 Maintain Waverley's social housing program and upgrade units to be accessible where possible
- 2.3.2 Research housing needs of older people and people with disability to better understand future demand for housing that is affordable and accessible.
- 2.3.3 Continue support for housing and homelessness partnerships and initiatives to deliver housing outcomes

**Outcome Statement 3. All new council assets, buildings and open spaces are designed to be fully accessible, and Council proactively manages the built environment to meet our diverse community needs now and, in the future**

### Regional Strategies

#### Increase access to Council facilities, venues, parks and beaches.

##### Actions

3.1.1 Continue to design all new council venues to accessible universal design principles and identify and install accessible signage, facilities and fixtures such as hearing loops, recharge points and calm spaces

3.1.2 Continue to deliver a program to upgrade and install accessible public toilets and accessible adult change facilities and maintain information in the National Toilet Map

3.1.3 Incorporate accessibility and universal design as a key component of the annual capital works program to upgrade streetscapes

3.1.4 Conduct access audits of streetscapes in commercial and village centres to identify continuous paths of travel, kerb ramp placement and key social infrastructure, including street furniture and calming spaces

3.1.5 Prioritise repair of damaged footpaths when access for wheelchair users or people who are less mobile are blocked and there is no alternate path of travel

3.1.6 Provide clear paths of travel along property lines where possible

3.1.7. Develop an accessible beach and coastal walk strategy to identify opportunities for inclusive recreation and play.

3.1.8 Maintain opportunities for beach access and extend the days beach matting is rolled out at Bondi

3.1.9 Implement the inclusive play strategy and ensure opportunity for co-design and selection of accessible equipment



**Outcome Statement 4: The community is a place where people can move around easily and can access services, facilities and participate in community life**

**Regional Strategies**

**4.1 Work with transport providers for increased accessibility of the public, private and community transport systems and to support whole of journey planning**

**Actions**

- 4.1.1. Increase the number of accessible drop off and pick up zones at key destinations
- 4.1.2 Develop and implement an accessible parking strategy to prioritise accessible parking at key locations and outside venues
- 4.1.3 Implement a sensor scheme to provide real time information on the availability of mobility parking

- 4.1.4 Continue to monitor and enforce the appropriate use of mobility parking
- 4.1.5 Upgrade priority bus stops and shelters, including lighting, and link to a continuous accessible path of travel where possible
- 4.1.6 Ensure clear signage and information Identifying alternative paths of travel is made widely available and when construction on footpaths impedes accessibility
- 4.1.7 Online maps are updated to provide information to support whole of journey planning

## Focus Area 3. Meaningful Employment

**Outcome Statement 5: People of all abilities have access to meaningful employment**

What some people have told us ...

*‘Mainstream employers are still hesitant to employ people with disabilities. There needs to be more education promoting the value of employing people with disability’*

### Regional Strategies

#### 5.1 Support and advocate for local employment opportunities

##### Actions

5.1.1 Support disability employment initiatives and facilitate connection with local business, encouraging skill development and employment opportunities

#### 5.2 Ensure that Council's workforce, recruitment policies and purchasing procedures support diversity and inclusion principles

##### Actions

5.2.1 Set a disability employment target and monitor strategies to increase and support employment of people with disability

5.2.2 Identify skill development opportunities within Council and establish identified Council placements and traineeships.

5.2.3 Drive a culture of inclusive leadership by maintaining a staff award for inclusion and identifying and supporting staff ambassadors

## Focus Area 4. Engagement and Accessible Systems

**Outcome Statement 6. Council is an organisation that is aware of and responsive to the needs of people of all abilities**

What some people have told us ... *'Much more engagement and consultation is needed than currently exists.'*

### Regional Strategies

**6.1 Increase access to and awareness of council information, feedback systems and services for people with disability**

#### Actions

6.1.1 Key publications and documents are made available in a diverse range of formats

6.1.2 Continue to ensure Council's website is compliant with WCAG 2.0 and accessibility upgrades are progressively implemented based on an access audit by a specialist disability service, specialising in vision impairment

6.1.3 Ensure information about accessibility is included in promotional material and signage

**6.2 Council community consultation and engagement processes are inclusive and support participation and the views of a diverse range of users**

#### Actions

6.2.1. Ensure Council's engagement and feedback systems are promoted and easy to use, and feedback is accurate and timely.

6.2.2 Council's Access and Inclusion Panel is supported and actively engaged in monitoring DIAP outcomes

## 4. Delivering the plan

### Implementation

The Waverley DIAP forms part of Council's Integrated Planning Framework and priority actions are cascading down from the high level Community Strategic Plan via the 4-year delivery program into the annual Operational Plan.

Council officers prepare an implementation plan to set out priorities, timeframes, resources, key indicators, and staff responsibilities to drive implementation, monitor progress, and enable Council and community to measure the success of the plan.

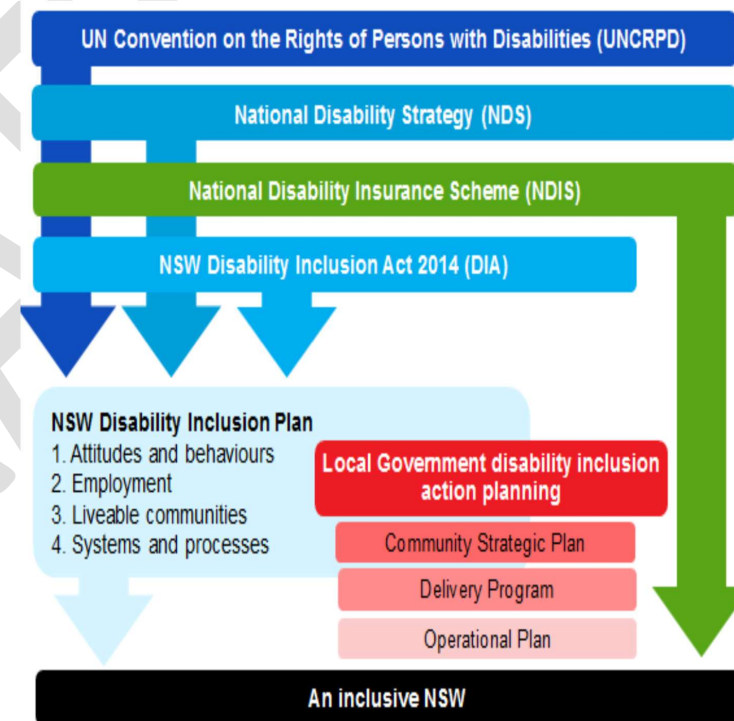
### Monitoring and review

The DIAP is a dynamic document that will be updated annually to reflect the current needs and issues of the community. Strategies and actions may be modified to reflect changes caused by factors such as demographic trends, policy and legislative changes, social planning activities, input from Council departments and feedback from the community.

### Reporting

A report detailing progress against annual actions will be made through Waverley Council's Annual Report, posted on the website and submitted to the NSW Disability Council.

Figure 1 illustrates the DIAP planning process.



## Governance

Responsibility for DIAP actions is shared across Council directorates with executive officers leading the integration of access and inclusion priorities into their team's work plans and reporting on progress.

Council's advisory Access and Inclusion Panel has been reconstituted to provide feedback and input into the process with regular progress reports and briefings scheduled at its meetings. A cross Council working group will develop opportunities for collaboration and strategic partnerships that will help support DIAP implementation.

Waverley Access Advisory Panel monitor implementation through the provision of progress reports on key projects. Once endorsed by Council, the 2022-26 DIAP will be lodged with the NSW Disability Council which will receive and monitor Council's annual progress reports.

## Resourcing the plan

Some actions in this plan are a continuation of work Council has already planned and is implementing. Some actions may not require funding and can be implemented through improved collaboration, staff training, prioritisation or modifying approaches.

We will continue to identify and develop partnerships with the community and business to achieve DIAP outcomes. Actions that require funding will be allocated through the annual budget. Grant or funding opportunities may also become available to help Council deliver some actions within this plan.





# DISABILITY INCLUSION ACTION PLAN

## CONSULTATION REPORT - 2021

### **An Inclusive Community For Everyone**

We support our community members to participate positively in community life – whatever their age, gender, physical ability, socio-economic status, sexuality or cultural background – to feel that they can be active, healthy, valued and connected.

We plan and design for our diverse community, by providing safe, healthy and inclusive services and spaces.

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

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## Background

Waverley Council is developing a new Disability Inclusion Action Plan (DIAP) 2022 -26 to improve community inclusion and access over the next four years.

The DIAP is Council's second plan under the Disability Inclusion Act around four focus areas.

1. Inclusive attitudes and behaviours
2. Liveable community
3. Meaningful employment
4. Engagement and systems

## How we engaged the community

Council engaged with the community to review the success of the previous Plan and to identify gaps and emerging needs. We do this to ensure the DIAP continues to respond to changing community issues and trends. This report provides a summary of the outcomes from the consultation.

More than 130 people participated in engagement activities between 25 October to 20 February 2022. We heard from younger and older people with disability, families, carers and services with diverse experience of disability including physical, sensory, neuro diverse, cognitive, mental health, and chronic illness.

Council held two regional workshops, resident focus groups, and met with individuals, disability service providers and local networks. We also received survey responses and submissions. A summary of engagement activities is listed at appendix 1.



## Engagement Outcomes

We have summarised the consultation feedback under each of the four focus areas and listed what's working well, areas for improvement and priority actions.

### You told us about **priorities**

- Accessibility of streetscapes, open spaces, and beaches
- Access to meaningful employment
- Genuine engagement and opportunities for codesign
- Engagement and connection with local business and community networks

### You told us about **what works well**

- New and upgraded accessible venues and streets
- Transport network and light rail
- Information and community education sessions on interesting topics
- Inclusive skill development opportunities eg: Our Vision for Inclusion , Tactile Tours, Learn to Surf classes

### You told us about **areas for improvement**

- Make it easier to access commercial centres and shops, places to exercise, socialise and play
- Make it easier to participate in recreation, events and cultural activities
- Improve community perception about people's abilities and needs to support greater connection and opportunity to access employment
- Treat inclusive design as an essential component when designing streetscapes, programs, communications, and activities

# Focus Area Summary

## 1. Inclusive attitudes and behaviours

The attitudes and behaviours of the general community towards people with disability continue to be a significant barrier to their sense of inclusion. We know people experience both positive and negative attitudes when in the community but many still feel unwelcomed.


### You told us

*'Sometimes I feel when I go to my local area, some of the shops don't understand how to treat people with disabilities ... they treat other people like normal but not me and that's discriminating. They should just have proper training of how to talk to people with disabilities, like everybody else.'*



### Key insights

- Increased visibility of people in community life and employment would support positive attitudes and reinforce the message that people with disability are no different to anyone else.
- People with invisible disability such as intellectual disability, mental illness, or who are neuro diverse are regularly misunderstood or dismissed, often resulting in negative interactions.
- Stigmatising language and paternalistic attitudes make people feel unwelcome or dismissed, increasing their sense of exclusion and social isolation. Increased awareness of inclusion in children's services and primary schools may help to achieve long term intergenerational change in attitudes.
- Educate and skill staff, community, and local business to understand how to treat people with dignity, communicate respectfully and allow people to make their own decisions in life.
- There is a poor understanding of accessibility. Some businesses promote their service as accessible when they are not.

	<b>Improvement ideas</b>
<b>Community awareness</b>	Engage people with lived experience in the development and promotion of community awareness initiatives to challenge stereotypes
	Increase the visibility and representation of people with disability in Council publications and communications

<b>Council awareness</b>	Provide training, skills development and communication resources for Councillors and staff
<b>Business awareness</b>	Engage with local business to connect people with disability to opportunities for skill development, employment and participation in mainstream activities.
	Promote the benefits of providing accessible and inclusive services to local business.

## 2. Liveable Community

### 2.1 Service support, cultural and recreational activities

People with disability want to feel part of the community and have the same opportunities as everyone else to participate in community life. Access to affordable services and housing are fundamental in achieving these objectives. Improved access to mainstream events, cultural and recreational activities are viewed as a way of increasing the visibility of people with disability in community life.

#### You told us

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*'There is not enough funding in my NDIS package to do everything I want.'*

*'I lived in Waverley for 30 years. It was a rental. We were given a no grounds eviction. We spent six months looking for a house and I've moved out of Waverley now. We found a house outside the area and we've had to adapt the ramps ourselves with no help from NDIS. We basically took this place because we had no choice. I'm not happy, it is not accessible, it's too expensive, it's in bad condition, but we are forced into these places with no choice because the rent is too expensive and the houses are not accessible. We need to stay in the area to be close to our community, hospitals, and doctors.'*

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#### Key insights

- People want opportunities to join local clubs and sporting groups, and to work and socialise in their local area. This would also support people to develop local friendships and networks.
- A range of services are needed to cater for different needs and aspirations, for example, the experiences of younger people with disability are very different to older people. People who are marginalised, homeless or have other complex needs require more support.
- Whilst the NDIS has increased service choice for many people, advocacy is important to get the right type or level of funding. There are concerns that some people are missing out on services, particularly people from culturally diverse backgrounds and people who are ineligible for the NDIS. Financial sustainability is a challenge for smaller disability services since NDIS was

introduced and the impact of COVID 19 has placed additional pressures on people with disability and services providers.

