



W A V E R L E Y  
COUNCIL

## COUNCIL MEETING

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

**7.00 PM, TUESDAY 16 AUGUST 2022**

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

Emily Scott  
**General Manager**

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## **Statement of Ethical Obligations**

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 to disclose and appropriately manage conflicts of interest.

## **Live Streaming of Meetings**

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

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



## PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

1.	<b>Apologies/Leaves of Absence</b>		
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Nil

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

CM/11.1/22.08	CONFIDENTIAL REPORT - COVID-19 Impacts on Projects - Boot Factory Adaptive Reuse and Mill Hill Building Upgrade
CM/11.2/22.08	CONFIDENTIAL REPORT - Bronte House - Gardening and Horticultural Services - Tender Evaluation and Options
CM/11.3/22.08	CONFIDENTIAL REPORT - Bondi Pavilion Public Security Lockers - Licence
CM/11.4/22.08	CONFIDENTIAL REPORT - Bus Shelter in Bronte Road, Bondi Junction - Procurement Exemption
CM/11.5/22.08	CONFIDENTIAL REPORT – Senior Staff Appointments

**12. Resuming in Open Session ..... 225**

**13. Meeting Closure**

## **OBITUARIES CM/3/22.08**

**Subject:** Obituaries

**Author:** Emily Scott, General Manager



The Mayor will ask Councillors for any obituaries.

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

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/22.08



WAVERLEY  
COUNCIL

**Subject:** Confirmation of Minutes - Council Meeting - 19 July 2022

**TRIM No:** SF21/6063

**Author:** Al Johnston, Governance Officer

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### RECOMMENDATION:

That the minutes of the Council meeting held on 19 July 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### Introduction/Background

The minutes of Council meetings must be confirmed at a subsequent meeting of Council, in accordance with section 375 of the *Local Government Act 1993*.

### Attachments

1. Council Meeting Minutes - 19 July 2022 .



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 19 JULY 2022**

**Present:**

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

**Staff in attendance:**

Richard Sheridan	Acting General Manager
Sharon Cassidy	Acting Director, Assets and Operations
Meredith Graham	Acting Director, Community, Culture and Customer Experience
Mitchell Reid	Acting Director, Planning, Sustainability and Compliance

*At the commencement of proceedings at 7.07 pm, those present were as listed above.*

*Crs Goltsman, Gray, Kay, Nemesh and Wy Kanak attended the meeting by audio-visual link.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Acting General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

**1. Apologies/Leaves of Absence**

**CM/1.1/22.07 Request for Leave of Absence - Cr Burrill (A03/0029)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Betts

That Council grants Cr Angela Burrill leave of absence from the Council meeting on 19 July 2022 due to her being overseas.

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

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

**3. Obituaries**

There were no obituaries.

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

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

4.1 B White – CM/8.4/22.07 – Beaumont Street, Rose Bay – Traffic Calming.

4.2 S von der Heide – CM/8.7/22.07 – Soft Plastic Recycling Services.

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

Mover: Cr Masselos

Seconder: Cr Lewis

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

- CM/5.1/22.07 Confirmation of Minutes – Council Meeting – 21 June 2022.
- CM/5.2/22.07 Adoption of Minutes – Waverley Traffic Committee Meeting – 23 June 2022.
- CM/7.2/22.07 Councillor Expenses and Facilities – Six-monthly Report.
- CM/7.7/22.07 Community Services and Cultural Grants 2022-23.
- CM/7.8/22.07 Multicultural Advisory Committee Meeting – 23 March 2022 – Minutes.
- CM/8.1/22.07 Bronte Pool Resurfacing.
- CM/8.5/22.07 Local First Nations Community Visibility for NAIDOC and Reconciliation Weeks.
- CM/8.6/22.07 Friends of Waverley Library – Re-establishment.

**5. Confirmation and Adoption of Minutes****CM/5.1/22.07 Confirmation of Minutes - Council Meeting - 21 June 2022 (SF21/6063)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the Council meeting held on 21 June 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/22.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 June 2022 (SF21/6066)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 23 June 2022 be received and noted, and that the recommendations contained therein be adopted.



## 6. Mayoral Minutes

### CM/6.1/22.07 Developer Contributions (A12/0147)

#### MOTION

Mover: Cr Masselos

That Council:

1. Notes that:
  - (a) The previous Minister for Planning, Rob Stokes, MP, introduced a range of reforms to the developer contributions scheme in NSW.
  - (b) This Bill proposes to change the way developer contributions are paid, with a significant proportion proposed to be paid to the State Government to fund regional infrastructure in areas where the important connection between development and the provision of infrastructure does not exist.
  - (c) Community infrastructure, such as parks and playgrounds, local roads, community facilities, footpaths and open spaces, that is currently funded through developer contributions will either have to be delayed, unfunded or fully funded by Council rates.
  - (d) If adopted, it is estimated that Council would stand to lose over \$40 million in developer contributions over 10 years.
  - (e) The Mayor wrote to the Minister in October 2021 protesting about this reform
2. Notes that the Upper House inquiry report was tabled on 10 August 2021, but as yet there has been no Government response.
3. Requests the Mayor to write to all Members of the Legislative Council (Upper House) of NSW asking them to categorically reject the proposed developer contribution reforms, which will dramatically reduce Council's ability to fund vital infrastructure for our community and unfairly burden taxpayers.

#### Background

The previous Minister for Planning, Rob Stokes, MP, introduced a range of reforms to the developer contributions system in NSW that, if adopted, will leave councils financially crippled and communities without essential infrastructure.

The Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 proposes that developers contribute more to the State Government and less towards local priorities and projects. Currently, Council uses developer contributions to provide important local infrastructure in an area where development occurs. This Bill will, instead, look to fund infrastructure in areas where the connection between development and the provision of infrastructure does not exist.

The Minister, in putting forward these reforms, suggested that the 'shortfall' could be compensated by charging our ratepayers higher rates, which is completely unacceptable.

I am becoming increasingly concerned that the current Minister for Planning, Anthony Roberts, MP, is supportive of these reforms, which will clearly direct contributions by developers to State Government coffers. The proposed reforms include changes that will:

- Limit the range of infrastructure that councils can levy contributions for and exclude collecting for

- libraries and community facilities.
- Dictate state-wide standards for infrastructure (one size fits all) that will not reflect the real cost of constructing infrastructure in an urban area or meet our community's needs
- Direct contributions to a State-controlled Regional Infrastructure Fund for which there is no plan, and no requirement to spend the funds in the area where they were collected.
- Delay collection of larger contributions until residents move into a new development, meaning that new infrastructure cannot be provided to coincide with population growth.
- Impose unrealistically low caps on the contribution paid per new dwelling.
- Force councils to burden ratepayers with higher rates to make up for the shortfall that developers should be paying.

Importantly, it serves to undermine local government's sovereignty as the third tier of government, as a good deal of our own decision-making concerning the type of infrastructure we might want to build will be subject to State Government approval.

If the changes come into effect, Council could stand to lose over \$40 million in contributions over the next 10 years compared to what would be collected under the current system. Rates would need to increase immediately by at least \$150 per household to cover the gap.

The only winner is the State Government—the reforms must be scrapped immediately. I call on the crossbenchers and Labor members of the Upper House to unite to defeat this appalling piece of legislation.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 1(f).

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

## **UNANIMOUS DECISION**

That Council:

1. Notes that:
  - (a) The previous Minister for Planning, Rob Stokes, MP, introduced a range of reforms to the developer contributions scheme in NSW.
  - (b) This Bill proposes to change the way developer contributions are paid, with a significant proportion proposed to be paid to the State Government to fund regional infrastructure in areas where the important connection between development and the provision of infrastructure does not exist.
  - (c) Community infrastructure, such as parks and playgrounds, local roads, community facilities, footpaths and open spaces, that is currently funded through developer contributions will either have to be delayed, unfunded or fully funded by Council rates.
  - (d) If adopted, it is estimated that Council would stand to lose over \$40 million in developer contributions over 10 years.
  - (e) The Mayor wrote to the Minister in October 2021 protesting about this reform.
  - (f) The Minister for Planning had stated that councils would not be worse off, although there was limited detail on this.
2. Notes that the Upper House inquiry report was tabled on 10 August 2021, but as yet there has been no Government response.

