



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

FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING

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

7.00 PM, TUESDAY 3 MAY 2022

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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| FC/5.6/22.05 | Clifftop Walkway Upgrade | 182 |
| FC/5.7/22.05 | Warren Zines Reserve - Naming | 192 |
| FC/5.8/22.05 | Fleet Management Update | 195 |

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:

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| 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

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:

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| 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:

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| 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
Seconded: 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
Seconded: 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
Seconded: 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

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 |
|---|---|
| <p>Statement of ethical obligations</p> <p>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.</p> | <p>Insert the provision at new clause 3.25 in the Code.</p> <p>The following statement will be added to Council and Council committee agendas:</p> <p><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> |

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| <p>Attendance by councillors at meetings</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>Livestreaming of meetings</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"> (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. <p>The recording of a meeting is to be made publicly available on the council’s website:</p> <ul style="list-style-type: none"> (a) at the same time as the meeting is taking place, or (b) as soon as practicable after the meeting. <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>Acts of disorder</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"> (a) contravenes the Act, the Regulation or this code, or | <p>Amends clauses 15.11(d) and 15.12(a) and 15.12(c) of the Code.</p> |

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| <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, or makes personal reflections unfavourable personal remarks about, or 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) or (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>Use of mobile phones and the unauthorised recording of meetings</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>Definition</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> |

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| 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>Meetings held by audio-visual link</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> |

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| <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>Attendance by councillors at meetings by audio-visual link</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>Attendance by councillors at meetings by audio-visual link</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

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| <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>Attendance of the general manager and other staff at meetings</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>Obligations of councillors attending meetings by audio-visual link</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>How disorder by councillors attending meetings by audio-visual link may be dealt with</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> |

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| <p>Conflicts of interest</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>Minutes of Council and Committee meetings</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"> (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. | <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 [↓](#) .



Code of Meeting Practice



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: |

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|---|--------------|---|
| Community Services Committee 6 July 2021 | | <ol style="list-style-type: none"> 1. 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".' 2. Officers prepare a report to Council following the exhibition period, including a resourcing strategy to enable implementation of the policy and guidelines. |
| Council 10 October 2017 | CM/8.5/17.10 | <p>That Council:</p> <ol style="list-style-type: none"> 1. Updates the Public Gardens Policy and Street Garden Guidelines to make it easier and quicker for residents to apply for a verge garden outside their property. 2. Assesses its current measures to promote street gardens and identifies ways to improve uptake by residents, including a process for faster approvals. 3. Notes that there is no street garden application fee to the resident. 4. Ensures that existing street gardens in the public domain are not removed without first consultation with adjacent residents. 5. Prepares a report on the above matters for consideration, including progress and achievements to date from the Council resolution CM/7.7/16.09 on street gardens and residential verges. |

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.

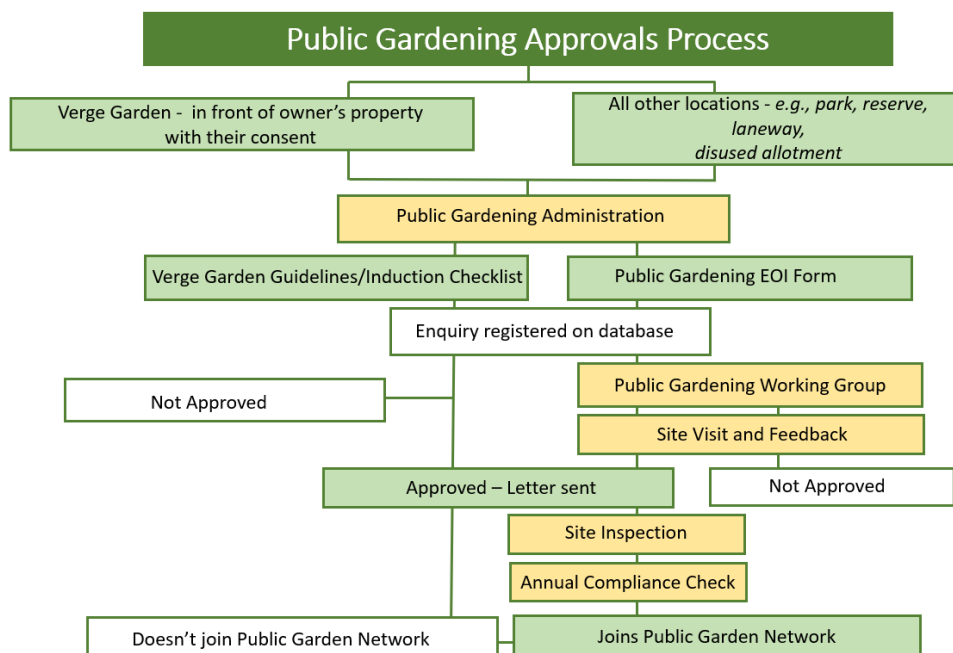


Figure 1. Public Gardening approvals process.

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 [↓](#) .