- Easy access to digital inclusion training would help support many to access online services and to connect to others remotely.
- There are significant information gaps. Information on local activities and opportunities for participation is not easy to find and the national information and linking services are not widely known.
- Housing is not affordable and accessible housing options are limited.
- Noise, dust and access to footpaths as a result of commercial and residential redevelopment can significantly impact access and the wellbeing of residents with disability.

	<b>Improvement ideas</b>
<b>Service support</b>	Deliver an information program and promote NDIS, My Aged Care Disability and Carers Gateway in community languages and culturally specific for Aboriginal people
	Promote digital inclusion initiatives to upskill people and create more opportunities to access supports and connection with others
	Ensure Council's services support community connection and promote independence and wellbeing.
<b>Recreation and Cultural activities</b>	Facilitate people's participation in events, recreation and cultural programs and explore skill development opportunities
<b>Housing</b>	Maintain affordable housing programs, implement initiatives to promote housing accessibility, and continue partnerships to address homelessness
	Investigate how to minimise the impacts of construction and redevelopment on residents with disability

## 2.2 Venues and open spaces

We received a lot of feedback in this area, reinforcing the significance of accessible public spaces and access to buildings to support participation in community life.

Inclusion and accessibility need to move to the centre of the planning, design and programming process, not added on like an afterthought.

## You told us

*'People don't understand if I have a reaction to the bright lights and noise in the shops, there is nowhere I can go to calm down, I just have to go home. There should be somewhere I can go to de-stress instead of having to go home. This shouldn't be seen as something 'special' it should just be there for anyone to use if they need to '*


*'There is not a pool from Bronte to Malabar that I can feel confident to get in or out.'*

*'Most footpaths are badly in need of repairs, with cracks and uneven surfaces. Ramps and footpaths at intersections are steep and difficult to use with wheelchairs.'*



### Key insights

- Shops, venues and surf club facilities are often not accessible
- People who are neuro diverse need calming spaces to go when in the community and at venues and not all venues have fixtures to support inclusion such as hearing loops.
- Streetscapes are not always accessible. Signs, café seating, lack of kerb ramps, and footpaths can be in poor condition.
- Footpath construction can make it difficult for people to move around easily and alternative accessible paths are often not identified or promoted.
- Only some beaches are accessible and there are no accessible ocean pools for adults. The beach mat at Bondi is not out every day and does not reach the water.
- Coastal walks are not accessible, and some parks have many steps and no accessible path.
- Easy access to places for exercise, play and socialisation are needed. Play spaces are often not accessible or don't have accessible play equipment. There are no 'all abilities' play spaces in Waverley.

	<b>Improvement ideas</b>
<b>Streetscapes</b>	Conduct access audits of commercial and village centres to identify continuous paths of travel, installation of accessible infrastructure, and spaces for social interaction and relaxing
	Prioritise repair of damaged footpaths that block access for wheelchair users or others with limited mobility
<b>Venues</b>	Ensure fixtures and fittings such as hearing loops, recharge points and calm spaces are included in venue and facility upgrades.

<b>Open spaces</b>	Develop an accessible beach and coastal walk strategy so that upgrades can facilitate improved opportunities for recreation and play for everyone.
	Maximise opportunities for co-design and selection of equipment to implement the inclusive play strategy.

## 2.3 Getting around

Getting around with ease and confidence is fundamental to people's sense of autonomy, health and wellbeing.

### You told us


*'During the construction outside Westfield Bondi Junction on Oxford St, I couldn't see the ramp. It was a white ramp and was not visible. I had to ask someone where the ramp was.'*

*'We [community transport] were fined for parking in the community bus set down outside Eastgate Shopping Centre while dropping off a person with a physical disability. There is a drop off/pick up spot for buses on Spring St, but not for smaller vehicles'*



### Key insights

- Light rail and more accessible train stations has improved the accessibility of the transport network.
- A reduction in some bus routes, particularly in Randwick, has made it more difficult for people with disability and older people to travel independently around their local area.
- In some locations, bus stops are not accessible, and lighting is poor.
- Prioritise and fix issues that impede pedestrian access within reasonable timeframes. Reported issues, such as damaged footpaths, are sometimes reported as completed when the matter has only been referred to another officer, but the work is still outstanding.
- Accessible parking options are limited at some key destinations, including mobility parking, pick up and drop off spaces and accessible parking options for community transport vehicles. Construction works can also block pick up and drop off points for people with mobility issues.
- Wayfinding and information to support whole of journey planning is often missing.

	<b>Improvement ideas</b>
<b>Parking</b>	Review accessible parking places and accessible drop off and pick up zones and increase the number in town centres, and outside key destination venues and facilities.
	Implement a mobility parking sensor scheme to provide real time parking availability information.
<b>Information and wayfinding</b>	Ensure clear signage and information is available and when construction work impedes access on footpaths and identify alternative paths of travel.
	Ensure wayfinding information meets the needs of people with disability and prioritise upgrading wayfinding signage in major centres.



### 3. Employment

Meaningful employment and all the associated benefits of income, skills recognition, social interaction and feelings of self worth remain an important goal for most people.

#### You told us

‘I need more help to find a job and meet people.’


‘Mainstream employers are still hesitant to employ people with disabilities. There needs to be more education promoting the value of employing people with disability.’

‘At times, it is challenging for business to employ someone if they don't have support.’



#### Key insights

- People with disability want to access meaningful employment. Lower paid and insecure employment is often the only opportunities available.
- Employers are still hesitant to engage people with disabilities and COVID 19 and its financial impacts has created additional barriers for employment.
- Employment near to where people live, would mean there is opportunity to meet others and expand their networks and feel more welcomed in the local community.
- Councils could provide more job and skill development opportunities and encourage local business to do the same.

	<b>Improvement ideas</b>
<b>Council employment</b>	Consider setting employment targets and develop strategies to increase and support employment of people with disability
	Support skill development opportunities and establish identified placements and traineeships.
<b>Business employment</b>	Facilitate connection with local business, encouraging employment opportunities, and support disability employment initiatives.

## 4. Engagement & Systems

Small adjustments and early consideration of people's needs can make a huge difference to how people can engage with us, find the 'missing link' or are empowered to successfully navigate systems and pathways. Technology plays an important part but is not the only part in achieving this.

### You told us

*'I think if they [Council] are going to be more inclusive and accessible, they need to have people with disabilities making suggestions, not just going ahead thinking this is great, we'll do this, and it doesn't suit everybody and nobody with a disability gets any say in it'*

*'It is easy to make complaints about services but the problem is that they either don't act on it or part act on it but send an email advising it has been dealt with.'*


*'I'm not sure if the website is accessible to vision impaired or blind.'*

*'Much more engagement and consultation is needed than currently exists.'*



### Key insights

- Council websites are not accessible for people with low vision. Information is not always easy to find, and 'have your say' consultations are not easy for people to access.
- Meaningfully engage people with disability in decision making to ensure their views are heard and their needs are better understood.
- Compliance with access standards do not always result in the best outcomes for people with disability. Involve people with lived experience in co-design of projects and programs to get better outcomes for everyone.

	<b>Improvement ideas</b>
<b>Access to information</b>	Review Council's website to improve accessibility, ease of use and close information gaps.
	Online maps and information support people to plan their journey and promote information on alternative paths of travel.
<b>Engagement and feedback</b>	Engagement and feedback systems are promoted and easy to use, and feedback is accurate and timely.

	Support and engage the Access and Inclusion Panel in monitoring DIAP outcomes.
	Increase opportunity for people with lived experience to participate in identified co-design projects and programs.

## APPENDIX

### Engagement methodology

The aim of the Disability Inclusion engagement was to check-in with the community to see if the key priorities from the last plan are still relevant and identify any emerging needs.

#### Objectives:

- Engage at least 50 people including those with disability using a range of communications and engagement activities.
- Check-in with identified stakeholders to confirm if the key priorities from the Waverley Disability Inclusion Action Plan 2017- 2021 remain relevant and to identify gaps and emerging needs.

More than 130 people participated in engagement activities between 25 October to 20 February 2022. We heard from younger and older people with disability, families, carers and services with diverse experience of disability including physical, sensory, neuro diverse, cognitive, mental health, and chronic illness.

A range of consultation methods were used to engage with stakeholders with diverse and specialised knowledge and expertise. The activities are listed below.

Method	Overview	Date	Response
<b>Have Your Say website</b>	Council dedicated a Have Your Say page to the project.	October 2021 onwards	177 page visits 22 engaged
<b>Social media post – instrgram</b>	Post 1: Promoting workshops	26 October 2021	54 likes 1 comment
	Post 2: Promoting the consultation period	8 November 2021	39 likes 1 comment
<b>Social media post – facebook</b>	Post 1: Promoting workshops	26 October 2021	42 likes 5 comments 5 shares
	Post 2: Promoting the consultation period	8 November 2021	13 interactions 1 comment 6 shares
<b>Online survey</b>	Have Your Say Waverley	October – December 2021	21 participants
<b>Regional Workshops</b>	Two online workshops	27 October 3 November	20 participants 10 participants

<b>Focus Groups</b>	Waverley focus group Lexington Hub	23 November 14 December	8 participants 9 participants
<b>Specialist networks</b>	Eastern Suburbs Aged and disability services network Eastern Suburbs Homelessness Assertive outreach Collaborative	20/10/21 9/11/21	17 10
<b>Targeted engagement</b>	Engagement with individuals /services Wairoa School Ethnic Community Services Co-op Dementia Advisory Service Anglicare Benevolent Catholic Health Care Southeast Sydney Local Area Coordination Service Community Transport Services Guide Dogs Waverely Community Living Program Ethnic Communities Cooperative Dementia Adaydvisory Service Hearing Australia Family Fair Day Aboriginal Community Consultation Access and Inclusion Panels ACON	Various through November - February	5 written submissions  42 participants
<b>General communications</b>	Some people may have received information through Councils newsletter and enews	October 2021	2597 opened enews 13 clicks

**REPORT**  
**FC/5.4/22.05**

**Subject:** Aboriginal Keeping Place - Feasibility Report

**TRIM No:** A15/0272

**Author:** Tanya Goldberg, Executive Manager, Communications, Culture and Events

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

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**RECOMMENDATION:**

That Council:

1. Notes the investigation into the feasibility of an Aboriginal Keeping Place at Bondi Pavilion.
2. Notes the constraints identified with the retention and display of physical Aboriginal cultural artefacts at Bondi Pavilion.
3. Does not pursue an Aboriginal Keeping Place at Bondi Pavilion in the context of the constraints set out in the report.
4. Endorses the continued development of relevant partnerships in the pursuit of effective ongoing First Nations cultural interpretation, education and reinforcement, including at Bondi Pavilion, in keeping with commitments outlined in the Innovate Reconciliation Action Plan and the Arts and Culture Plan 2021–2026.
5. Continues to explore and advocate for the identification of suitable locations for the establishment of Aboriginal Keeping Places to house artefacts that are returned to Place.

**1. Executive Summary**

In response to Council resolution CM/8.3/21.08, officers have prepared this feasibility report on the process to establish, design and operate an 'Aboriginal Keeping Place' at Bondi Pavilion.

This report considers the requirements to realise an Aboriginal Keeping Place at Bondi Pavilion and based on this analysis makes a recommendation to not proceed with the proposal as noted in the Resolution.

This evaluation and its conclusions are supported by consultation with relevant stakeholders. These include relevant Council officers, the Reconciliation Action Plan (RAP) Advisory Committee, Australian Museum and other First Nation collections experts.

The report concludes that inclusion of a physical Keeping Place is not feasible within the Bondi Pavilion, given Council's lack of appropriate infrastructure and resourcing to safely display cultural artefacts that would inhibit the loan of such artefacts to Council, as well as the difficulty in disrupting current completion schedule of the Bondi Pavilion Conservation and Restoration project.

The report also identifies alternative approaches for the celebration and sharing of Aboriginal Cultures, heritage and artefacts at Bondi Pavilion and recommends this is further supported by ongoing Council

commitment. This includes the representation and exchange of Aboriginal and Torres Strait Islander Cultures and stories in Bondi Pavilion through activation of spaces, programming, partnership opportunities and Bondi Story Room featured content.

## 2. Introduction/Background

An Aboriginal Keeping Place generally refers to a managed place for the safekeeping of repatriated cultural material. This can include artefacts, artworks, crafts, books, manuscripts, historical material and photographs as well as oral histories. Such places are generally managed by the Aboriginal community. Keeping places can be established within government facilities, however they are more likely to be established within a facility owned or managed by an Aboriginal community group. Some communities look to local government for support in developing a keeping place in a public facility, while many have folded a keeping place into a larger Aboriginal organisation or built an Aboriginal organisation around a keeping place. Most keeping places largely operate from local Aboriginal and land council offices, offering passive engagement on a temporary project basis. Online digital keeping places provide an alternative to physical places.

Museums and Galleries of NSW, the peak industry body providing assistance to small-medium museums, galleries and Aboriginal cultural centres across the state, notes that standalone keeping places have generally struggled with ongoing maintenance issues. As part of the overall development of the museums and galleries sector, Museums and Galleries of NSW recommends the alignment of those with keeping place aspirations with parallel opportunities to maintain and develop cultural engagement. This can include art workshops, educational programs, accredited training, cross-cultural training, cultural tours and exhibitions.