3. Requests the Mayor to write to all Members of the Legislative Council (Upper House) of NSW asking them to categorically reject the proposed developer contribution reforms, which will dramatically reduce Council's ability to fund vital infrastructure for our community and unfairly burden taxpayers.

**CM/6.2/22.07                      Oxford Street Mall - Design Competition and Place Activation Pilot Program  
(A14/0404)**

**MOTION**

Mover:        Cr Masselos

That Council:

1. Notes that:
  - (a) Work has commenced on interim upgrade works in Oxford Street Mall, such as upgrades at either end of the Mall, replacement of the sails, repairing identified infrastructure damage, and beautification such as installation of hanging baskets.
  - (b) In the next two to three years, there is a planned total upgrade, including a new design and beautification of the Mall.
  - (c) The proposed Rowe Street sale and redevelopment will have a major impact on the Mall and potential visitation and usage patterns.
  - (d) A number of businesses in the Mall have reported challenges in their post-COVID recovery.
  - (e) The Mall is a major access point for almost three million commuters per year who access the Bondi Junction Interchange
2. Prepares a short-term place activation program for Oxford Street Mall that will pilot a range of activities to encourage increased visitation and help identify long-term programming opportunities.
3. Undertakes a design competition open to all interested architects for the design and development of the new Oxford Street Mall, which addresses the following criteria:
  - (a) Creates a beautiful space that becomes a destination for the community, visitors and business, and not just a throughway for commuters to access the Interchange.
  - (b) Enshrines best practice architectural principles in urban activation and rejuvenation, beautification and greening to help mitigate the heat island effect.
  - (c) The design must help mitigate wind tunnel effects while maximising solar access, and accommodate any specifications from the Rowe Street project.
  - (d) An understanding that key stakeholders in the development of design include Council, Transport for NSW, Bondi and Districts Chamber of Commerce, Mill Hill Bondi Junction Precinct and the community and business sector more widely.
4. Publicly exhibits the three best designs for consultation and voting, with the winning entry receiving a prize of a value to be recommended by officers.
5. Officers report to Council for approval of the following:

- (a) A design competition brief.
- (b) A design selection process, including potential judges.
- (c) The value of the winning prize and identification of budget.
- (d) A community and stakeholder engagement process.
- (e) Proposed timeline.

### **Background**

COVID lockdowns have had a significant impact on many businesses as they struggled to stay viable during this period. To help businesses in Bondi Junction with their post-COVID recovery, it is essential that Oxford Street Mall once again be activated to draw visitors and potential shoppers into this precinct. Prior to COVID, Oxford Street Mall hosted a number of events and activations that were popular and created a good vibe in the Mall.

Work has also commenced on the interim upgrade of the Mall, which includes current hostile vehicle mitigation works such as landscaping, seating and bollards, with further upgrades over this financial year, including lighting upgrades, umbrella replacements and repairs, and other furniture upgrades. These works will bring the Mall to a suitable standard until such time that the full upgrade can be undertaken.

Work has already begun on the built form master plan in time for work to commence in 2026–27. On this basis, the calling of a design competition is timely. As there is a desire to make Oxford Street Mall a destination, it is expected that a design competition will attract high quality applications that can turn Bondi Junction into a beautiful oasis for residents, visitors and businesses.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 1(f).

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

### **UNANIMOUS DECISION**

That Council:

1. Notes that:

- (a) Work has commenced on interim upgrade works in Oxford Street Mall, such as upgrades at either end of the Mall, replacement of the sails, repairing identified infrastructure damage, and beautification such as installation of hanging baskets.
- (b) In the next two to three years, there is a planned total upgrade, including a new design and beautification of the Mall.
- (c) The proposed Rowe Street sale and redevelopment will have a major impact on the Mall and potential visitation and usage patterns.
- (d) A number of businesses in the Mall have reported challenges in their post-COVID recovery.
- (e) The Mall is a major access point for almost three million commuters per year who access the Bondi Junction Interchange.

- (f) The budget for the current phase 1 works is \$1 million and the budget for phase 2 works, scheduled for 2026–27, is \$4 million.
- 2. Prepares a short-term place activation program for Oxford Street Mall that will pilot a range of activities to encourage increased visitation and help identify long-term programming opportunities.
- 3. Undertakes a design competition open to all interested architects for the design and development of the new Oxford Street Mall, which addresses the following criteria:
  - (a) Creates a beautiful space that becomes a destination for the community, visitors and business, and not just a throughway for commuters to access the Interchange.
  - (b) Enshrines best practice architectural principles in urban activation and rejuvenation, beautification and greening to help mitigate the heat island effect.
  - (c) The design must help mitigate wind tunnel effects while maximising solar access, and accommodate any specifications from the Rowe Street project.
  - (d) An understanding that key stakeholders in the development of design include Council, Transport for NSW, Bondi and Districts Chamber of Commerce, Mill Hill Bondi Junction Precinct and the community and business sector more widely.
- 4. Publicly exhibits the three best designs for consultation and voting, with the winning entry receiving a prize of a value to be recommended by officers.
- 5. Officers report to Council for approval of the following:
  - (a) A design competition brief.
  - (b) A design selection process, including potential judges.
  - (c) The value of the winning prize and identification of budget.
  - (d) A community and stakeholder engagement process.
  - (e) Proposed timeline.

**CM/6.3/22.07                      Library Extension and New Neighbourhood Library (A22/0254)**

**MOTION**

Mover:        Cr Masselos

That Council:

- 1. Notes that Waverley Library:
  - (a) Is a well-loved and used service with consistent and significant demand for its study and meeting places, as well as popular children and young people programs.
  - (b) Often reaches peak capacity and, as such, would benefit from a much-needed additional floor that would encompass an expansion of its services and facilities to meet demand.
  - (c) Is part of the Knowledge and Innovation Precinct.

- (d) Staff are presently developing a new Library Strategy, which includes a digital component.
  - (e) Has the structural capacity to safely erect an additional floor.
2. Requests officers to:
- (a) Investigate the logistics of adding an additional floor to the Library using modern and lightweight materials.
  - (b) Consider options for usages of this additional floor, including the establishment of:
    - (i) Digital laboratories with associated technical and fit-out requirements to ensure state-of-the-art facilities.
    - (ii) Additional large meeting rooms.
    - (iii) Additional state-of-the-art study spaces.
  - (c) Consider options for a new neighbourhood library with a focus on meeting the needs as identified in Council's Community Strategic Plan (CSP).
3. Receives a report that:
- (a) Details potential options for the third floor of the Library, including initiatives identified in clause 2 above.
  - (b) Provides a budget breakdown for the above.
  - (c) Identifies potential sources of funding, including from Council and grants.
  - (d) Considers how this initiative can be incorporated into the 10-year plan for the Library.

### **Background**

Waverley Library is a well-loved and well used facility that offers important Library and community services. It is especially popular with school students who use the Library's study spaces, and with young children and their parents who avail themselves of the many wonderful program offerings.

Community groups and precincts also use the Library meeting rooms on a very regular basis, while its spaces are also used to host various art exhibitions.

The CSP has identified the importance of the Library to our community and that its services are valued and appreciated. The Library is presently developing its strategic plans based on the findings of the CSP and this is an opportune time to review, plan and enhance its services, including providing additional community services such as flexible meeting places, and a new facility that caters specifically to our children and young people.