REPORT
FC/5.3/22.05WAVERLEY
COUNCIL

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

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"> 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. 2. Updating 'Discover Waverley' with the information from the audits to help people plan their journey. 3. Progressively upgrading play spaces as outlined in the Inclusive Play Space Study and Open Space Strategy. 4. Developing an Inclusive Tourism strategy and link information into the NSW Destination website. 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. |

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 [↓](#) .

REPORT
FC/5.4/22.05WAVERLEY
COUNCIL

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

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 |

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| | | <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

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"> 1. Notes the feedback provided during the public exhibition of the Cultural Diversity Strategy 2021–2031, summarised in Attachment 1 of the report. 2. Adopts the Cultural Diversity Strategy 2021–2031 attached to the report (Attachment 2). 3. 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 |
| Operations and Community Services Committee 8 June 2021 | OC/5.1/21.06 | That Council: <ol style="list-style-type: none"> 1. Publicly exhibits the draft Cultural Diversity Strategy and associated documents attached to the report for 28 days. 2. Notes that a further report summarising consultation feedback will include a resourcing strategy to enable implementation of the Cultural Diversity Strategy. |
| Council 16 February 2021 | CM/8.6/21.02 | That: <ol style="list-style-type: none"> 1. 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. 2. 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. 3. A report come back to Council with recommended actions. |

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 [↓](#) .

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

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"> 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: <ol style="list-style-type: none"> (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. |
| Council 23 November 2021 | CM/10.1/21.11 | <p>That Council:</p> <ol style="list-style-type: none"> 1. Amends DA-378/2021 in respect of Eastern Reserve as follows: <ol style="list-style-type: none"> (a) Delete the proposed 1.5 metre wide concrete pedestrian path extending from the bottom of Oceanview Avenue into the reserve. (b) Delete the timber bench seating with sandstone paving and sandstone block retaining wall at the end of the proposed path from the bottom of Oceanview Avenue. (c) Relocate the accessible seating to the eastern end of Oceanview Avenue. (d) Maintain the access to Eastern Reserve from George Street while ensuring that the remnant vegetation and nearby Aboriginal archaeological |

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| | | <p>site are protected.</p> <ol style="list-style-type: none"> 2. Directs officers to amend the proposed vegetation planting identified in DA-378/2021 as follows: <ol style="list-style-type: none"> (a) The proposed new low vegetation adjoining the clifftop coastal fence be no wider than 1 metre. (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. (c) The proposed native vegetation on the western boundary of Eastern Reserve be no wider than 1.5 metres. 3. Informs residents of these modifications. 4. Officers consider widening the boardwalk between Kimberley Street and Craig Avenue from 2 metres to 2.5 metres. 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. 6. Officers investigate increasing the size of the viewing platform, as provided in the plans, with a report to come back to Council with cost implications and a funding source. |
| <p>Council 21 July 2020</p> | <p>CM/7.10/20.07</p> | <p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes the findings and recommendations of the independent coastal risk assessment. 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. 3. Endorses ongoing implementation of the risk treatment plans set out in the coastal risk assessment report in accordance with the recommended priorities. 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 |

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

| | | |
|-----------------------------------|----------------------|--|
| <p>Council 20 August 2019</p> | <p>CM/11.4/19.08</p> | <p>That Council:</p> <ol style="list-style-type: none"> 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. 2. Expresses its sympathy and sadness at the tragic loss of life that occurred at the Diamond Bay Reserve on Saturday, 17 August 2019. 3. Notes the action taken and underway in response to Council resolution CM/8.3/19.06. 4. Notes the additional action undertaken by Council following the tragic events of 17 August 2019. 5. Notes the legal advice and summary of issues set out in the report. 6. Endorses the carrying out of an independent coastal risk review by suitably qualified assessors to guide further decision making on risk management along the Waverley local government area coastline. Diamond Bay Reserve is to be a priority, with an interim report to be presented to Council as soon as possible. 7. Urgently explores and takes appropriate action related to: <ol style="list-style-type: none"> (a) Installing additional temporary barriers. (b) Signage. (c) Social media messaging, including on WeChat, Weibo and similar channels. (d) Internet sites, tourist sites and other PR outlets, including TripAdvisor. (e) Compliance action. (f) Investigating legal remedies, including trespass. 8. Investigates action related to: <ol style="list-style-type: none"> (a) Community education. (b) Licensing and other legal options. (c) CCTV. |
|-----------------------------------|----------------------|--|

| | | |
|-------------------------|--------------|--|
| | | <ul style="list-style-type: none"> (d) Identifiable commercial operators, such as photographic businesses. (e) Parking regulations in the immediate vicinity. (f) Activities by other Councils in managing similar locations. <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"> 1. Officers investigate measures to restrict or deter movement from the Diamond Bay Reserve and the Coastal Boardwalk to the cliff ledge. Such measures to include: <ul style="list-style-type: none"> (a) Appropriate multilingual signage (b) Further physical barriers to restrict or hinder movement to the cliff ledge. 2. Investigates the cost and appropriateness for CCTV and consults the local police area command. 3. Officers report back to Council by September 2019 with a further investigation to consider the appropriateness and cost of installing a viewing platform from the coastal boardwalk. 4. Increases the frequency of ranger patrols in the area, in particular on weekends. 5. Installs an additional bin in Diamond Bay Reserve. 6. Informs the Vaucluse/Diamond Bay Precinct of Council's decision. 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. |