Local Aboriginal and Torres Strait Islander community members suggested that an Aboriginal Meeting/Keeping Place be considered at Bondi Pavilion in 2018 during the consultation for the development of the Waverley Innovate RAP 19-21. The suggestion referenced a place for Aboriginal people from other areas to meet, and a place for ceremony and practicing of culture.

This feedback was provided as part of the consultation for the Bondi Pavilion Restoration and Conservation Project. A physical Aboriginal Meeting/Keeping Place was not included in final plans for the building, in favour of incorporation of Indigenous cultural history, traditions and interpretation via the capability of Bondi Story Room. On 17 August 2021, the further suggestion for an Aboriginal Keeping Place was raised by a Notice of Motion to Council.

In response to the August 2021 resolution, Council Officers have investigated the possibility of building and operating a Keeping Place within the Pavilion to celebrate Aboriginal and Torres Strait Islander Cultures, and to host artefacts with a connection to Bondi and the Eastern Suburbs.

Council officers have engaged with a range of people and institutions to determine whether this proposal is feasible, including the RAP Advisory Committee, relevant Council officers, the Australian Museum and other First Nation Collections experts.

Officers have further explored alternative approaches to featuring artefacts, language, stories and cultural history, to provide ongoing cultural learning for all who use and visit Bondi Pavilion.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 August 2021	CM/8.3/21.08	That:  1. Council officers, in discussion with the Reconciliation Action Plan (RAP) Advisory Committee, prepare a

		<p>feasibility report on the process to establish, design and operate an Aboriginal Keeping Place at Bondi Pavilion to celebrate aspects of ancient and modern Aboriginal First Nations culture, heritage and cultural artefacts specific to the Bondi/Eastern Suburbs area, such as the Bondi points.</p> <p>2. The Feasibility Report include, together with the RAP, consultation with museums and galleries, such as the Australian Museum which has an extensive collection of Bondi points, to investigate a process to physically display boondiboondi Bondi-connected Aboriginal heritage items at Bondi Pavilion to supplement the information provided through the virtual stories to be featured after the Bondi Pavilion makeover is completed.</p> <p>3. Should physical display not be feasible, Council considers including photography or 3D imaging of Bondi points to be priority-featured in the Bondi Story Room visual archive and investigates featuring content about Bondi points and other Indigenous artefacts alongside language translations, stories and cultural history to provide ongoing cultural learning for all who use and visit Bondi Pavilion.</p>
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#### 4. Discussion

In undertaking this feasibility research, two potential solutions have been identified and explored:

1. A physical display of Aboriginal artefacts specific to the Bondi/Eastern Suburbs area, e.g. Bondi points, at Bondi Pavilion, requiring a specific location within the newly restored Bondi Pavilion to house such objects.
2. Alternative programming and cultural approaches to celebrating aspects of ancient and modern Aboriginal cultures.

Criteria for evaluating these two solutions are:

1. Local Indigenous community endorsement and other consultation feedback
2. Suitability of conditions within which to house physical objects
3. Resources required to attain and display physical objects
4. Financial impacts.

The evaluation of the two proposed solutions against these criteria is summarised below, together with the consultation and feedback received.

#### Local Indigenous community

##### *Waverley Reconciliation Action Plan Advisory Committee*

The Reconciliation Action Plan Advisory Committee was supportive of Council ensuring Aboriginal and Torres Strait Islander cultures are embedded within the Pavilion. The committee felt that Council is taking positive steps to consult knowledge holders. The committee also recommended that Council consult with Tandanya, the National Aboriginal Cultural Institute and Australia's leading national Aboriginal and Torres Strait Islander Arts and Cultural organisation.



Feedback specifically about hosting artefacts was varied, with some members advocating for artefacts to remain on or be returned to country. Other members recommended that due to the complexity and difficulty of managing artefacts, it would be sensible for Council to consider other creative ways to share culture including partnerships and programming opportunities. The possible acquisition of facsimiles or other representations of cultural objects was noted as an avenue to facilitate engaging activities for visitors to the Pavilion.

Committee consensus was that Elders should be consulted and permissions sought around such opportunities and activities at the Pavilion.

Evaluation summary:

- Physical display:
  - Investigation welcomed but complexities identified as a significant obstacle.
- Alternative programming:
  - A sensible option with great potential for partnerships.

### **Cultural institutions**

*Tandanya, National Aboriginal Cultural Institute*

Recommended that Council speak directly to museums and curatorial experts.

*Australian Museum*

Council officers consulted at length with representatives from Australian Museum. The First Nations Collection and Engagement Manager at the Australian Museum provided valuable detailed insight into the possibility of keeping and displaying objects, and expressed significant concern that Bondi Pavilion is not a suitable location. Her feedback covered both ethnographic or cultural collection items and archaeological collection items, a distinction made by the Australian Museum. These will be further analysed in subsequent evaluation criteria.

However, the Australian Museum also suggested there are many opportunities for alternative engagement which would further ensure Aboriginal and Torres Strait Islander Cultures were incorporated into the Pavilion. Suggestions included both face to face programming and digital activations, examples of these are also outlined below. The Australian Museum expressed a willingness to support Council's face to face programming and digital activations in a variety of ways, from advice to exploring event and program delivery partnerships.

*Create NSW*

Officers attended sessions facilitated by Create NSW to gather further research around 'Taking up Residence' and 'Museum Protocols and Practice'. A Keeping Place was described as something to keep people, place and time connected, and having much more life (than a museum). The importance of having a strong connection to country and the community, and the importance of seeking the right permissions was also highlighted.

The return of objects found years ago and removed from country was discussed as a suite of actions that best practice demands be driven by the local community and follow appropriate processes involving Local Aboriginal Land Councils, local government, and Elders, supported by adequate outreach and engagement. It was acknowledged that this process requires lengthy time frames, community contacts, and rounds of engagement activities.

**Evaluation summary:**

- **Physical display:**
  - Requires a strong connection to both country and the community, with correct permissions sought and established.
  - Involves a suite of actions that is driven by the local community and follows appropriate outreach and engagement processes.
- **Alternative programming:**
  - Provides significant opportunities for engagement via both face to face and digital activations.
  - Australian Museum willing to support Council programs and digital activations in various ways.

**Council officers**

Consultation with relevant Council officers on the feasibility of a Keeping Place at Bondi Pavilion or other suitable programming and cultural approaches to celebrating aspects of ancient and modern Aboriginal Cultures revealed a suite of current deliverables towards which Council officers are working across the organisation that support the alternative solution to a physical Keeping Place. These alternatives celebrate ancient and modern Aboriginal Cultures through language, cultural interpretation, history and archives, and flexible participatory programs. They are currently in action and planning stages and will continue to deliver on existing actions endorsed in current operational, delivery and strategic plans.

**Arts and Culture team**

Bondi Story Room is an interactive digital exhibition space which will contain ever-expanding information about Bondi past and present. Officers, together with the Gujaga Foundation, are currently working on a significant number of stories related to Aboriginal and Torres Strait Islander cultures and history that will feature in Bondi Story Room and form the basis of ongoing Story Room participatory programs, tours, workshops and talks. Bondi Story Room is flexible in the kind of digital content it features, and this can extend to high-resolution photography, 3D images and scans, as well as explanatory text.

The Bondi Pavilion Public Art project is underway. The commissioning process for this work has been informed by the contribution of a specially assembled Indigenous Reference group and managed by Gujaga Foundation. This will be an Indigenous artwork and is currently at select detailed design concept stage.

The intended approach for Council-led Arts and Culture public programming at Bondi Pavilion prioritises the telling of First Nations stories, and will draw on First Nations content experts to deliver workshops, talks, panel discussions and performances as part of ongoing cultural programming. The strategic prioritisation of First Nations stories in Council programming is determined by the Waverley Arts and Culture Plan 2021-2026. Goal 1 of the plan is 'Our diverse and ongoing stories are shared and celebrated.'

**Bondi Pavilion Operational Readiness team**

Council officers engaged local Indigenous advisory consultancy, the Gujaga Foundation to provide direction on Indigenous names in local Dharawal language, and to advise on a culturally appropriate and respectful approach to naming new spaces in the Bondi Pavilion. These names have been confirmed, shared with and endorsed by the RAP Advisory Committee and will be featured in the newly reopened Bondi Pavilion.

Gujaga has been further engaged to provide context and detailed descriptions about the selected words and their meanings. This move was welcomed by the RAP Advisory Committee as a way for local Indigenous words to become part of the fabric of the building going forward.

**Community Programs team**

Along with the relevant work being delivered in the Pavilion, Council is working closely with the Gujaga Foundation on a cultural audit of the Waverley area to identify and share significant sites, stories and peoples to increase visibility and understanding of Aboriginal and Torres Strait Islander cultures. Officers intend for Bondi Pavilion to be a focal point of future cultural interpretation and knowledge exchange through agile program delivery that is designed in response to the content of the cultural audit.

**Communications and Engagement team**

This team is supporting the digital project development of the new Bondi Pavilion website. Phase 1, a holding page, is currently live. Phase 2, due to launch ahead of the venue's opening, will contain a comprehensive suite of venue information, including content developed by Gujaga Foundation on local Dharawal language usage in and around Bondi Pavilion, cultural interpretation following the cultural audit, and all Bondi Story Room content.

Evaluation summary:

- Physical display:
  - Absence of internal expertise to support this solution.
- Alternative programming:
  - Supported by current suite of organisation-wide actions through language, cultural interpretation, history and archives, and flexible participatory programs, that deliver on existing actions endorsed in current operational, delivery and strategic plans including:
    - Bondi Story Room.
    - Bondi Pavilion Public Art project.
    - Arts and Culture programming in development for Bondi Pavilion.
    - Bondi Pavilion room naming project and accompanying cultural interpretation content.
    - Waverley cultural audit led by Gujaga Foundation.
    - Bondi Pavilion website as a digital location for the sharing of Indigenous content.

**Suitability of conditions within which to house physical objects***Australian Museum*

The scarcity of ethnographic/cultural collection items has implications on both their availability to loan, and the value they are assigned.

Due to the rarity of ethnographic/cultural collection items, these items are most likely already on display in Australian Museum exhibitions. Their scarcity also assigns these objects with an extremely high value, rendering only A1-rated institutions (typically other museums with appropriate curatorial, conservator and exhibition resources and facilities) eligible to loan these objects.

Because cultural/ethnographic objects within the Sydney region are so rare, an appropriate environment for displaying these items is critical. Concerns were also raised about whether items would be sufficiently engaging for audiences without the supporting context of other resources and exhibits that are typically found in a museum environment.

Council does not possess any of its own cultural objects or any budget for the future acquisition of cultural objects. This necessitates the loan of objects to display in a proposed Keeping Place.

Any loan would likely be prohibited by difficulties in establishing appropriately reliable climate control at Bondi Pavilion. With loaned objects, specific steps need to be taken to ensure public audiences cannot

handle them, lighting is appropriate, they are housed in a climate-controlled display, and the lending institution has staff with the skills to continuously monitor and maintain the objects while on display.

Australian Museum collection loans are subject to the provision of a condition report and site inspection that satisfies Australian Museum Materials Conservation experts. Bondi Pavilion is unlikely to satisfy those condition requirements given its proximity to the beach and its lack of existing design infrastructure to safely house objects. Further, Waverley Council does not possess the requisite specialist skills in house, and would be unable to meet its caretaking obligation without additional resourcing.

The Australian Museum shared that in their experience archaeological material (like stones) related to Bondi are also unlikely to connect/engage with audiences unless expertly curated and displayed through a cultural lens rather than a western ethnographic lens. This work should be undertaken by expert curators—another resource that Council currently lacks. Their experience suggested that digital engagement works best for particularly interesting looking or unusual objects, and provides a way for people to engage with objects they can't see in person.

The Museum also identified several alternative opportunities to share and interpret culture through targeted programming, all of which align with current proposed Waverley Council program planning and budget allocations.

Identified programming opportunities:

- Unpacking the history of the local area by exploring museum archives for rich content.
- Exploiting the Museum's collection items and Waverley's world-class Bondi Story Room interactive digital display capability for digital photographic display and interpretation of artefacts.
- Opportunity to highlight continuing community presence: working visibly with traditional owners, with program output specifically tailored to different content outputs of the Bondi Story Room exhibition. Work with appropriate approved community members who make certain objects. Commissioned work supports the community and highlights continuing presence.
- Workshops: artistic/learning/community members on-site to talk, lead interactive making and knowledge sharing workshops.
- Author talks and workshops. For example, Australian Museum had a partnership with Red Room poetry to deliver kids 8+ poetry workshops inspired by their recent landmark First Nations exhibition *Unsettled*.

Evaluation summary:

- Physical display:
  - Requires climate control, on site security, suitable lighting and display, on-site staff skilled in artefact management.
  - Bondi Pavilion unable to meet these needs with current capacity.
  - Likelihood of attaining physical objects by loan is extremely low.
  - Compromised by lack of appropriate in-Council skills to effectively curate and maintain display content.
- Alternative programming:
  - Faces no physical obstacles since it does not require ongoing physical display.
  - Utilises digital resources in Bondi Story Room and programming capability drawn from the activation of that space.