The Library has also been identified as part of the Knowledge and Innovation Precinct, and it is timely to consider how the Library can contribute to the furthering of innovation and knowledge in Waverley. The establishment of digital laboratories will make a considerable contribution.

Council has also resolved to consider suitable alternatives to the Bondi Pavilion for a Keeping Place to house important First Nations artefacts. It may also be beneficial for the report to Council to consider

potential options for a Keeping Place on country.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 2(a) AND 3(a), THE ADDITION OF A NEW CLAUSE 2(d) AND THE DELETION OF CLAUSE 1(e).

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

### **UNANIMOUS DECISION**

That Council:

1. Notes that Waverley Library:

- (a) Is a well-loved and used service with consistent and significant demand for its study and meeting places, as well as popular children and young people programs.
- (b) Often reaches peak capacity and, as such, would benefit from a much-needed additional floor that would encompass an expansion of its services and facilities to meet demand.
- (c) Is part of the Knowledge and Innovation Precinct.
- (d) Staff are presently developing a new Library Strategy, which includes a digital component.

2. Requests officers to:

- (a) Investigate the logistics of adding an additional floor to the Library, including compliance with the *Waverley Local Environment Plan*, using modern and lightweight materials.
- (b) Consider options for usages of this additional floor, including the establishment of:
  - (i) Digital laboratories with associated technical and fit-out requirements to ensure state-of-the-art facilities.
  - (ii) Additional large meeting rooms.
  - (iii) Additional state-of-the-art study spaces.
- (c) Consider options for a new neighbourhood library with a focus on meeting the needs as identified in Council's Community Strategic Plan (CSP).
- (d) Identify a suitable location for a First Nations Keeping Place.

3. Receives a report that:

- (a) Details potential options for the third floor of the Library, including initiatives identified in clause 2 above and options for the new neighbourhood library.
- (b) Provides a budget breakdown for the above.
- (c) Identifies potential sources of funding, including from Council and grants.
- (d) Considers how this initiative can be incorporated into the 10-year plan for the Library.

## 7. Reports

### **CM/7.1/22.07                      Local Government NSW Annual Conference 2022 (A13/0314)**

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

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council, in respect of the Local Government NSW Annual Conference 2022:

1.     Nominates the Mayor, Deputy Mayor and Crs Murray, Wy Kanak and Lewis as voting delegates for motions.
2.     Nominates Crs Gray and Fabiano as reserve voting delegates for motions.
3.     Nominates Crs Goltsman and Nemesh to attend the Conference as observers.
4.     Approves the attendance of the General Manager or nominee at the Conference.

### **CM/7.2/22.07                      Councillor Expenses and Facilities - Six-monthly Report (SF18/2204)**

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

Mover:        Cr Masselos

Seconder:    Cr Lewis

That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 22 December 2021 to 30 June 2022 attached to the report.

### **CM/7.3/22.07                      Tamarama Park and Beach Plan of Management - Stage 1 Consultation Outcomes (A03/0094)**

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

Mover:        Cr Murray

Seconder:    Cr Fabiano

That Council:

1.     Officers prepare a draft Plan of Management for Tamarama Park and Beach based on the results and recommendations of the Stage 1 community consultation attached to the report, including the following key consultation points:
  - (a)    No shade structures to be installed in the upper gully and limit new seating.
  - (b)    Off-leash dog area to be constrained.
  - (c)    Limit footprint of pathway up to Birrell Street.
  - (d)    Limit development on access to the waterfall.
2.     Officers prepare a report to Council on the draft Tamarama Park and Beach Plan of Management and Stage 2 community consultation.



**CM/7.4/22.07                      Waverley Park Play Space Concept Design - Stage 2 Community Consultation  
(A21/0103)****MOTION**

Mover:        Cr Murray  
Seconder:    Cr Fabiano

That Council:

1. Publicly exhibits the Waverley Park Play Space concept design attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3.

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

**UNANIMOUS DECISION**

That Council:

1. Publicly exhibits the Waverley Park Play Space concept design attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.
3. Officers investigate funding options, including grants, for delivering all three stages, being the (1) Central Play Space, (2) Adventure/Nature Play Space and (3) Picnic Area and Intergenerational Fitness Area, in calendar year 2023 as part of one contract that would optimise project costs and timing, and then make funding and scheduling recommendations in the post-exhibition report for Council's consideration.

**CM/7.5/22.07                      Bronte Park and Beach Plan of Management - Exhibition (A16/0168)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Keenan

That Council:

1. Submits the draft Bronte Park and Beach Plan of Management attached to the report to the Minister for Lands and Water for approval.
2. Publicly exhibits the draft Bronte Park and Beach Plan of Management for 42 days once the Plan is approved by the Minister.
3. Authorises the Acting Director, Assets and Operations, to make any amendments to the Plan that may be required by the Minister prior to its public exhibition.
4. Officers prepare a report to Council following the exhibition period.

**CM/7.6/22.07      Crown Land Initial Categorisation and Plans of Management (A14/0201)****MOTION**

Mover:      Cr Masselos  
Seconder:   Cr Keenan

That Council:

1. Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, gives notice to the Minister for Lands and Water administering the *Crown Lands Management Act 2016* of the initial categorisation of Council-managed crown land reserves, as set out in Attachment 2 of the report.
2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by the Minister.
3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new *Crown Lands Management Act 2016*.

**FORESHADOWED MOTION (LAPSED)**

Mover:      Cr Wy Kanak

That Council defers this item to a Councillor workshop and the Reconciliation Action Plan Advisory Committee to discuss, among other things, the facility of categorising all Crown land as culturally significant to First Nations peoples.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, gives notice to the Minister for Lands and Water administering the *Crown Lands Management Act 2016* of the initial categorisation of Council-managed crown land reserves, as set out in Attachment 2 of the report.
2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by the Minister.
3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new *Crown Lands Management Act 2016*.

**Division**

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

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

**CM/7.7/22.07      Community Services and Cultural Grants 2022-23 (A20/0375)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Masselos  
Seconder:   Cr Lewis

That Council:

1. Under the Community Services and Cultural Grants Program 2022–23, grants a total of \$335,705 to the organisations set out in Attachment 1 of the report, subject to any conditions contained in the attachment.
2. Authorises the Acting Director, Community, Culture and Customer Experience, to determine the value of the grant to Kiteflyers Society up to the amount specified in Attachment 1 of the report depending on the final plan for the Festival of the Winds.
3. Conducts an expression of interest process under the Community Services and Cultural Grants Program to seek small project proposals that can provide improved access to mainstream activities for people with disability, with funding up to \$20,000 to be allocated.

**CM/7.8/22.07                      Multicultural Advisory Committee Meeting - 23 March 2022 - Minutes  
(A02/0447)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That Council receives and notes the minutes of the Multicultural Advisory Committee meeting held on 23 March 2022 attached to the report.

**CM/7.9/22.07                      Tender Evaluation - Clifftop Walkway Upgrade (A20/0387)**

**MOTION**

Mover:        Cr Lewis  
Seconder:    Cr Fabiano

That Council:

1. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract for the Clifftop Walkway Upgrade project.
2. Authorises the General Manager, or delegated representative, to finalise and agree terms, entering a contract on behalf of Council with the preferred contractor following negotiations.
3. In accordance with clause 178(4) of the *Local Government (General) Regulation 2021*, notes the reasons for not pursuing clauses 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as set out in the report.

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

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

**UNANIMOUS DECISION**

That Council:

1. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with any person (whether or not the

person was a tenderer) with a view to entering into a contract for the Clifftop Walkway Upgrade project.

2. Authorises the General Manager, or delegated representative, to finalise and agree terms, and enter into a contract on behalf of Council with the preferred contractor following negotiations after a confidential Councillor email briefing.
3. In accordance with clause 178(4) of the *Local Government (General) Regulation 2021*, notes the reasons for not pursuing clauses 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as set out in the report.