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

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"> 1. This report be received and noted. 2. The formal approval of the Geographical Names Board to the naming of the new public road, 'Warrens Way' be deferred. 3. The formal approval of the Geographical Names Board be sought to the naming of the public reserve 'Warren Zines Park'. 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"> (a) Notice of the new name to be published in the Gazette and in the local newspaper. (b) Advice forwarded to Australia Post and the Director General of the Department of Land & Water Conservation. |
| 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

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"> 1. 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. 2. 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. 3. Notes the benefits of electric fleets: <ol style="list-style-type: none"> (a) 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. (b) Economical: total cost of ownership calculations improve the business case for electric vehicles due to their lower operating costs. (c) Social and health: electric vehicles can lead to improved driver experiences and reduced driver fatigue as a result of less noise, fumes and vibrations. (d) Reputational: fleet electrification demonstrates an ethical and forward-thinking organisation that is on top of emerging technologies. 4. 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 |

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| | | <p>Environmental Action Plan.</p> <ol style="list-style-type: none"> 5. Develops an electric vehicle policy by December 2021 that considers: <ol style="list-style-type: none"> (a) Increasing the number of charging stations and placing them in highly visible areas to alert residents to their availability for community use. (b) Placing charging stations at car share parking spaces. (c) EV-only parking bays. (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. 6. Develops fact sheets and other materials to promote EV use to the community. 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). 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. 9. Officers report every six months, as per current practice, on the overall fuel efficiency of the passenger fleet as measured in average CO₂ (g/km) per vehicle as defined by the Australian Government green vehicle guide. |
| Council 16 July 2019 | CM/7.22/19.07 | <p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes this report. 2. Receives a progress report on fleet management initiatives in February 2020. 3. Undertakes a lease/buy analysis of passenger vehicles. |
| Council 27 September 2018 | CM/8.4/18.09 | <p>That Council:</p> <ol style="list-style-type: none"> 1. Note that Council's 'Community Strategic Plan', 'Transport, Pedestrians and Parking' outlines the |

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| | | <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"> (a) The current number of passenger vehicles in the fleet. (b) Total value of these passenger vehicles. (c) How often are they replaced. (d) Are these vehicles purchased or leased. (e) The cost of operation for this fleet including petrol, insurance and other on road costs annually. (f) Annual maintenance costs. (g) The various models used in the fleet and what process is in place for staff when choosing models. (h) Number of fuel card issued. (i) Cost of KM/Lt for each vehicle (petrol and diesel). (j) How many are regarded as 'tool of trade' vehicles. (k) How many cars are on lease back arrangements to staff. (l) Number of lease back vs non lease back vehicles. (m) How many pool cars. (n) Where are passenger vehicles garaged. (o) How ride sharing could be used to replace pool cars (including cost of creating accounts with ride share companies). (p) Emissions from these cars. |
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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 |
|-------------------------|---------|-----------------|--------------------|------------------|------------------|
| <i>Small</i> | Hyundai | <i>Electric</i> | IONIQ | Hatchback | - |
| <i>Small</i> | Nissan | <i>Electric</i> | Leaf | Hatchback | - |
| <i>Medium</i> | Hyundai | <i>Electric</i> | Kona | Wagon | - |
| <i>Small</i> | Toyota | <i>Hybrid</i> | Corolla | Hatch | 96 |
| <i>Medium</i> | Subaru | <i>Hybrid</i> | XV | Hatch | 147 |
| <i>Medium</i> | Toyota | <i>Hybrid</i> | Camry Ascent | Sedan | 121 |
| <i>Medium</i> | Toyota | <i>Hybrid</i> | RAV4 GX | SUV | 107 |
| <i>Medium</i> | Subaru | <i>Hybrid</i> | Forester 2.5L | SUV | 152 |
| <i>Large</i> | Toyota | <i>Hybrid</i> | Kluger GX AWD | SUV/Wagon | 128 |
| <i>*GM approval</i> | | | | | |
| <i>Special req.</i> | Kia | | Carnival Diesel Si | People Mover | 199 |
| <i>Operational req.</i> | 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 | \$17,538.00 |

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.

| Car Allowance Type | Car Allowance per person | | Financial Impact to Council Saving/(Cost) by type per year | | | | | Existing Car allowance staff | Total Yearly Financial Impact to Council Saving/(Cost) | | | |
|------------------------------|--------------------------|----------|--|------------|------------|------------|------------|------------------------------|--|------------|------------|--|
| | | | Leaseback holder conversion to car allowance % | | | | 25% | | 50% | 70% | 100% | |
| | EMs | Others | 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

WAVERLEY
COUNCIL

RECOMMENDATION:

That:

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

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



WAVERLEY
COUNCIL

Subject: Resuming in Open Session
Author: Emily Scott, General Manager

RECOMMENDATION:

That Council resumes in open session.

Introduction/Background

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