**Resources required to display physical objects**

Given the absence of any existing plans for a physical Keeping Place, Council's project team providing oversight to the Pavilion conservation and restoration project provided feedback on establishing and designing an Aboriginal Keeping Place to physically display cultural artefacts.

The Bondi Pavilion Restoration and Conservation project commenced construction works in July 2020. The Head Contractor (Buildcorp) is in the final months of construction with practical completion expected in June 2022. Any changes to the current scope of works will have a significant impact on the project's completion date and would also incur additional costs from the Head Contractor and the Consultant Team that have not been factored into the project budget.

In addition, an appropriate planning pathway would also need to be considered which would likely result in a modification to the approved development application. Such a process will typically take several months to be assessed by multiple authority approval agencies including Council and Heritage NSW.

Due to the progressed nature of Bondi Pavilion construction works, it would be unfeasible to create a suitably constructed physical space for a Keeping Place at this time without significantly impacting the delivery of the venue according to existing time frames.

Evaluation summary:

- Physical display:
  - Significant impact on construction completion date, giving rise to contract variations, alterations to project budget, and planning assessment approvals.
- Alternative programming:
  - No impact, considered within current planning.

Based on the first three evaluation criteria, a Keeping Place to house a physical display of cultural artefacts imposes a range of difficulties and complications. Some of these could be addressed with a substantial investment of time, skilled expertise and appropriate funds to support. Yet this would still not address the fundamental concerns regarding the suitability of the beachside location of Bondi Pavilion for housing cultural objects, nor the difficulties in acquiring those objects.

By contrast, alternative programming opportunities present no significant obstacles, are already being planned for, and allow for flexible approaches to the sharing and interpretation of culture.

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

### **Financial impact statement**

Changes to the current scope of construction works would incur additional costs to the existing project budget. There is also no budget allocated to facilitate the acquisition, loan or physical display of objects in Bondi Pavilion, nor to additionally resource the expert skills required to meet loan obligations as outlined above.

Alternative programming and cultural approaches to celebrating aspects of ancient and modern Aboriginal Cultures are being developed already within current funding allocations, and can be further explored, tested with audiences and evaluated in ongoing programming, within existing budgets.

### **Time frame**

As outlined above, the establishment of a Keeping Place would severely impact the practical completion date of the Bondi Pavilion construction project, imposing lengthy delays on a project that is currently slated for construction handover in June 2022.

## **6. Conclusion**

Based on the assessment of feedback gathered from the consultation described above, officers conclude that developing partnerships, providing alternative engagement opportunities, and activating Bondi Pavilion with curated programming are all feasible alternative strategies for effective cultural interpretation, education and exchange. By contrast, establishing and operating a Keeping Place within Bondi Pavilion is significantly challenging and has identified issues around suitability of Bondi Pavilion for the physical display of cultural objects.

The alternate options proposed, along with the work currently being undertaken to protect and promote Indigenous cultural presence at Bondi Pavilion through the naming of new spaces, the commissioning and installation of an Indigenous public artwork and incorporating local approved Aboriginal stories and images within Bondi Story Room, will embed Aboriginal and Torres Strait Islander cultures and cultural exchange within the fabric of Bondi Pavilion over the coming months and years.

Officers recommend that Council notes this feasibility report, and continues to explore the ongoing development of relevant internal actions and external partnerships to celebrate aspects of ancient and modern Aboriginal Cultures through engagement and partnership opportunities, curated programming, cultural interpretation, and space activation at Bondi Pavilion.

## **7. Attachments**

Nil.

**REPORT**  
**FC/5.5/22.05**

**Subject:** Multicultural Advisory Committee - Minutes and Recommendations

**TRIM No:** A02/0447

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

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

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**RECOMMENDATION:**

That Council:

1. Receives and notes the minutes of the Multicultural Advisory Committee meetings held on 27 May and 21 October 2021 attached to the report.
2. Endorses the recommendation of the Multicultural Advisory Committee at its meeting on 23 March 2022 that Council does not install #racismNOTwelcome street signs in Waverley.
3. Notes that Council, in accordance with its Cultural Diversity Strategy, will implement a local anti-racism campaign, which was developed in consultation with the Multicultural Advisory Committee, with key messages, temporary installations and activities.

**1. Executive Summary**

Council's Multicultural Advisory Committee (MAC) has been active for many years, providing input and advice on a range of issues relating to culturally and linguistically diverse communities. Minutes are reported to Council for information and noting before being made available on Council's website.

Attached to this report are the minutes of the Multicultural Advisory Committee meetings dated 27 May and 21 October 2021.

Following a Council resolution, the #racismNOTwelcome campaign was discussed at these meetings, and recommendations regarding Council's participation were made at the 23 March 2022 meeting.

**2. Introduction/Background**

In June 2018, Council adopted new terms of reference for the MAC, which aim to provide a forum to:

- Foster ongoing dialogue, discussion and advocacy in relation to multicultural Waverley.
- Contribute creative and innovative ideas in support of Council's access and inclusion strategies.
- Provide feedback and advice on community issues and concerns.
- Participate in and source funding for activities and events that promote community harmony and social cohesion.
- Develop networks, build relationships and establish community partnerships.
- Provide input to enhance inclusion and accessibility of Waverley's infrastructure, facilities, events, services, programs, systems and information for a culturally diverse community.

The Cultural Diversity Strategy was launched in October 2021, and the development of the strategy was the primary discussion at the MAC during 2021. One of the focus areas identified through the strategy is 'No place for racism', including a broad anti-racism campaign. The Council resolution from February 2021 around the #racismNOTwelcome campaign has been considered as part of this broad Council campaign.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Operations and Community Services Committee 14 September 2021	OC/5.5/21.09	That Council receives and notes the minutes of the Multicultural Advisory Committee meeting held on 24 March 2021 attached to the report.
Council 20 July 2021	CM/7.5/21.07	That Council: <ol style="list-style-type: none"> <li>Notes the feedback provided during the public exhibition of the Cultural Diversity Strategy 2021–2031, summarised in Attachment 1 of the report.</li> <li>Adopts the Cultural Diversity Strategy 2021–2031 attached to the report (Attachment 2).</li> <li>Notes that, as a 10-year strategy, the implementation of actions will feed into the next Community Strategic Planning process including the Operational Plan and Long-Term Financial Plan</li> </ol>
Operations and Community Services Committee 8 June 2021	OC/5.1/21.06	That Council: <ol style="list-style-type: none"> <li>Publicly exhibits the draft Cultural Diversity Strategy and associated documents attached to the report for 28 days.</li> <li>Notes that a further report summarising consultation feedback will include a resourcing strategy to enable implementation of the Cultural Diversity Strategy.</li> </ol>
Council 16 February 2021	CM/8.6/21.02	That: <ol style="list-style-type: none"> <li>Councils refer the 'RacismNOTWelcome' campaign package to the Multicultural Advisory Committee (MAC) for discussion and guidance on ways to implement the 'RacismNOTWelcome' street sign and associated campaign in the Waverley local government area.</li> <li>In assisting the MAC, Council and its officers undertake any liaison with Inner West Council that can facilitate Waverley's involvement in the 'RacismNOTWelcome' campaign.</li> <li>A report come back to Council with recommended actions.</li> </ol>



#### 4. Discussion

Attached to this report are the minutes of the meetings of the MAC held on 27 May 2021 and 21 October 2021. The development of the Cultural Diversity Strategy and the anti-racism campaign connected to the strategy were key conversation points during these meetings.

Following the resolution relating to the #racismNOTwelcome campaign, committee members were engaged in discussions at the May and October meetings. The committee felt they needed more information about campaign outcomes before making a recommendation. The October meeting minutes reflect this discussion and recommendation to gather feedback from the councils that had implemented the campaign. Once this feedback had been received, the committee recommended that:

*‘...there are other modes and messages which will be more effective in Waverley, including the use of more positive language and more visible locations including bus shelters and pavement decals.’*

The recommendation is that the #racismNOTwelcome street signs will not be installed throughout Waverley, and a more local campaign with positive messaging and temporary installations and activities will be implemented. The local campaign messaging will be ‘United to end racism – Learn, Share, Act’.

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

The operations of the MAC require the commitment of Councillors, volunteer and staff resources. Any relevant costs, including resources to implement the Waverley anti-racism campaign are covered in Council’s operational budget.

The minutes of the subsequent MAC meeting on 23 March 2022 will be reported to Council in due course.

#### 6. Conclusion

This report provides meeting minutes of the MAC held on 27 May and 21 October 2021 for information and noting before being placed on Council’s website.

Following extensive discussions and feedback from MAC members, this report also includes the recommendation for Council not to install #racismNOTwelcome street signs within Waverley. Instead, the proposal is to implement a more local campaign with positive messaging and temporary installations and activities as part of Council’s broader anti-racism strategy.

#### 7. Attachments

1. MAC Minutes - 21 October 2021 [↓](#)
2. MAC minutes - 27 May 2021 [↓](#)
3. MAC report for anti-racism campaign [↓](#)
4. Feedback on the RacismNOTWelcome street signs [↓](#) .

## MULTICULTURAL ADVISORY COMMITTEE MINUTES

Thursday 21 October 2021  
7pm – 8pm  
Via Zoom



### 1. Welcome and Acknowledgement of Country

Acknowledgement of Country was conducted by Councillor Masselos.

#### Present

Councillors	
Clr Paula Masselos	Councillor
Council Officers	
Sharon Cassidy	Acting Director, Community Assets and Operations
Annette Trubenbach	Executive Manager, Community Programs
Madly Bodin	Community Development Officer, Diversity
Rebecca Rodwell	Manager, Community Planning & Partnerships
Community Member/Organisations	
Emily Bogue	Resident
Linda Deutsch	Resident
Ludovico Fabiano	Resident
Margaret Teed	City East Community College
Patricia Jenkins	Expert
Rachel Tanny	COA Sydney
Raphael Crowe	Resident
Robert Farotto	Resident
Valentina Bau	Resident
Rozy Dorias	Resident

### 2. Apologies

Clr Angela Burrell, Lana Kofman

### 3. Acceptance of previous minutes & business arising

**Moved:** Rozy **Seconded:** Rachel **Carried**

#### Business Arising

1. Council officers followed up on the antisemitic social media post made by a member of the local business community that was raised by a MAC member at the previous meeting. No further action was taken as the business owner had taken down the post and apologised.



Further discussions will be held with the Communications team to review how Council monitors and responds to online vilification on its own social media channels.

2. Council officers are yet to follow up on internship and work experience opportunities for people with international work experience and who cannot find work opportunities due to a lack of local work experience.

### 3. Action Plan Focus - Anti-Racism Campaign

Madly stepped through the key points raised in the report that had been distributed on the proposed anti-racism campaign to clarify recommendations for the campaign (please refer to the attached report for detail)

*Point 1 - Does the proposed purpose reflect what had previously been discussed with the MAC (Social norm, Dialogue and empathy, Action)?*

#### Feedback

- Well put and captures the input from previous meetings
- Happy with the articulation, important to get away from a 'them and us' and hope these three strategies will help. The best way to foster empathy is to reach people's hearts. Need to determine the best and most enduring ways to do this.
- Should we preface events with a statement/sentence about what we believe in – which then becomes the norm.
- Could we have something as people enter the Waverley area – i.e. 'Welcome to Waverley - we are a diverse and inclusive community'. Ensure we have positive messaging.

#### Action

- Dialogue and empathy goes beyond the implementation of the campaign – update the report to reflect this.
- We are testing a commitment to inclusion with the Arts and Culture team around events. Draft to be circulated to the MAC.
- Review the report to ensure 'positive messaging' is a priority for the campaign.

**Point 1 Moved:** Rozy

**Seconded:** Valentina

*Point 2 - Do the suggested activities and outputs match the level of ambition of the purpose and the constraints outlined above?*

#### Feedback

- Recommend organising an additional activity that is more visible and reaches more people
- Commitment to one storytelling workshop is not enough, a series could be offered?.
- How are the posters and videos going to be used, who will watch videos?
- The campaign should better articulate how Council will partner with local organisations, community groups, faith communities, and local businesses.
- What activities will be organised for staff within Council?

#### Action

- Media activity will also form part of the campaign, and possible events in the future to increase visibility.



- Number of storytelling workshops will depend on uptake by the community and Council's budgetary constraints.
- Posters and videos will be co-branded with the Australian Human Rights Commission will feature well known people who are role models and local leaders taking a stand against racism, which was discussed a previous meeting. Posters will be used on bus stops, and in Council facilities.
- There will be two community consultation sessions: one for the general public and one for local organisations including schools.
- Internal activities do not form part of the campaign. However, unconscious bias training is scheduled as part of the broader Cultural Diversity Strategy. Council officers will report back on the implementation of the strategy at the next meeting.
- The campaign planning report will be updated to reflect the feedback received.

**Point 2 Moved:** Linda      **Seconded:** Emily

*Point 3 - Do members of the MAC have any concerns with the proposed messaging of the campaign?*

#### **Feedback**

- The messaging section of the report reads like a list of slogans and requires more work, so it clearly relates to the objectives of the campaign.
- Questions were raised as to whether the 'Racism not Welcome' message, prompts people to reflect on their own attitudes and if a more positive message would be more effective.
- MAC members expressed their interest in being informed by evaluations undertaken by other Councils who have implemented the street sign campaign.