## 8. Notices of Motions

### CM/8.1/22.07 Bronte Pool Resurfacing (A22/0224)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Notes that:
  - (a) There has been considerable time, effort and money spent on resurfacing Bronte Pool to ensure it operates and is maintained at a level that is appropriate given its popularity and is safe to use.
  - (b) The last major pool resurfacing occurred in 2016, which saw the pool closed for over five weeks.
  - (c) Large pieces of the surface of the pool have lifted as a result of the constant movement of the pool.
  - (d) Sections of the pool floor and wall, and the steps at the top of the pool, have lifted creating sharp edges, which also pose a hazard to swimmers and other users of the pool.
  - (e) The old lime lining of Bronte Pool appeared to weather well and accommodate the ongoing pool movements.
  - (f) Officers make safe any sharp edges as required each time the pool is emptied for cleaning.
2. Officers:
  - (a) Continue to make safe the Bronte Pool surfaces as necessary.
  - (b) Investigate:
    - (i) The appropriateness and cost effectiveness of reverting to the original style of pool surface of lime.
    - (ii) Other suitable surfaces that are able to withstand a hostile ocean environment and are flexible enough to accommodate the movement of the pool.

- (c) Advise of potential costs and budget allocation.
3. Receives a report outlining findings and options on how to proceed.

**CM/8.2/22.07                      E-scooter Trial (A18/0633)**

**MOTION**

Mover:        Cr Masselos  
Seconder:    Cr Murray

That Council:

1. Defers this item to seek further information from Council officers on:
  - (a) What enforcement and fining powers Council has where e-scooter riders are contravening the parameters of the trial.
  - (b) Potential terms of operation between Council and interested e-scooter companies including:
    - (i) Terms and conditions for operation, including management of e-scooters and their placement, collection, maintenance and safety.
    - (ii) Termination/withdrawal of participation, including identification of potential ramifications such as incurring fines.
    - (iii) Responsibility for monitoring and compliance.
  - (c) What additional State Government and non-governmental organisation stakeholders will be involved in the trial and their roles and responsibilities, such as NSW Police and Transport for NSW.
2. Receives a report addressing the above for the August Council meeting.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1(b)(iii) AND THE ADDITION OF NEW CLAUSE 1(d).

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

**UNANIMOUS DECISION**

1. Defers this item to seek further information from Council officers on:
  - (a) What enforcement and fining powers Council has where e-scooter riders are contravening the parameters of the trial.
  - (b) Potential terms of operation between Council and interested e-scooter companies including:
    - (i) Terms and conditions for operation, including management of e-scooters and their placement, collection, maintenance and safety.
    - (ii) Termination/withdrawal of participation, including identification of potential ramifications such as incurring fines.

- (iii) Responsibility for monitoring, compliance and insurance.
  - (c) What additional State Government and non-governmental organisation stakeholders will be involved in the trial and their roles and responsibilities, such as NSW Police and Transport for NSW.
  - (d) Any other relevant information, with reference to the parameters of the e-scooter trial published by the NSW Government.
2. Receives a report addressing the above for the August Council meeting.

**CM/8.3/22.07                      Development Application at 2 Birrell Street, Bondi Junction - Private Certification (CCB-415/2021)**

**MOTION**

Mover:        Cr Keenan  
Seconder:    Cr Fabiano

That Council:

1. Notes that:
- (a) Section 8.1 (page 21) of the Heritage Impact Statement for the development at 2 Birrell Street, Bondi Junction, states that 'The proposed development is in a Heritage Conservation Area and is a Heritage item...' and that 2 Birrell Street is listed as a local heritage item: item 141 in schedule 5, Environmental Heritage, of the *Waverley Local Environment Plan 2012*.
  - (b) Residents assert that a number of building changes at 2 Birrell Street have not adhered to the requirements set out in approved development application for this project or adhered to the status of the existing building as a 'heritage item', particularly:
    - (i) The new brick fence does meet the requirements set out under section 9.10.1(i), Heritage and Contributory Buildings, on page 26 of the Heritage Impact Statement, which states that 'Bricks should match the existing brick and mortar colours as well as the type of joint and brick laying patterns'. The brick work for the new fence is not consistent with the existing brick fence.
    - (ii) The change to the building's windows are not consistent with requirements set out in the Heritage Impact Statement, which states that 'No changes are proposed to existing windows' and 'New windows should match the existing in size and detail, including the existing sill details, window heads, and stained or patterned glass type...' (section 9.16.1). The window at the front of the house has been moved to the western side of the house and replaced with an aluminium window, and the window moved to the western side has a sill that does not match those on existing windows.
    - (iii) The size of the planters around the backyard perimeter are shorter (780 mm) than the required 'minimum 1 m in soil width for the full extent': condition 2(e)(iii) of the notice of determination.
    - (iv) The street curbing on the St James Road side of the 2 Birrell Street development was sandstone as it is for much of St James Road. A large section of this sandstone curb was broken by the builder's heavy machinery. This has now been replaced with a long section of concrete.

- (c) The name and contact details of the private certifier were not displayed on the site as required by law.
  - (d) Private certification is failing the community of Waverley.
2. Writes to the private certifier for 2 Birrell Street to inform them of the community concerns and require them to prominently display their name and contact details at the site where they can be viewed by the public.
  3. Investigates the establishment of a dedicated development compliance complaints email address and procedure, and a Council-specific complaints app and section on Council's website for complaints and Council's response, and that these compliance complaint channels be promoted through its various public networks, including through the soon-to-be appointed community planning advocate.
  4. Requests the Mayor to write to the Minister of Planning and Homes, Anthony Roberts, to express Council's and the community's ongoing concerns in relation to private certification.

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

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

#### **UNANIMOUS DECISION**

That Council:

1. Notes that:
  - (a) Section 8.1 (page 21) of the Heritage Impact Statement for the development at 2 Birrell Street, Bondi Junction, states that 'The proposed development is in a Heritage Conservation Area and is a Heritage item...' and that 2 Birrell Street is listed as a local heritage item: item 141 in schedule 5, Environmental Heritage, of the *Waverley Local Environment Plan 2012*.
  - (b) Residents assert that a number of building changes at 2 Birrell Street have not adhered to the requirements set out in approved development application for this project or adhered to the status of the existing building as a 'heritage item', particularly:
    - (i) The new brick fence does meet the requirements set out under section 9.10.1(i), Heritage and Contributory Buildings, on page 26 of the Heritage Impact Statement, which states that 'Bricks should match the existing brick and mortar colours as well as the type of joint and brick laying patterns'. The brick work for the new fence is not consistent with the existing brick fence.
    - (ii) The change to the building's windows are not consistent with requirements set out in the Heritage Impact Statement, which states that 'No changes are proposed to existing windows' and 'New windows should match the existing in size and detail, including the existing sill details, window heads, and stained or patterned glass type...' (section 9.16.1). The window at the front of the house has been moved to the western side of the house and replaced with an aluminium window, and the window moved to the western side has a sill that does not match those on existing windows.
    - (iii) The size of the planters around the backyard perimeter are shorter (780 mm) than the required 'minimum 1 m in soil width for the full extent': condition 2(e)(iii) of the notice of determination.

- (iv) The street curbing on the St James Road side of the 2 Birrell Street development was sandstone as it is for much of St James Road. A large section of this sandstone curb was broken by the builder's heavy machinery. This has now been replaced with a long section of concrete.
  - (c) The name and contact details of the private certifier were not displayed on the site as required by law.
  - (d) Private certification is failing the community of Waverley.
2. Officers continue to monitor the site for further non-compliance and complaints.
  3. Investigates the establishment of a dedicated development compliance complaints email address and procedure, and a Council-specific complaints app and section on Council's website for complaints and Council's response, and that these compliance complaint channels be promoted through its various public networks, including through the soon-to-be appointed community planning advocate.
  4. Requests the Mayor to write to the Minister of Planning and Homes, Anthony Roberts, to express Council's and the community's ongoing concerns in relation to private certification, with a copy being distributed to all Councillors.