#### **Action**

- Provide more detail on the messages that will underpin the campaign including how these will be conveyed.
- Explore any feedback/evaluation from the 'Racism not Welcome' campaign from other Councils and present it at the next meeting.
- Keep the MAC informed on the progress of the broader campaign.

**Point 3 Moved:** Ludovico      **Seconded:** Patricia

*Point 4 - Are there any other risks that need to be identified and additional risk management strategies to be adopted?*

**Feedback – Nil**

**Point 4 Moved:** Raphael      **Seconded:** Ludovico

*Point 5 - Do you have any other suggestions on evaluation opportunities for the campaign?*

#### **Feedback**

- The evaluation section needs to be more explicit and intentional with clear links to the campaign purpose and objectives. The section that relates to change should be more comprehensive (survey, focus group, storytelling) and include perceptions and attitudes to change.
- Council also needs to outline how it will monitor any change related to incidents in the community.

3

MAC Minutes 21 October 2021



- There may be opportunities to test evaluation questions by running some focus groups.

**Action**

- Consider pre and post survey – consult with evaluation experts
- Include the points above to report and expand the evaluation aspects of the campaign

**Point 5 Moved:** Ludovico    **Seconded:** Robert

**4. Other Business/correspondence**

Councillor Masselos reflected on her time as Chair of the MAC, thanked the committee for their time and shared knowledge and particularly noted the adoption of the Cultural Diversity Strategy. The Council Officers were also acknowledged for their work.

**5. Meetings in 2021**

**Feb, May, August, November**

**6. Meeting closed 8pm**

## MULTICULTURAL ADVISORY COMMITTEE MINUTES

Wednesday 27 May 2021  
6pm – 8pm  
Queens Park Room – Waverley Council Chambers



### 1. Welcome and Acknowledgement of Country

Acknowledgement of Country was conducted by Emily Scott

#### Present

Councillors	
Clr Dominic WY Kanak	Councillor
Clr Paula Masselos (late arrival)	Councillor
Council Officers	
Emily Scott (Chair)	General Manager
Annette Trubenbach	Executive Manager, Community Programs
Madly Bodin	Community Development Officer, Diversity
Rebecca Rodwell	Manager, Community Planning & Partnerships
Community Member/Organisations	
Emily Bogue	Resident
Lana Kofman	JewishCare
Linda Deutsch	Resident
Ludovico Fabiano	Resident
Margaret Teed	City East Community College
Patricia Jenkins	Expert
Rachel Tanny	COA Sydney
Raphael Crowe	Resident
Robert Farotto	Resident
Valentina Bau	Resident

### 2. Apologies

Clr Angela Burrell, Clr Tony Kay, Clr Leon Goltsman, Rozy Dorias

Annette informed the committee that Emily Scott had been appointed as the new General Manager at Council on May 25.

### 3. Acceptance of previous minutes

**Moved:** Rachel **Seconded:** Ludovico **Carried**



#### 4. Cultural Diversity Strategy and Action Plan

Madly gave an update about the Cultural Diversity Strategy and Action Plan:

- Council officers have received the draft plan from the consultants, and have sent a report to Council recommending that a 28-day public exhibition should commence from the 9<sup>th</sup> of June, seeking feedback on the draft strategy and action plan
- MAC members will be sent an email when public exhibition begins requesting feedback
- The exhibition period will be promoted via various print and online media channels, through officers' networks and posters displayed throughout the LGA
- The engagement summary from the first round of consultation will also be available during the exhibition period
- People requiring support to provide feedback will have access to the Translating and Interpreting Service, and Madly will be a contact person as required
- Following the public exhibition, the feedback will be compiled and a report sent to Council seeking endorsement of the Cultural Diversity Strategy and Action Plan.

#### 5. Anti-Racism Communications - Activity

Madly introduced Annika Posthelwaite (Communications Partner) to led this activity with a presentation on the anti-racism strategy.

To recap – Waverley is exploring options for creating an anti-racism campaign to be implemented, considering the Inner West #racismnotwelcome campaign and building on the energy and knowledge of the MAC committee.

Annika presented to the group and reported on:

- Examples of racist incidents in Waverley
- Examples of anti-racism campaigns
- Research highlights on changing behaviours (power of social norms instead of knowledge only, collective or individual messaging, positive vs negative messaging, targeting those with moderate views, different ways of communicating messages, encouraging action, building empathy).

Following Annika's presentation, the MAC members discussed potential ideas for messages that could form part of Council's anti-racism campaign and potential communication supports.

Discussion/ideas from the group included:

- Repurposing the expression 'I'm not racist, but' to – 'I'm not racist, and'
- Providing some education/tips on what racism is and how to stop it (call to action)
- Tips to de-escalate incidents of racism
- Designing a wallet insert card similarly to the human rights charter on [sth missing here or delete 'on']
- What does welcoming mean? Embracing diversity, social inclusion, accepting difference mentioned as inspiring concepts but lacking urgency / call to action?? Not sure this was the discussion?
- Strength in resilience
- Leverage sporting culture, including ambassadors from all backgrounds



- Sharing portraits of people who are part of our diverse community
- Making the campaign visible through various communication supports - murals, steps, train station, garbage trucks, electricity boxes, bus stops, flags, art competition, shopping bags, keep cups, community radio, sand sculptures, messaging on Bondi Beach
- Having a permanent physical street sign in places where racism incidents occur to 'reclaim' that space.

Following the suggestions made by the MAC, Madly explained that:

- the discussions held with MAC members constitute the start of the consultation process on the anti-racism campaign before engaging with the wider community;
- scope and budget for the consultation activities and the implementation of the campaign would have to be considered for endorsement by Council alongside the final cultural diversity and action plan; and
- the campaign could include a mix of permanent and temporary elements and would be agile, by responding to the community's feedback.

Annette explained that the campaign would also be run in partnership with other local organisations and community groups as anti-racism is everyone's responsibility.

Rachel raised an extremely concerning public anti-Semitic post on social media by a prominent member of the local business community. The question was raised as to how Council should respond to racist incidents such as this.

Action – Council officers to follow up with the media team about this incident and to report back to the MAC.

## 6. Council Update

Events held & planned

- The Harmony Concert and Global table took place in April and May
- Waverley and Randwick Councils and Sydney Multicultural Community Services are planning a dinner on Tuesday 29 June for Refugee Week. Invitations will be sent to people from refugee backgrounds and with lived experience of claiming asylum in Australia. One of the speakers invited is Rosemary Kariuki, 2021 Australian of the Year.
- The Bondi Festival is coming up (25/06-11/07). Half of the artists are First Nations artists and artists from culturally and linguistically diverse backgrounds. The program was developed to be accessible to people of all ages and abilities.

The Bondi Story Room project is progressing – if people have any ideas for inclusion in the Bondi Story Room, please go to 'Have your Say':

[https://haveyoursay.waverley.nsw.gov.au/bondipavilion/news\\_feed/bondi-story-room](https://haveyoursay.waverley.nsw.gov.au/bondipavilion/news_feed/bondi-story-room)

## 7. Other Business/correspondence

- Welcoming Cities Update with Turkan Aksoy  
Turkan talked about the purpose of Welcoming Cities, which is around knowledge sharing, partnership development, celebrating success and accreditation/standards.





Waverley is a member of the Welcoming Cities Network, and the next step would be accreditation in the areas of:

1. Leadership
2. Social and Cultural Inclusion
3. Economic Development
4. Learning and Skills Development
5. Civic Participation
6. Places and Spaces

Turkan also mentioned the 'Putting out the mat' report, which will be shared amongst MAC members.

- Internship/Work Experience – Margaret raised the issue of internship/work experience opportunities for people from diverse backgrounds as there are limited professional opportunities.

Action – Madly and Rebecca to explore this in partnership with other Council departments.

- Work on the next Community Strategic Plan will begin in June and an update on the process will be tabled at the next MAC meeting.

## **8. Meetings in 2021**

No future meeting dates have been set as yet. The next engagement with the MAC is scheduled to coincide with the launch of the Cultural Diversity Strategy and Action Plan in August?

The MAC members were invited to share any ideas they may have for the launch of the strategy.

## **9. Meeting closed 8pm**



## MAC Report to Council

### On local anti-racism campaign

#### March 2022

##### Background

Waverley Council has a long history of combatting racism and intolerance in all its forms. In partnership with our community, we've developed initiatives and strategies in response to local issues and concerns and where necessary refer incidents to the police or other relevant agencies.

Waverley Council launched its second Innovate Reconciliation Action Plan (RAP) in 2019 and its [Cultural Diversity Strategy](#) this year. Waverley Council is also a member of the [Welcoming Cities network](#), a signatory for the [Refugee Welcome Zone](#), and of the Australian Human Rights Commission ['Racism. It stops with me.'](#) campaign.

Recent global trends, including increasing polarisation, religious and cultural intolerance have local implications for Waverley. Community members pointed to incidences of racism in Waverley, ranging from graffiti and racist comments to assaults, as an ongoing issue of concern. They want to see Council take a stronger stand against racism, and ensure that all community members feel welcomed and supported. A quick overview of recent work undertaken:

- In February 2021, Council passed a motion for the Multicultural Advisory Committee (MAC) to make a recommendation on the ['RacismNotWelcome'](#) campaign.
- In March 2021, following consultation with the Inner West Council, Council officers presented the 'RacismNOTWelcome' campaign to the MAC. The MAC discussed the aim of campaign, potential messaging, and sought information on other similar campaigns.
- In May 2021, the MAC heard about other campaigns and research insights on behaviour change. The MAC suggested potential landmarks and activities that could form part of the campaign.
- In October 2021, the MAC agreed on the main messages, activities, and outputs of the campaign, with the exception of the 'RacismNOTWelcome' street signs, for which it requested additional information. The MAC also requested additional information on messaging, and evaluation.

Council officers are aiming to report back to Council at the April meeting on the 'RacismNOTWelcome' motion and provide details of the campaign to be implemented in 2022.

**PURPOSE****Rationale:**

Research on changing behaviours highlights the need to:

- shift social norms instead of building knowledge only;
- focus on positive messaging and encourage action;
- target those with moderate views, rather than those who are particularly intolerant;
- adapt strategies to different audiences, including local settings; and
- build empathy and promote dialogue.

Feedback received locally highlighted the need to not shy away from the word 'racism' while encouraging the community to embrace diversity and inclusion more generally.

**Agreed by the MAC:**

Waverley Council's anti-racism campaign will aim to:

- promote Waverley as a diverse and inclusive community, which values respect for all and rejects racism (*social norm*);
- provide opportunities for people to understand what racism is and how it impacts our local community (*empathy and dialogue*); and
- encourage everyone to take simple steps towards ending racism (*action*).



## ACTIVITIES AND OUTPUTS

### Rationale:

Council's activities and budget have been impacted by COVID-19. The activities and outputs for this campaign need to be cost-effective, engage with a broad section of the population, and connect to existing online resources, training opportunities and local events.

Internal consultations also highlighted the importance of balancing activities and outputs to include more cost-effective pilot projects.

Council officers also met with officers from the Australian Human Rights Commission to explore opportunities to use or adapt some of their online assets. The Commission has been a thought leader in leading conversations on anti-racism and its work is informed by extensive community consultation.

### Agreed by the MAC:

Waverley Council's anti-racism campaign will include:

- installing pavement decals and posters for 6 months in high traffic areas across all Council wards to promote the campaign's aims and connect – via a QR code - to a dedicated page of the Waverley Council website, which would state the campaigns aims and redirect readers to online resources available;
- running an art competition (to be launched on 21 March 2022) on the themes of the campaign to select two artists from culturally diverse backgrounds to have a mural spot on the Bondi Beach Sea Wall for 6 months;
- organising an author talk (11 June) on the themes of the campaign;
- organising an artist talk on the themes of the campaign;
- running two storytelling workshops on identities and belonging to provide opportunities for dialogue where participants can learn from each other;
- supporting the Australian Human Right's Commission campaign, with messages from local leaders; and
- liaising with local businesses, community organisations and schools to expand the reach of the campaign;
- organising two community conversations to consult on the draft National Anti-Racism Framework.

### Discussion point:

The MAC has delayed its decision on having permanent street signs installed on Council owned community spaces. Please see attached an update on the feedback related to street signs installed in other local government areas.

Council officers will provide a verbal update on activities.



## MESSAGING

### Rationale:

The MAC agrees that Council has a role to play to improve social cohesion through anti-racism messaging that embraces the various ways in which racism manifests itself (including casual racism and unconscious bias).

The MAC also acknowledges that people who have no lived experience of racism may not feel comfortable with the campaign and the campaign itself is also about normalising conversations about the topic in a positive way.

Council officers note that the three-part series 'The School That Tried to End Racism' demonstrates that conversations about racism can be held in an accessible and respectful way for everyone.

While campaigns like 'Racism. It stops with me.' ask every person to individually take responsibility for it, campaigns like 'Racism NOT Welcome' also call for people to follow a social norm.

### Recommendation:

The following public messages are suggested for the landmarks:

- Pavement decals have more space for a nuanced message. They would set a norm positively, encourage dialogue, and invite community members to take steps towards ending racism: 'United to end racism - Learn, Share, Act';
- Posters would replicate the messages of the Australian Human Rights Commission, under the overall campaign 'Racism. It stops with me.'; and
- Conversations would be led and moderated following the consultation guidelines for the draft National Anti-Racism Framework.

### Discussion point:

Council officers will provide a verbal update on messaging for discussion.

**RISK MANAGEMENT****Rationale:**

Council officers have noted a few risks associated with physical landmarks and mitigations:

- street signs need to be installed in ways that do not interfere with the existing wayfinding infrastructure, distract drivers, or block views for areas of significant interest;
- pathway decals need to minimise any health and safety hazard (weather damage, slip resistant material) Council has installed decals in the past for health-related campaigns, which have been vandalised/removed;
- physical landmarks may be subject to vandalism and would need to be placed ideally in areas that are already patrolled regularly and monitored by Council; and
- complaints from residents who may share different views about the campaign would need to be addressed consistently and in the spirit of the campaigns' aims.

**Agreed by the MAC:**

Council officers will need to:

- consult with community organisations and businesses that are based within close vicinity of the landmarks to minimise any counterproductive effects;
- procure street signs made of an easy to clean material used to reduce cost of eventual repair;
- plan and coordinate a response to any objections, negative feedback or vandalism and,
- report back to Council on incidents and complaints as part of the broader evaluation of the campaign.

**Discussion point:**

Council officers will provide a verbal update on risk management.

**Evaluation****Rationale:**

Throughout its conversations, the MAC acknowledged that the need to be pragmatic, to commit to change and learn from the campaign implementation itself to inform future work.

**Recommendation:**

Council officers suggest various ways to evaluate the impact of the campaign:

- all physical landmarks will include a QR code that will lead to the campaign page;
- traffic to the dedicated page and other links provided will be monitored by the communications team;
- a campaign feedback form available on from the campaign page;
- intercept surveys will be administered near physical landmarks; and
- a feedback form will be sent to the people who have participated to consultations on the national anti-racism framework.

An evaluation report would then be presented to the MAC for discussion prior to being submitted to Council.

**Discussion point:**

Council officers will provide a verbal update on evaluation.



## ***Racism NOTWelcome* street signs across Sydney - Feedback**

### **March 2022**

#### **Background**

In October 2021, MAC members were not able to make a recommendation to Council with regards to installing 'RacismNOTWelcome' street signs and requested additional information on the outcomes of and feedback around the street signs installed in other parts of Sydney.

To date there is no comprehensive report available on the response to and outcomes of the *RacismNOTWelcome* street sign campaign. Council officers have summarised the comments made publicly about the campaign online. Please note that community members who are not satisfied tend to be more vocal. The summary below is not comprehensive and does not describe the overall impact of the campaign.

#### **Comments related to having an anti-racism campaign overall:**

- No evidence of racism in the local area.
- Relevant because racism exists in friendly neighbourhoods too.
- The local community is not racist.
- Proud to see them in the local area.
- Have victims of racism been consulted?
- Good initiative.
- Looking forward to the rest of the campaign.
- Preference for community events.
- What about other types of discrimination?
- Pleasantly surprised.
- Racism is not limited to public assault-type incidents.

#### **Comments related to Councils' involvement:**

- Well-meaning but not in Council's remit.
- Council should focus on its core business and be less political.
- Unnecessary expenditure.
- Unnecessary use of time.
- Councils' role would be more meaningful if it funded organisations involved in combating racism.

#### **Comments related to the effectiveness of the message displayed:**

- Great reminder for everyone as everyone is inherently racist.
- Gives confidence to people impacted by racism to speak up about it.
- Feels condescending if not offensive.
- Good reminder of a constant humanitarian issue that is not acceptable.
- Makes one feels that the community welcomes everyone.
- The message is one of respect that shouldn't cause offence or confusion.
- Unlikely to change the attitudes of people who need to change the most.
- Prompts reflection.
- Good to raise awareness and educate people who 'sit on the fence'.
- Feels like virtue signalling.





- Preference for positive language.
- Open discussion is always far more constructive than slogans.

#### **Comments related to the use of street signs:**

- Feels like big brother.
- Gets conversations started, including with children.
- Uncertain about the efficacy of street signs compared to other initiatives.
- Creates more street clutter.
- Sets a precedent for other social issues to be promoted via street signs (unsustainable medium).
- Preference for signs other than street signs (a street sign indicates where to go)
- Preference for temporary signs.
- At odds with the occupation of Aboriginal land: renaming street names may be more meaningful.

#### **Comments related to the design of the street signs:**

- Colours stand out from standard street signs and prompts to pause.
- Colours are too negative.
- Colours call for people to stand up strongly against racism instead of politely opposing.

#### **Comments related to the locations chosen:**

- The signs should be added to more streets.
- Preference for fewer locations and in public areas only (as opposed to residential streets).
- Signals that racism is welcome on streets which don't have signs.
- Should not point to any specific location.

#### **Recent developments related to Woollahra *RacismNOTWelcome* street signs**

In February 2022, some Woollahra Councillors put forward a notice of motion to remove the street signs from residential streets. Their discontent was the focus of an article published in the Sydney Morning Herald: <https://www.smh.com.au/national/nsw/woollahra-councillors-push-to-remove-anti-racism-signs-20220214-p59w7n.html>

An updated motion that included the removal of the signs from residential streets and their relocation them to public areas was lost and no change was made to the signs. This decision was also covered by the Sydney Morning Herald:

<https://www.smh.com.au/national/nsw/push-to-remove-woke-anti-racist-street-signs-from-woollahra-fails-20220215-p59wkk.html>

#### **Councils in Sydney opting for local campaigns with different messages or signage**

- St George Council went through an external consultation process to choose between 4 campaign names: <https://yoursay.georgesriver.nsw.gov.au/anti-racism-campaign>
- Canterbury Bankstown Council decided to have *RacismNOTWelcome* banners in key locations and instigate a *RacismNOTWelcome* petition: <https://www.cbcity.nsw.gov.au/media/news/cbcity-joins-stop-racism-campaign>
- Cumberland Council decided to install bilingual *RacismNOTWelcome* street signs (English and one of the top 5 community languages), welcoming community feedback on suggested locations: [http://cumberland.infocouncil.biz/Open/2022/02/C\\_09022022\\_MIN\\_2945.PDF](http://cumberland.infocouncil.biz/Open/2022/02/C_09022022_MIN_2945.PDF)

**REPORT**  
**FC/5.6/22.05**

**Subject:** Clifftop Walkway Upgrade

**TRIM No:** A20/0387

**Author:** Amanda Tipping, Project Manager, Major Projects

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

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**RECOMMENDATION:**

That Council:

1. Notes that the length of the boardwalk at Diamond Bay could potentially be widened subject to assessments.
2. Does not proceed with widening the boardwalk at Diamond Bay for the following reasons:
  - (a) The approved development application design of the boardwalk meets the project purpose, objective and Australian Standard compliance requirements.
  - (b) The costs and program implications associated with the assessments and subsequent redesign.

**1. Executive Summary**

The purpose of this report is to present the areas of the coastal boardwalk at Diamond Bay that could potentially be widened, provide a timeframe for further investigative assessments, confirm the materials specified for the project are suitable and note the timings to meet NSW Government funding eligibility.

**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 were secured until scheduled replacement as part of this project.

Head Consultancy Thompson Berrill Landscape Design (TBLD) were engaged for the development application (DA) phase to design replacement boardwalks and upgrades to Eastern Reserve and Diamond Bay Reserve.

Following the DA approval in December 2021, the detailed design, incorporating a 2 m wide boardwalk has been developed based on Australian Standards, technical requirements and advice, planning advice, grant fund requirements of the NSW Government Public Legacy Program and thorough consultation with Sydney Water and internal stakeholders.

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 outcomes on this were reported to Council in April 2022 (FC/5.4/22.04).

At its meeting on 5 April 2021, Council resolved that further assessments and investigations be carried out for the Clifftop Walkway Upgrade Project.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee meeting 5 April 2022	FC/5.4/22.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>Defers this item to the May 2022 Finance, Operations and Community Services Committee meeting to provide officers the opportunity to investigate areas at the Diamond Bay end of the boardwalk that could potentially be widened to 2.5 metres.</li> <li>Undertakes the following assessments, with a report to be prepared to Council: <ol style="list-style-type: none"> <li>Ecological assessment.</li> <li>Geotechnical assessment.</li> <li>Structural assessment.</li> </ol> </li> <li>Investigates a way to build a long-lasting structure that is not subject to tea-staining and corrosion.</li> <li>Notes that this deferral does not impact the term and funding received by the NSW Government to complete the clifftop walkway project.</li> </ol>
Council 23 November 2021	CM/10.1/21.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>Amends DA-378/2021 in respect of Eastern Reserve as follows: <ol style="list-style-type: none"> <li>Delete the proposed 1.5 metre wide concrete pedestrian path extending from the bottom of Oceanview Avenue into the reserve.</li> <li>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.</li> <li>Relocate the accessible seating to the eastern end of Oceanview Avenue.</li> <li>Maintain the access to Eastern Reserve from George Street while ensuring that the remnant vegetation and nearby Aboriginal archaeological</li> </ol> </li> </ol>

		<p>site are protected.</p> <ol style="list-style-type: none"> <li>2. Directs officers to amend the proposed vegetation planting identified in DA-378/2021 as follows: <ol style="list-style-type: none"> <li>(a) The proposed new low vegetation adjoining the clifftop coastal fence be no wider than 1 metre.</li> <li>(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.</li> <li>(c) The proposed native vegetation on the western boundary of Eastern Reserve be no wider than 1.5 metres.</li> </ol> </li> <li>3. Informs residents of these modifications.</li> <li>4. Officers consider widening the boardwalk between Kimberley Street and Craig Avenue from 2 metres to 2.5 metres.</li> <li>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.</li> <li>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.</li> </ol>
Council 21 July 2020	CM/7.10/20.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the findings and recommendations of the independent coastal risk assessment.</li> <li>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.</li> <li>3. Endorses ongoing implementation of the risk treatment plans set out in the coastal risk assessment report in accordance with the recommended priorities.</li> <li>4. Notes that it has provided for the design and reconstruction works of the Diamond Bay Reserve and Eastern Avenue boardwalks in its Capital Work</li> </ol>

		<p>program.</p> <ol style="list-style-type: none"> <li>Notes the actions undertaken to date in relation to coastal safety risks in Table 1 of this report.</li> <li>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.</li> </ol>
Council 19 November 2019	CM/7.14/19.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>Receives and notes the current status of actions to improve safety along the coastal cliff edge outlined in this report.</li> <li>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.</li> <li>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.</li> <li>Includes the possibility of a viewing platform as part of the design of the reconstructed boardwalk.</li> <li>Does not install CCTV cameras at Diamond Bay Reserve at this stage until the final design is completed.</li> <li>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.</li> </ol>
Council 17 September 2019	CM/7.5/19.09	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes the current status of actions to improve safety along the coastal cliff edge outlined in this report.</li> <li>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.</li> <li>Officers report back to Council with the results of the investigation.</li> </ol>

<p>Council 20 August 2019</p>	<p>CM/11.4/19.08</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Treats this report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(g) of the <i>Local Government Act 1993</i>. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</li> <li>2. Expresses its sympathy and sadness at the tragic loss of life that occurred at the Diamond Bay Reserve on Saturday, 17 August 2019.</li> <li>3. Notes the action taken and underway in response to Council resolution CM/8.3/19.06.</li> <li>4. Notes the additional action undertaken by Council following the tragic events of 17 August 2019.</li> <li>5. Notes the legal advice and summary of issues set out in the report.</li> <li>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.</li> <li>7. Urgently explores and takes appropriate action related to: <ol style="list-style-type: none"> <li>(a) Installing additional temporary barriers.</li> <li>(b) Signage.</li> <li>(c) Social media messaging, including on WeChat, Weibo and similar channels.</li> <li>(d) Internet sites, tourist sites and other PR outlets, including TripAdvisor.</li> <li>(e) Compliance action.</li> <li>(f) Investigating legal remedies, including trespass.</li> </ol> </li> <li>8. Investigates action related to: <ol style="list-style-type: none"> <li>(a) Community education.</li> <li>(b) Licensing and other legal options.</li> <li>(c) CCTV.</li> </ol> </li> </ol>
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		<ul style="list-style-type: none"> <li>(d) Identifiable commercial operators, such as photographic businesses.</li> <li>(e) Parking regulations in the immediate vicinity.</li> <li>(f) Activities by other Councils in managing similar locations.</li> </ul> <p>9. Contacts the State Member for Vaucluse, Gabrielle Upton, MP, to seek assistance in this matter.</p> <p>10. Requests the Diamond Bay/Vaucluse 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"> <li>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"> <li>(a) Appropriate multilingual signage</li> <li>(b) Further physical barriers to restrict or hinder movement to the cliff ledge.</li> </ul> </li> <li>2. Investigates the cost and appropriateness for CCTV and consults the local police area command.</li> <li>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.</li> <li>4. Increases the frequency of ranger patrols in the area, in particular on weekends.</li> <li>5. Installs an additional bin in Diamond Bay Reserve.</li> <li>6. Informs the Vaucluse/Diamond Bay Precinct of Council's decision.</li> <li>7. 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.</li> </ol>

#### 4. Discussion

At its meeting on 5 April 2021, Council resolved that further assessments and investigations be carried out for the Clifftop Walkway Upgrade Project. The information below details the outcome of these requirements.