**CM/8.4/22.07                      Beaumont Street, Rose Bay - Traffic Calming (A03/0569)**

**MOTION / DECISION**

Mover:        Cr Betts  
Seconder:    Cr Nemesh

That Council:

1. Notes that the 85th percentile traffic speeds in Beaumont Street, Rose Bay, are higher than a desirable 40 km/h.
2. Notes that Beaumont Street is narrow, windy and steep, with a single travel lane for most of its length.
3. Investigates the introduction of a reduced speed limit, such as 30 km/h, and traffic calming measures, including speed humps and other solutions, to decrease the speed of traffic in Beaumont Street to significantly improve the safety of pedestrians, especially children, and to reduce the incidence and potential for cars to be sideswiped and to be involved in an accident because of excess speed.
4. Officers prepare a report to the next Waverley Traffic Committee with options and recommendation.

*B White addressed the meeting.*



**CM/8.5/22.07                      Local First Nations Community Visibility for NAIDOC and Reconciliation Weeks  
(A03/0905)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That:

1. For future NAIDOC and Reconciliation Week programs, Council officers explore more synergies in the networks between the Reconciliation Action Plan (RAP), RAP Advisory Committee, the new Bondi Pavilion and the Bondi and Districts Chamber of Commerce to express the visibility of our local First Nations cultural community practitioners upon the 'world stage' that is the new Bondi Pavilion Community Cultural Centre and Bondi Beach.
2. This discussion be progressed in consultation with Council's RAP Advisory Committee and local First Nations resident networks with a view to more visible involvement of our local First Nations community in cultural expressions.

**CM/8.6/22.07                      Friends of Waverley Library - Re-establishment (A05/0535-02)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That Council investigates a process for re-establishing the Friends of Waverley Library.

**CM/8.7/22.07                      Soft Plastic Recycling Services (SF19/2823)**

**MOTION**

Mover:        Cr Wy Kanak  
Seconder:    Cr Fabiano

That Council, as part of its commitment to Plastic Free July:

1. Investigates the establishment of a soft plastic, textile, batteries and e-waste recycling service by Council.
2. Provides enhanced community education on the options for recycling waste of this type.
3. Receives a report at the November Council meeting with the outcomes of the investigation and options for proceeding with implementation.

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

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

**UNANIMOUS DECISION**

That Council, as part of its commitment to Plastic Free July:

1. Investigates the establishment of a soft plastic, textile, batteries and e-waste, used and unused

electrical goods recycling collection service by Council.

2. Provides enhanced community education on the options for recycling waste of this type.
3. Receives a report at the November Council meeting with the outcomes of the investigation and options for proceeding with implementation.

*S von der Heide addressed the meeting.*

**CM/8.8/22.07          Affordable Housing - Purchase by General Manager (A07/0597)**

**MOTION**

Mover:      Cr Betts

Seconder:   Cr Kay

That Council:

1. Officers prepare a report to Council on the process and criteria to enable the General Manager to purchase property for the purposes of affordable housing funded from the Affordable Housing reserves.
2. Notes that:
  - (a) Council's Affordable Housing Contributions Reserve has a projected closing balance of \$5.7 million as of June 2023.
  - (b) The purpose of this reserve is to increase Council's affordable housing stock.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

**For the Motion:**      Crs Betts, Goltsman, Kay and Nemesh.

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

**9.      Questions with Notice**

**CM/9.1/22.07          Friends of Waverley Library (A05/0535-02)**

**QUESTION**

The following question was submitted by Cr Wy Kanak:

Can officers please outline the process that led to the recent closing of the Friends of Waverley Library (FOWL) group and indicate what procedures may be able to answer the community's call for FOWL's re-establishment?

**General Manager's answer**

In recent years, COVID-19 and the passing of committee members has had an impact on the operations of the Friends of Waverley Library (FOWL). As a result of this, as well as dwindling interest over the past four years, a review of FOWL was conducted by the Library Manager, Jody Rodas, in early 2021.

This review outlined and acknowledged the great work that the FOWL had contributed over the years to Waverley Library, including the support of great initiatives such as the NIB and school holiday programs. However, it also highlighted ongoing concerns, such as:

- The rapid decline in membership since 2017 despite efforts to engage the community.
- Longstanding vacancies of committee positions, which placed additional strain on the standing committee.
- A lack of communication and engagement since the AGM of February 2020 (declared invalid due to a lack of financial members present and no quorum being achieved).
- The fact that responsibility for the sale of discarded books had been passed to the Library and that money received was having to be transferred from the Library to the FOWL bank account and back to the Library
- The benefit of having Library professionals sourcing and delivering Library programs to the community.

This information was presented to the FOWL committee on 22 April 2021, along with the proposal to dissolve the FOWL group and replace it with a Library VIP membership program to continue to address the social aspects of the group. The newly established VIP program incorporates all 2019–2020 FOWL members and renders similar benefits and engagement opportunities that the FOWL members enjoyed. The Library at this time made a commitment to continue support for the FOWL Writers Group, Poetry Group and Book Club, and these groups continue to meet and thrive without FOWL as a formal organisation.

Acting FOWL President, Cleo Lynch, and all members present agreed with the proposal and were supportive of the dissolution of FOWL and the introduction of a Library VIP membership program. The agreed course of action was for Cleo to send an email to all FOWL members outlining the proposed changes. Cleo sent this email on 4 May 2021. Her email received seven replies, all of which were supportive of the dissolution of the group and the introduction of a VIP program. It is noted that one member arrived as the 22 April meeting was completed, and verbally disagreed with the dissolution of the group. However, no formal disagreement was subsequently received in response to Cleo's email. Additionally, following the April 2021 meeting and Cleo's follow-up email to all members in May 2021, the call of an extraordinary general meeting about the dissolution of FOWL was raised. Despite the Library's willingness to support this meeting by providing a room and/or giving access to the Library's Zoom account, this meeting was not organised by the group.

On 13 January 2022, following no further communication from FOWL members, the Acting President, Cleo Lynch, sent a final email thanking the group and outlining some new elements of the VIP membership program, along with a suggestion for how to spend the remaining funds FOWL had raised for the Library. This email received three responses, all positive, about the new VIP program. One member (the member previously mentioned who expressed disagreement at the 22 April meeting) at this time responded to Cleo's email directly, copying in Jody Rodas, stating their disagreement with the dissolution of the group and expressed that an AGM should be called to make this decision. The FOWL committee did not call an AGM and FOWL was effectively dissolved. Following no further communication or an AGM, both Peter Quartly and Lorna Graham (as signatories on the account) attended Westpac bank on 8 June 2022 and closed the FOWL bank account and signed all remaining funds to Waverley Library.

The fundraising aspect of the FOWL group was taken over by the Library when the annual book fair was replaced by the 'book sale' shelving in the Library foyer in 2018.

The social aspects of the FOWL group are being addressed in the following ways:

- By the continuation of support for the existing FOWL Writers Group, Poetry Group and Book Club (rebranded and opened up to other participants if space available).

- With the launch of the Library VIP program offering special benefits to members as well as an annual social event.
- With opportunities to assist the Library through the Library's volunteer program.

**Meredith Graham**  
**Acting Director, Community, Culture and Customer Experience**

**CM/9.2/22.07                      Curlewis Street Cycleway (SF20/3091)**

#### **QUESTION**

The following question was submitted by Cr Wy Kanak:

Given issues raised in a recent representation from a local Curlewis Street business, Carology, what action have Council officers taken, or can they take, to assess business impacts of the proposed Curlewis Street Cycleway?

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

Curlewis Street has been identified by Transport for NSW as a priority route (within a strategic corridor) for a bike path and the proposed streetscape upgrade aims to address this need whilst creating a more vibrant and welcoming street for residents and visitors. This route has also been highlighted in Waverley's Bike Plan which was adopted in 2013, as well as the recent Our Liveable Centres Strategy, as the route provides a connection from Bondi Beach to Rose Bay.

A community consultation ran for four weeks from 18 May to 15 June 2022 on the concept design for the streetscape upgrade. Businesses were informed of the opportunity to provide feedback via a number of different channels including a letterbox drop, email, Council e-news, social media and Council's Business Liaison Officer visiting on Tuesday, 31 May. An online information session of business owners was held on Monday, 2 June, and three Have Your Say days were held during the consultation period. The feedback provided by the community, including businesses, from the consultation period will inform the next stages of the project. The consultation summary report will be circulated to Councillors in the coming weeks.

The impacts to businesses of the bike path will broadly fall into two categories: construction and operational impacts. The impacts specific to the bike path construction are minimal in the context of the overall streetscape construction that would occur alongside it. These would be coordinated primarily once a contractor is engaged to deliver the construction. Prior to construction, Project Officers and the eventual contractor would visit businesses to confirm business opening hours, critical business operation requirements, access requirements and opportunities to manage and minimise construction impacts during construction phase.

The operational impacts specific to the bike path would be further assessed during the detailed design stage. A Road Safety Audit and Review of Environmental Factors would be prepared. Project Officers would liaise with businesses along the route to discuss the design outcomes in their business frontage. It is important to note the end operation of the street would be same as current; i.e. all approved/compliant existing residential and commercial driveways would be retained, with vehicles crossing the bike path to enter. Examples are found throughout the City of Sydney, and more recently through Bondi Junction. Further, parking along the street is maintained, except approximately five spaces lost across the entirety of the project. Furthermore, industrial-type business operations within Curlewis Street are not unlike some of the businesses within Bondi Junction adjacent to the newly constructed bike path.

**Shane Smith**

**Acting Director, Assets and Operations****CM/9.3/22.07          Soft Plastic Recycling Services (SF19/2823)****QUESTION**

The following question was submitted by Cr Wy Kanak:

Given that community representations have been received in the context of recent election sustainability policy platforms, can officers please outline the process that led to the change in assistance in the Waverley local government area (LGA) to soft plastic collection/recycling services such as RecycleSmart, and can officers please also outline other ways in which recycling soft plastic can occur in our LGA?

**General Manager's answer**

Council did not discontinue the pick-up service with RecycleSmart, as there was never an agreement between Council and RecycleSmart for this service. Council had an agreement with RecycleSmart to provide an online waste calendar via its app. This is no longer required, as Council's own website can complete this function. Separate to this, RecycleSmart independently offered a problem waste pick-up service to residents across the Eastern Suburbs. This was not something that Council was involved in and RecycleSmart is now discontinuing this in Waverley.

Soft plastic recycling points are available at supermarkets in Bondi Beach, Bondi, Bondi Junction, Bronte and Rose Bay. Details on soft plastic recycling are available at [redcycle.net.au](https://redcycle.net.au)

**Shane Smith**  
**Acting Director, Assets and Operations**

**10. Urgent Business**

There were no items of urgent business.

**11. Closed Session****CM/11/22.07          Closed Session****MOTION**

Mover:      Cr Masselos  
Seconder:   Cr Fabiano

That:

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

CM/11.1/22.07      CONFIDENTIAL REPORT - Bondi Pavilion Pottery Studio - Licence

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that

discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

*At 9.30 pm, Council moved into closed session and adjourned for a short break.*

*At 9.33 pm, Council resumed in closed session.*

**CM/11.1/22.07                      CONFIDENTIAL REPORT - Bondi Pavilion Pottery Studio - Licence (A15/0272)**

**MOTION / DECISION**

Mover:        Cr Gray  
Seconder:    Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Grants a licence to Sydney Clay Studio to operate the Bondi Pavilion pottery studio for three years with a two-year option, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete negotiations and execute all necessary documentation to finalise the matter.

*Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.*

**12. Resuming in Open Session**

**CM/12/22.07                      Resuming in Open Session**

**MOTION / DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That Council resumes in open session.

*At 9.41 pm, Council resumed in open session.*

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

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

**13. Meeting Closure**

**THE MEETING CLOSED AT 9.42 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**16 AUGUST 2022**

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/22.08



**Subject:** Adoption of Minutes - Waverley Traffic Committee Meeting - 28 July 2022

**TRIM No:** SF21/6066

**Author:** Natalie Kirkup, Governance Officer

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### RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 28 July 2022 be received and noted, and that the recommendations contained therein be adopted.

### Introduction/Background

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

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

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

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

### Attachments

1. Waverley Traffic Committee Minutes - 28 July 2022 .



**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE  
MEETING HELD BY VIDEO CONFERENCE ON  
THURSDAY, 28 JULY 2022**



**Voting Members Present:**

Cr P Masselos	Waverley Council – Chair
Cr T Kay	Waverley Council – Deputy Chair
Snr Cst A Birchansky	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Ms C Freeman	Representing Gabrielle Upton, MP, Member for Vaucluse
Mr R Sritharan	Transport for NSW – Network and Safety Officer

**Also Present:**

Mr B Gidies	Transdev John Holland – Traffic and Events Manager
Ms K Lewis	Transport for NSW – Manager, Communication and Stakeholder Engagement
Sgt A Leeson	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Cst C Stirling	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr N Zervos	Waverley Council – Executive Manager, Infrastructure Services
Mr C Hutcheson	Waverley Council – Service Manager, Traffic and Transport
Mr M Almuhanha	Waverley Council – Senior Traffic Engineer
Mr K Magistrado	Waverley Council – Traffic Engineer
Ms B Wang	Waverley Council – Professional Engineer, Traffic and Development
Cr L Fabiano	Waverley Council – Deputy Chair

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*At the commencement of proceedings at 10.01 am, those present were as listed above.*

*At 10.58 am, during the consideration of item TC/V.04/22.07, Cr Masselos relinquished the chair, left the meeting and did not return. Cr Kay assumed the chair for the remainder of the meeting.*

**Apologies**

Apologies were received from Mr P Pearce (representing Marjorie O'Neill, MP, Member for Coogee), Mr J Miranda (alternatively representing Marjorie O'Neill, MP, Member for Coogee) and Ms J Zin (representing Gabrielle Upton, MP, Member for Vaucluse).

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

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

1. Cr T Kay declared a pecuniary interest in item TC/V.06/22.07 – 154 Ramsgate Avenue, North Bondi – Construction Zone and informed the meeting that his mother-in-law owns property within 20 m of the site.

2. Cr T Kay declared a less than significant non-pecuniary interest in item TC/V.08/22.07 – Griffith Avenue and Plowman Street, North Bondi – ‘No Stopping’ Zones and informed the meeting that he lives within 100 m of the site.

### **Adoption of Previous Minutes by Council - 23 June 2022**

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 23 June 2022 were adopted by Council at its meeting on 19 July 2022.