## Boardwalk Widening Diamond Bay

A small section of the western side of the boardwalk at Craig Avenue could be potentially widened, subject to further assessments; see the drawing attached to this report, noting the possible widening locations.

Any increase to the width of the boardwalk would be determined by the outcome of further investigative assessments, therefore a revised width cannot be determined at this stage. For the purposes of the providing a cost estimate of such investigations, a 1m widening has been assumed.

### Assessments

No assessments were practically feasible to be carried out during the time period (two weeks) from the council motion on 5 April to the finalisation of this report due for the Finance, Operations and Community Services Committee on 3 May.

If the boardwalk was widened, vegetation would likely have to be removed, therefore an ecological and heritage assessment would be required and further investigative reviews to determine if the land is suitable for a widened structure.

The table below outlines the predicted timings of key tasks and approximate costs for the project if further assessments are to be carried out to investigate widening the boardwalk.

*Table 1. Timings and costs for assessments*

Task	Timeframe	Dates	Approximate Costs
Ecological and heritage assessment	2 months	May – June 2022	\$15,000
Geotechnical assessment	1 month	July 2022	\$10,000
Structural assessment	1 month	July 2022	\$20,000
Design amendments (If the above assessment outcomes allow for widening)	2 months	August – September 2022	\$20,000
Procurement for construction	2 months	October – November 2022	
Construction	5–6 months	End December – mid 2023	

### Materials for coastal fence

Generally, 2205 grade stainless steel is between 10% to 20% more expensive than 316 grade stainless steel for material supply before fabrication. This is due to the fact that 2205 has a higher manufacturing cost and is subject to cost fluctuations in commodities markets particularly for the high percentage of metals used in 2205 such as chromium (30% more than 316) and molybdenum (20% more than 316). There is also a further 10% cost in fabrication as the welding process is more difficult.

Further, 2205 has manufacturing limitations in relation to steel sizes. Council Officers would need to investigate if the size of steel rods and flats is commercially available. If not, a redesign of the balustrades would be required creating further costs and delay.

Based on advice from the Australian Stainless Steel Development Association there are no performance benefits of increasing to 2205 grade stainless steel when compared to properly maintained, fabricated and electropolished marine grade 316 stainless steel. 2205 grade is stronger, however 316 yield strength is fit for purpose in the proposed application and intended design life. The increased strength for increased price is not required.



All built elements require some form of maintenance over their lifespan, it is unrealistic to expect a maintenance free solution. With correct specification and fabrication, the maintenance regime would include washing down the stainless steel with water and an environmentally friendly mild detergent once or twice a year. This is dependent on seasonal rain events that naturally wash down the steel.

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

### Financial impact statement

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

Council is allocating as part of 2022–2023 capital works budget an 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 subject to construction completion by end December 2022.

Additional funding is anticipated from Sydney Water (to compensate for the impact of their Refresh Vaucluse and Diamond Bay Project works) and is subject to the current Heads of Agreement negotiations.

### Time frame

The table below outlines the predicted timings of key milestones for the project. Works are required to be completed by December 2022 to meet grant funding requirements.

*Table 2. Milestones.*

Milestone	Estimated Completion
Procurement for Construction	May 2022
Contract finalisation	June 2022
Construction	December 2022

It is noted that the revised timings taking into consideration the assessments and redesign would mean these milestones are not met putting into question the ability to retain the grant funding.

### Consultation

In 2021, 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. Council's Project Manager undertook meetings with key stakeholders such as the precinct committee and Sydney Water. This was complimented by communications via letter box drop, site signage, website updates and Council newsletter updates.

## 6. Conclusion

It is recommended that Council notes that the current design of the boardwalk meets the project purpose, objective and Australian Standard compliance requirements.

It is also noted that if further assessments are to be carried out in relation to widening the boardwalk at Diamond Bay, this will incur project delay and Council will not meet the grant funding requirements.

It is further recommended that Council receives and notes that the approved structure is fit for purpose in the proposed application.

**7. Attachments**

1. Diamond Bay Boardwalk [↓](#) .



**REPORT**  
**FC/5.7/22.05**

**Subject:** Warren Zines Reserve - Naming

**TRIM No:** A09/0618

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

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

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**RECOMMENDATION:**

That Council:

1. Notes that Council endorsed the naming of Warren Zines Reserve in 1999, but that an application was not made to the Geographical Names Board.
2. Notes that the Gujaga Foundation is currently working on a Cultural Audit in Waverley, including reviewing current locations, names and information referencing Aboriginal cultures to ensure they are culturally appropriate.
3. Awaits the outcome of the Cultural Audit prior to taking steps regarding the naming of Warren Zines Reserve.

**1. Executive Summary**

The purpose of this report is to provide the background to the naming of Warren Zines Reserve and proposed next steps further to receipt of a community members representation that the naming of Warren Zines Reserve has not been done correctly, all memorials and plaques have been placed without approvals and that the reserve should have an indigenous name. This report presents the background to the naming of the reserve and proposed next steps.

**2. Introduction/Background**

Council officers have received representations from a community member advising that the naming of Warren Zines Reserve has not been done correctly and all memorials and plaques have been placed without approvals. The representation includes that the reserve should have an indigenous name. This report presents the background to the naming of the reserve and proposed next steps.

Warren Zines, a lawn bowler from Dover Heights, was one of four Australian athletes who died as a result of a bridge collapse in 1997 outside the national stadium in Ramat Gan, Israel, at the opening ceremony of the 15th Maccabiah Games. The bridge collapsed into the Yakon River.

At its meeting on 24 November 1998, Council agreed in principle with the request to name the proposed public reserve 'Warren Zines Memorial Park'. At its meeting on 20 July 1999, Council's Planning, Environment, Housing and Public Works Committee recommended to Council that it seek formal approval of the Geographical Names Board (GNB) to the naming of the public reserve 'Warren Zines Park.' Council adopted the Committee's recommendation at its meeting on 27 July 1999.

Council dedicated Warren Zines Reserve on 25 July 1999.

No records of an application to the GNB have been able to be located in Council's system and the GNB have confirmed no application was received.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Planning, Environment, Housing and Public Works Committee 20 July 1999	P-9907.12	<p><i>Council adopted the Committee's recommendation</i></p> <p>That:</p> <ol style="list-style-type: none"> <li>1. This report be received and noted.</li> <li>2. The formal approval of the Geographical Names Board to the naming of the new public road, 'Warrens Way' be deferred.</li> <li>3. The formal approval of the Geographical Names Board be sought to the naming of the public reserve 'Warren Zines Park'.</li> <li>4. Subject to these approvals being obtained and in accordance with Clause 10 of the Roads (General) Regulation 1994, the following actions will be undertaken:               <ol style="list-style-type: none"> <li>(a) Notice of the new name to be published in the Gazette and in the local newspaper.</li> <li>(b) Advice forwarded to Australia Post and the Director General of the Department of Land &amp; Water Conservation.</li> </ol> </li> </ol>
Council 24 November 1998	9811.13.8	That Council receive and note this report and agree in principle with the request to name the proposed public reserve the Warren Zines Memorial Park.

### 4. Discussion

It is clear though the Council resolutions in 1998 and 1999 as well as Council's involvement at the dedication in June 1999 that Council supported the naming of the reserve as Warren Zines Reserve.

In November 2021, Council officers approached GNB informally for advice on this saturation. The representative from GNB advised that Council could submit an application at any time noting the support in 1998 and 1999 and the length of time the reserve has been 'informally' named. This would be considered by the GNB Board in deciding if advertising was required or the name endorsed.

The Gujaga Foundation is currently working on a Cultural Audit in Waverley. The first step of this is reviewing current locations, names and information referencing Aboriginal cultures to ensure they are culturally appropriate. Following this, the Foundation will identify other potential sites in Waverley (including this reserve) and make recommendations about words/names and information which is culturally relevant to that particular location. This can be a lengthy process as research and consultation with a range of stakeholders, including the La Perouse Local Aboriginal Land Council and Elders is required.

Council officers recommend that any decision on naming the reserve be undertaken once the audit is complete.

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

The outcome of the Cultural Audit will identify issues and opportunities regarding the naming of this reserve. Further information on timeframe or consultation will be provided at that time.

**6. Conclusion**

It is noted that the while naming of Warren Zines Reserve was endorsed by Council in 1999 no formal application was made to the Geographical Names Board. It is recommended that Council awaits the outcome of the Cultural Audit being undertaken by the Gujaga Foundation prior to taking steps regarding the naming of Warren Zines Reserve.

**7. Attachments**

Nil.

**REPORT**  
**FC/5.8/22.05****Subject:** Fleet Management Update**TRIM No:** A19/0429**Author:** Ben Kusto, Executive Manager, Asset Maintenance  
Mark Woodhead, Manager, Fleet**Director:** Sharon Cassidy, Acting Director, Community, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Notes the progress against Council resolutions CM/8.2/21.03, CM/8.4/18.09 and CM/7.22/19.07 regarding Council's fleet, as set out in the report.
3. Notes the progress of the strategic review of Council's fleet management initiatives, as set out in the report.
4. Notes the update on the 2020–21 fleet management initiatives, including the pool vehicle utilisation and management review, amendments to the staff vehicle list to include hybrid vehicles, and continued work on the most appropriate funding mechanism for Council's fleet.
5. Supports the continued effort to trial emerging alternative technologies for all vehicle types as they become available.

**1. Executive Summary**

In 2019, a review of Council's fleet management activities resulted in the transfer of the fleet management function from Financial Services into the Community, Assets and Operations directorate. Staffing and role changes have led to the establishment of a Fleet Manager position who assumes responsibility for the management of Council's heavy and passenger fleet in addition to assuming the responsibility for the shared mechanical workshop at the Alexandria Integrated Facility (AIF) and the overall maintenance of Council's fleet.

The successful recruitment of the Fleet Manager position in early 2020 has seen the commencement of a strategic review of Council's fleet management activities that involves cross-organisation collaboration. Opportunities exist that will allow Council to achieve greater efficiencies and cost savings both financially and environmentally through the management of its passenger and heavy fleet. These opportunities are currently being explored as part of this review.

This report seeks to update Councillors on the progress of both the strategic fleet review program and previously endorsed resolutions of Council pertaining to fleet management.

## 2. Introduction/Background

In 2019, a review of Council's fleet management activities resulted in the transfer of the fleet management function from Financial Services into the Community, Assets and Operations directorate. Staffing and role changes have led to the establishment of a Fleet Manager position who assumes responsibility for the management of Council's heavy and passenger fleet in addition to assuming the responsibility for the shared mechanical workshop at the Alexandria Integrated Facility (AIF) and the overall maintenance of Council's fleet.

The successful recruitment of the Fleet Manager position in early 2020 has seen the commencement of a strategic review of Council's fleet management activities that involves cross-organisation collaboration. Opportunities exist that will allow Council to achieve greater efficiencies and cost savings both financially and environmentally through the management of its passenger and heavy fleet. These opportunities are currently being explored as part of this review.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 March 2021	CM/8.2/21.03	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes that corporate and government fleets have the potential to drive the electric vehicle revolution in Australia, making up 52% of annual new vehicle sales.</li> <li>Notes that commitments to fleet electrification are important as they can demonstrate vehicle demand to car makers, are an important source of supply to the second-hand market and provide impetus for the roll-out of charging infrastructure.</li> <li>Notes the benefits of electric fleets: <ol style="list-style-type: none"> <li>Environmental: fleet decarbonisation shows a commitment to sustainable practices and dedication to action on climate change. It is also a way to meet sustainability commitments such as the 2015 Paris Agreement on Climate Change.</li> <li>Economical: total cost of ownership calculations improve the business case for electric vehicles due to their lower operating costs.</li> <li>Social and health: electric vehicles can lead to improved driver experiences and reduced driver fatigue as a result of less noise, fumes and vibrations.</li> <li>Reputational: fleet electrification demonstrates an ethical and forward-thinking organisation that is on top of emerging technologies.</li> </ol> </li> <li>Sets a target of 100% of pool cars in Council's passenger fleet be transitioned to electric vehicles (not hybrid) by 2025 and this target be included as part of Council's new</li> </ol>