### **ITEMS BY EXCEPTION**

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

- |               |  |
|---------------|--|
| TC/C.01/22.07 | Resident Parking Scheme – Dalley Street and Paul Street, Bondi Junction – Area 22 Extension. |
| TC/C.02/22.07 | Resident Parking Scheme – Llandaff Street, Bondi Junction – Area 22 Extension.               |
| TC/V.05/22.07 | 3 Roe Street, North Bondi – Construction Zone.   |
| TC/V.06/22.07 | 154 Ramsgate Avenue, North Bondi – Construction Zone.  |
| TC/V.07/22.07 | 72 Wellington Street, Bondi Beach – Construction Zone.                                       |

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

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

#### **TC/C        STATE ELECTORATE OF COOGEE**

- |                      |   |
|----------------------|---|
| <b>TC/C.01/22.07</b> | <b>Resident Parking Scheme - Dalley Street and Paul Street, Bondi Junction - Area 22 Extension (A02/0750)</b> |
|----------------------|---|

#### **COUNCIL OFFICER’S PROPOSAL:**

That Council:

1. Installs ‘2P 8 am–6 pm, Mon-Sat, Permit Holders Excepted Area 22’ parking restriction in Dalley Street, Bondi Junction and along the western kerb line of Paul Street south of Bondi Road as shown in Figure 5 of the report
2. Retains existing unrestricted parking along the eastern kerb line of Paul Street.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.02/22.07                  Resident Parking Scheme - Llandaff Street, Bondi Junction - Area 22 Extension (A02/0750)****COUNCIL OFFICER'S PROPOSAL:**

That Council extends the '1P 8 am–6 pm Mon-Sat, Permit Holders Excepted Area 22' parking restrictions in Llandaff Street, Bondi Junction into the section on the southern side of Llandaff Street from Botany Street to 41 Llandaff Street, as shown in Figure 1 of the report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V                  STATE ELECTORATE OF VAUCLUSE****TC/V.01/22.07                  Festival of the Winds - Bondi Beach and Park - Special Event (A19/0394)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Treats the attachment to the report as confidential as it contains information that would, if disclosed, prejudice the maintenance of law.
2. Approves the Traffic Control Plans for the Festival of the Winds attached to the report subject to the event organisers:
  - (a) Obtaining NSW Police Force approval.
  - (b) Submitting a Traffic Management Plan to Transport for NSW in accordance with the NSW Government 'Guide to Traffic and Transport Management for Special Events.'

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

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

That Council:

1. Treats the attachment to the report as confidential as it contains information that would, if disclosed,

prejudice the maintenance of law.

2. Approves the Traffic Control Plans for the Festival of the Winds attached to the report subject to the event organisers:
  - (a) Obtaining NSW Police Force approval.
  - (b) Submitting a Traffic Management Plan to Transport for NSW in accordance with the NSW Government 'Guide to Traffic and Transport Management for Special Events.'
3. Circulates any further Traffic Control Plans, including Bondi Junction, to NSW Police and Transdev John Holland.

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

**TC/V.02/22.07          Hall Street, Bondi Beach - Temporary One-Way Trial (A22/0171)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Endorses the temporary one-way conversion of Hall Street, Bondi Beach, between Gould Street and O'Brien Street/Glenayr Avenue, as shown in Attachment 1 of the report.
2. Submits a Traffic Management Plan of the proposed temporary one-way conversation of Hall Street, Bondi Beach between Gould Street and O'Brien Street/Glenayr Avenue to Transport for NSW for consideration and approval.
3. Submits the detailed design plan to Transport for NSW and NSW Police for review and approval prior to construction.
4. Monitors traffic speeds and volumes to identify effects on surrounding streets during the trial period.
5. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to being amended to read as follows:

That Council:

1. Endorses the temporary one-way westbound conversion of Hall Street, Bondi Beach, between Gould Street and O'Brien Street/Glenayr Avenue, as shown in Attachment 1 of the report.
2. Prepares and then submits a Traffic Management Plan of the proposed temporary one-way westbound conversion of Hall Street, Bondi Beach, between Gould Street and O'Brien Street/Glenayr Avenue to Transport for NSW for consideration and approval.
3. Prepares and then submits the detailed design plan to Transport for NSW and NSW Police for review and approval prior to construction.

4. Notes that Hall Street's on-street parking provision during the trial will not be reduced.
5. Notes the improved efficiency to citybound vehicles, including buses, travelling south-west along Glenayr Avenue, due to the proposed 'Give Way' arrangement for Hall Street traffic at the Glenayr Avenue intersection.
6. Monitors traffic speeds and volumes to identify effects on surrounding streets during the trial period.
7. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes, with any substantive changes being emailed to all Councillors.

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

**TC/V.03/22.07                      Blake Street and Military Road, Dover Heights - Raised Pedestrian Crossing (A21/0042)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a raised pedestrian crossing and associated signage in Blake Street east of Military Road, Dover Heights, as shown in Figure 2 of the report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to an amendment to clause 1 and the addition of a new clause 2 such that the recommendation now reads as follows:

That Council:

1. Installs a 75 mm raised pedestrian crossing and associated signage in Blake Street east of Military Road, Dover Heights, as shown in Figure 2 of the report, subject to a detailed design plan being sent to Transport for NSW for review and approval.
2. Notes that a strategic approach to pedestrian crossing warrants within Waverley will be developed.

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

**TC/V.04/22.07                      North Bondi Beach, Campbell Parade - Bus Zone Modification (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Reduces the length of the bus zone at North Bondi Beach, Campbell Parade, on the southern side of Campbell Parade from 35 metres to 26 metres.
2. Installs a 9 metre 'No Parking Council Authorised Vehicles Excepted' zone south of the shortened bus

zone.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to amendments to clauses 1 and 2 such that the recommendation now read as follows:

That Council:

1. Reduces the length of the bus zone at North Bondi Beach, Campbell Parade to the west of Ramsgate Avenue on the southern side of Campbell Parade from 35 metres to 26 metres.
2. Installs a 9 metre 'No Parking Council Authorised Vehicles Excepted' zone south-west of the shortened bus zone.

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

**TC/V.05/22.07                      3 Roe Street, North Bondi - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 9 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in front of 3 Roe Street, North Bondi.
2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.06/22.07                      154 Ramsgate Avenue, North Bondi - Construction Zone (A03/2514-04)**

*Cr Kay declared a pecuniary interest in this item and informed the meeting that his mother-in-law owns property within 20 m of the site.*

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 12 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles

Excepted' construction zone in front of 154 Ramsgate Avenue, North Bondi.

2. Removes a mobility parking space (8 am–10 pm) located within the construction zone area.
3. Installs a 6 metre mobility parking space (8 am–10 pm) around 7.2 metres to the north of the space to be removed.
4. Replaces the Construction Zone with '1/2P 8 am–10 pm, Permit Holders Excepted Area 6' restrictions when it is no longer required.
5. Notifies residents in the vicinity of the construction zone prior to it being installed.
6. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.07/22.07                      72 Wellington Street, Bondi Beach - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 9 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in front of 72 Wellington Street, Bondi Beach.
2. Notifies residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.08/22.07                      Griffith Avenue and Plowman Street, North Bondi - 'No Stopping' Zones (A14/0145)**

*Cr T Kay declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives within 100 m of the site.*

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs 'No Stopping' zones at the intersection of Griffith Avenue west of Plowman Street as follows:

1. 7 metres on the on the southern side of Griffith Avenue west of Plowman Street.
2. 3 metres on the western side of Plowman Street south of Griffith Avenue.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

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

Nil.

**THE MEETING CLOSED AT 11.06 AM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**16 AUGUST 2022**

:



## MAYORAL MINUTES CM/6/22.08

**Subject:** Mayoral Minutes

**Author:** Mayor of Waverley, Cr Paula Masselos



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

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

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

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

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

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

**REPORT**  
**CM/7.1/22.08**

**Subject:** Delivery Program 2018-22 - Six-monthly Progress Report

**TRIM No:** A21/0034

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

**Director:** Emily Scott, General Manager

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**RECOMMENDATION:**

That Council receives and notes the progress report on the Delivery Program 2018–22 attached to the report.

**1. Executive Summary**

This report provides a summary of progress for activities from the Operational Plan 2021–22 for the period 1 January 2022 to 30 June 2022 as they reflect progress for the deliverables identified in the Delivery Program. The Six-monthly Progress Report is attached to the report. The Six-monthly Progress Report sets out Council's progress in delivering the projects and programs within the Operational Plan. It also contains reporting on detailed targets and measures within the Plan and Delivery Program.