		<p>Environmental Action Plan.</p> <ol style="list-style-type: none"> <li>5. Develops an electric vehicle policy by December 2021 that considers:               <ol style="list-style-type: none"> <li>(a) Increasing the number of charging stations and placing them in highly visible areas to alert residents to their availability for community use.</li> <li>(b) Placing charging stations at car share parking spaces.</li> <li>(c) EV-only parking bays.</li> <li>(d) Ensuring all of Council's EV passenger fleet is highly branded identifying it as an EV, as this will show leadership in our commitment to reduce carbon emissions in our local government area.</li> </ol> </li> <li>6. Develops fact sheets and other materials to promote EV use to the community.</li> <li>7. Investigates amending the Waverley Local Environmental Plan and/or Waverley Development Control Plan to include the requirement to provide charging stations in new strata buildings (80% of current charging is done at home).</li> <li>8. Investigates reducing the staff vehicle selection list from 22 options by at least 50% (with electric/hybrid vehicles being given priority within the new list) and incentivising electric/hybrid vehicles as the preferred staff option, and undertakes consultation with senior staff to determine how this might be achieved without negative impacts to Council.</li> <li>9. Officers report every six months, as per current practice, on the overall fuel efficiency of the passenger fleet as measured in average CO<sub>2</sub> (g/km) per vehicle as defined by the Australian Government green vehicle guide.</li> </ol>
Council 16 July 2019	CM/7.22/19.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes this report.</li> <li>2. Receives a progress report on fleet management initiatives in February 2020.</li> <li>3. Undertakes a lease/buy analysis of passenger vehicles.</li> </ol>
Council 27 September 2018	CM/8.4/18.09	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Note that Council's 'Community Strategic Plan', 'Transport, Pedestrians and Parking' outlines the</li> </ol>

		<p>community's vision for transport over the next decade. The community told us they want to reduce the need to own and travel by private car and increase ride sharing in the LGA. They also want Council to prioritise access to residential parking.</p> <p>2. Note that Council's 'People, Movement and Places Plan' identifies our vision with pedestrian's first then bikes, public transport shared services and private cars prioritised last. This plan also identifies congestion and parking as problems in the LGA.</p> <p>3. Request that Officers prepare a report on the current passenger fleet with options for improved utilisation, cost and emissions reduction including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) The current number of passenger vehicles in the fleet.</li> <li>(b) Total value of these passenger vehicles.</li> <li>(c) How often are they replaced.</li> <li>(d) Are these vehicles purchased or leased.</li> <li>(e) The cost of operation for this fleet including petrol, insurance and other on road costs annually.</li> <li>(f) Annual maintenance costs.</li> <li>(g) The various models used in the fleet and what process is in place for staff when choosing models.</li> <li>(h) Number of fuel card issued.</li> <li>(i) Cost of KM/Lt for each vehicle (petrol and diesel).</li> <li>(j) How many are regarded as 'tool of trade' vehicles.</li> <li>(k) How many cars are on lease back arrangements to staff.</li> <li>(l) Number of lease back vs non lease back vehicles.</li> <li>(m) How many pool cars.</li> <li>(n) Where are passenger vehicles garaged.</li> <li>(o) How ride sharing could be used to replace pool cars (including cost of creating accounts with ride share companies).</li> <li>(p) Emissions from these cars.</li> </ul>
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#### 4. Discussion

Council's fleet management activities over the last 18 months include reducing available leaseback vehicle selection options, reviewing the current car allowance offering, reviewing the Motor Vehicle Policy & Procedure and the planning for the Plant and Asset Long Term Financial Plan (LTFP).

##### Leaseback vehicle selection

The Executive Leadership Team (ELT) approved the reduced list of leaseback vehicles available from the previous number of 22 vehicles available for selection under each of the five vehicle categories (hybrid, small, medium, large, people mover and light commercial).

The newly approved list (table below) is limited to hybrid and electric vehicles only, with the exception to this being the people mover and dual cabin utility on the General Manager's approval only for those positions with an operational requirement and/or staff with a large family. At present, there are no hybrid or electric people mover or utilities available.

The ELT approved the regular review of the current list to add and remove new hybrid and electric vehicles as they become readily available through different manufacturers.

Table 1. Current fleet.

Passenger vehicles	Make	Type	Model	Shape	CO2 grams per km
<b>Small</b>	Hyundai	Electric	IONIQ	Hatchback	-
<b>Small</b>	Nissan	Electric	Leaf	Hatchback	-
<b>Medium</b>	Hyundai	Electric	Kona	Wagon	-
<b>Small</b>	Toyota	Hybrid	Corolla	Hatch	96
<b>Medium</b>	Subaru	Hybrid	XV	Hatch	147
<b>Medium</b>	Toyota	Hybrid	Camry Ascent	Sedan	121
<b>Medium</b>	Toyota	Hybrid	RAV4 GX	SUV	107
<b>Medium</b>	Subaru	Hybrid	Forester 2.5L	SUV	152
<b>Large</b>	Toyota	Hybrid	Kluger GX AWD	SUV/Wagon	128
<b>*GM approval</b>					
<b>Special req.</b>	Kia		Carnival Diesel Si	People Mover	199
<b>Operational req.</b>	Ford		Ranger XLS	Dual Cab Utility	197

##### Car allowance

In August 2021, all current leaseback vehicle holders were consulted regarding the clauses 4 and 8 of resolution CM/8.2/21.03 above.

From the feedback received during the August consultation the ELT approved:

- Capping the new leaseback vehicle selection list at 11 hybrid and electric vehicles (also included was a dual cab utility and people mover class vehicle on General Manager approval).
- The weekly leaseback fee payment structure to incentivise smaller hybrid and electric vehicles.

- The Executive Manager, Asset Maintenance, seeking an expression of interest from current leaseback vehicle holders if they would consider the newly revised car allowance offering and opt out of their current leaseback vehicle agreement with the aim to reduce the overall passenger vehicle numbers (leaseback vehicle holders)

### Car allowance offering - Expression of interest (EOI)

To reduce Council's passenger vehicle numbers and help meet its net zero commitment, the Manager, Fleet, investigated what other Councils are offering in terms of car allowance and what the average annual running cost per passenger vehicle is each year.

The Councils referred to in the analysis were:

- Randwick Council.
- Sutherland Council.
- Canterbury Bankstown Council.
- North Sydney Council.
- Inner West Council.

Refer to the confidential attachment for the analysis.

In consultation with the Executive Manager, Finance, modelling has been undertaken to assess all options, and the following financial assumptions confirmed the average yearly running costs of the current 37 passenger vehicles.

*Table 2. Average yearly motor vehicle running cost.*

Maintenance Running Costs	Fringe Benefits Tax	Depreciation	Funds to Reverse	Total
\$5,609.00	\$2,207.00	\$5,533.00	\$4,891.00	<b>\$17,538.00</b>

Assumptions on maintenance running costs are based on registration, CTP insurance, fuel, service/repairs (labour), fair wear tear (tyres and parts), roadside assist etc.

The new car allowance offering of \$15,500 approved by ELT was calculated after reviewing the current motor vehicle running cost to Council and the analysis of car allowance offerings of other Councils listed.

Stage 1 of the passenger vehicle reduction strategy was an EOI process for all current Executive Manager and Manager's with a current leaseback vehicle agreement (23 staff) asking if they would consider the proposed car allowance and cease their current leaseback agreement.

The new car allowance offering can be used to either purchase and maintain your own vehicle of choice or enter a novated lease arrangement with a fleet leasing company from the Procurement Australia Contact panel.

At the close of stage 1 for the EOI period, three staff registered their interest in accepting the new revised car allowance offering and opting out of their leaseback vehicle agreement and a further three staff advised they will continue to investigate with a decision pending. An additional two staff indicated they would reconsider their position when their current leaseback agreement ends.

The following further recommendations were approved by ELT on 19 April 22:

- That all new Executive Manager and Manager positions beginning from April 2022 only be entitled to the car allowance offering unless supported by an operational requirement to have available a leaseback vehicle.
- Endorse that only the General Manager can approve a leaseback vehicle offering from April 2022 to new Executive Manager, Manager or other positions based on an operational requirement supported by the unit Director
- Stage 2 of the EOI process be sent out to the remaining 14 leaseback vehicle holders asking if they would consider the proposed car allowance and cease their current leaseback agreement.

### **Pool vehicle utilisation**

The pool vehicle fleet has been reduced by seven identified as having low utilisation. The next stage is to monitor the take-up of the car allowance to determine future pool car requirements and numbers prior to the mandated electrification of all pool cars by 2025. The exception will be those vehicles where there is no electric vehicle option, i.e. people movers and utilities. As an interim solution, Fleet proposes hybrid-vehicle-only, when options are available.

Pool vehicle numbers will be continually reviewed based on utilisation and once we are able to confirm the number of leaseback vehicle holders.

Budget allocation within the 2022–23 Plant and Asset budget enables Council to start the installation of operational electric vehicle charging stations. These are for internal use only and not the ultra-fast chargers for public use.

### **Motor Vehicle Policy and Procedure documents**

Updated Guidelines have been drafted and under review ready for consultation. Once adopted by the ELT, the Guidelines will form the Motor Vehicle Policy and Procedure document (for internal use only).

The Guidelines are a high-level guiding set of principles for vehicle management at Council and cover:

- Roles and responsibilities
- Types of motor vehicles covered by the procedure.
- Provision, vehicle/plant type and disposal of motor vehicles.
- Work health and safety.
- Vehicle use and management.
- Car allowance.
- Grey fleet (take-home vehicle agreement).
- Council's responsibilities.
- Driver's responsibilities.
- Accidents/Incidents and what to do in an event.
- Vehicle breakdown procedure.

### **Long Term Financial Plan**

To meet Council's net zero emission targets by 2030, Fleet and Finance have put together the Plant and Asset Long Term Financial Plan (LTFP).

The LTFP was built around the following assumptions

1. Converting pool and ranger vehicles to EV from 2022 onwards, extend life/replacement cycle to 8 years and remove the 6% increase to align with parity pricing in the next cycle (total 21 pool vehicles and ranger cars).

2. Increasing the vehicle cost by \$3k for the remaining hybrid passenger vehicles as the vehicle of choice (exception people movers), as well as extending the replacement cycle from three to four years till 2030 (post-2030 replacement vehicle of choice to electric).
3. Increasing utilities cost (light commercial vehicles) by \$3k from 2025 on the assumption hybrid vehicle class available before 2030. Fleet industry anticipates as electric vehicle option will become available towards 2030
4. For 15 m3 and 19 m3 trucks (14 in total), Council extends the replacement cycle by one year and from 2025 convert to electric vehicle or hydrogen fuel at a 65% cost increase over standard pricing. At each replacement cycle remove the cost increase to meet price parity for longer term planning.
5. For medium trucks option, hybrid and electric vehicle cab chassis will be adopted in the next cycle from 2027 onwards (when available).
6. There are some specialised plant and equipment that may not have battery electric vehicle or hydrogen fuel replacement options by 2030.
7. No NSW Government grant funding has been adopted to the purchase price as the scheme is not finalised yet.
8. Operational cost saving (fuel cost vs electricity) has been included in the LFTP calculated at 60-70% of the fuel cost across all fleet types from the year after they are purchased.

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

### Car allowance offering

The initial impact of a 25% take up/acceptance of the car allowance offering would be an additional cost to Council of \$76,543 in the first year. It should be noted the yearly financial impact to Council would decrease as more leaseback holders move across to the car allowance offering over the coming years (*see Table 3*).

Table 3. Financial impact.

			Financial Impact to Council Saving/(Cost) by type per year								
	Car Allowance per person		Leaseback holder conversion to car allowance %					Total Yearly Financial Impact to Council Saving/(Cost)			
Car Allowance Type	EMs	Others	25%	50%	70%	100%	Existing Car allowance staff	25%	50%	70%	100%
Equal - 37	\$15,500	\$15,500	\$17,492	\$34,984	\$48,977	\$69,967	(\$87,416)	(\$69,924)	(\$52,433)	(\$38,439)	(\$17,449)
Equal (limited EM/Mgrs) - 23	\$15,500	\$15,500	\$10,873	\$21,747	\$30,445	\$43,493	(\$87,416)	(\$76,543)	(\$65,670)	(\$56,971)	(\$43,923)
Variance	\$0	\$0	(\$6,619)	(\$13,237)	(\$18,532)	(\$26,474)	\$0	(\$6,619)	(\$13,237)	(\$18,532)	(\$26,474)

### Pool vehicle fleet – Electric Vehicle

The cost to convert the current number of pool cars to electric vehicles is currently estimated at an additional \$20,000 per car based on the Toyota Corolla hybrid hatch with cost price of \$25,000 and the Nissan Leaf electric vehicle at a cost price of \$45,000.

### Electric vehicle charging infrastructure

The installation of electric vehicle charging infrastructure across four identified Council-owned sites in 2022–23 is estimated at \$50,000.

**6. Conclusion**

This report provides a six-monthly progress update on fleet management initiatives that target emission reductions. Initiatives include reducing the vehicle selection list, offering a car allowance to reduce Council's leaseback passenger fleet, reducing Council's pool fleet and transitioning to electric vehicles, and updating our Motor Vehicle Policy and Procedure in line with Council's net zero emissions target.

**7. Attachments**

1. Car allowance offering - Analysis of other councils (confidential) .

**CLOSED SESSION**  
**FC/7/22.05**

**Subject:** Moving into Closed Session

**Author:** Emily Scott, General Manager

**RECOMMENDATION:**

That:

1. The Committee moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act* for the reasons specified:  
FC/7.1/22.05      CONFIDENTIAL REPORT - Bondi Pavilion Forecourt - Additional Outdoor Seating Area Licence - Procurement Exemption  
  
This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, and the Committee is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

**Introduction/Background**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.



It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION FC/8/22.05**

**Subject:** Resuming in Open Session  
**Author:** Emily Scott, General Manager



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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

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