**2. Introduction/Background**

Section 404(5) of the *Local Government Act 1993* requires that the General Manager ensures regular reports are provided to the Council on progress with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided every six months. Council's planning is based on our long-term community strategic plan, which sets out the community's vision for Waverley. In June 2018, Council adopted the Community Strategic Plan 2018–2029. In accordance with the legislation, sitting under the Community Strategic Plan is a four-year Delivery Program and a one-year Operational Plan (see diagram below).

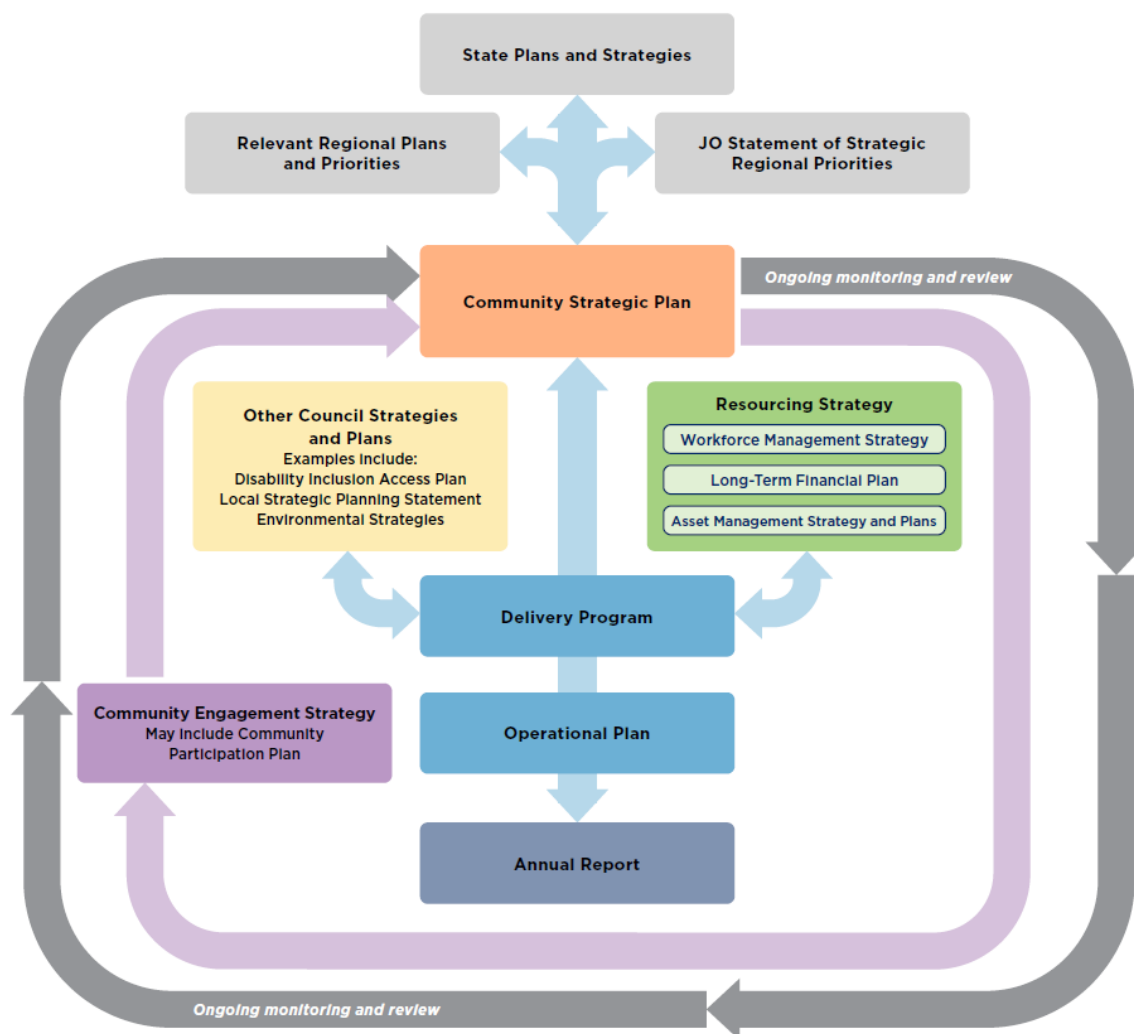


Figure 1. Integrated planning and reporting (IP&R) framework.

To meet legislative requirements, Council reports bi-annually against actions in its annual Operational Plan as a measure of progress towards achieving the delivery program, and ultimately the community's vision.

### 3. Relevant Council Resolutions

Nil.

### 4. Discussion

The Delivery Program is Council's commitment, during its term of office, to what it is going to deliver to the community to achieve the directions set out in the Community Strategic Plan. The one-year Operational Plan, which is a sub-plan of the Delivery Program, sets out the activities (services and projects) being undertaken by Council in the financial year. The approach to using the Operational Plan actions for reporting on the Delivery Program is in line with the Integrated Planning and Reporting Manual for Local Government in NSW. The Operational Plan is a subset of the Delivery Program—not a separate entity so the Delivery Program and the Operational Plan need to be wholly complementary.

This report is the eighth and last progress report on the Community Strategic Plan 2018–2029. The Community Strategic Plan reflects the Waverley community's long-term priorities and aspirations for the future.

The Delivery Program sets out a plan to respond to and meet the community's long-term vision as stated in the 11-year Community Strategic Plan within each Council term. This Six-monthly Progress Report is made up of two parts. The first part gives a high-level summary of key milestones and achievements of the Council in implementing the Operational Plan 2021–22. The second part provides detailed reporting on progress in each activity/project in the Operational Plan 2021–22.

Progress is summarised in the table below.

*Table 1. Summary of progress.*

Themes	Completed	In Progress	In Progress – Impacted by COVID-19	Delayed	Delayed – Impacted by COVID-19
<b>Overall</b>	<b>79%</b>	<b>12%</b>	<b>4%</b>	<b>4%</b>	<b>1%</b>
Arts and Culture	87%	13%	0%	0%	0%
Community Services and Well-Being	83%	0%	17%	0%	0%
Recreation and Open Spaces	100%	0%	0%	0%	0%
Local Economy	87%	13%	0%	0%	0%
Planning, Development and Heritage	84%	5%	0%	11%	0%
Transport, Pedestrians and Parking	72%	14%	7%	7%	0%
Buildings and Infrastructure	80%	20%	0%	0%	0%
Sustainable Environment	91%	4%	0%	5%	0%
Sustainable Waste	87%	13%	0%	0%	0%
Corporate Leadership and Engagement	62%	26%	3%	6%	3%
Knowledge and Innovation	67%	11%	11%	0%	11%

Of the 162 activities in this Operational Plan, 10 activities were impacted by COVID-19. Activities such as events were cancelled or transitioned to online formats while some other business as usual activities are in progress but have been impacted by COVID-19. In other instances, resources were reallocated to respond to community priorities. The activities that were delayed due to operational reasons include dependency on another activity completion and awaiting state decisions.

Of the total 162 actions in the Operational Plan 2021–22, 79% (128) of the actions in the Operational Plan were completed, 12% (19) are in progress, another 4% (7) are in progress but are impacted by COVID-19, 4% (6) were delayed due to operational reasons and 1% (2) were delayed due to COVID-19.

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

The actions in the Operational Plan 2021–22 were included in the budget and work program when the Operational Plan was adopted by Council in June 2021. Funding to implement the Delivery Program over its term is based on the Long Term Financial Plan that supports the Delivery Program. The Progress Report on Delivery Program is based on information provided by Directors and Executive Managers across Council. The Progress Report on Delivery Program reflects progress as of 30 June 2022.

## 6. Conclusion

The Progress Report on the Delivery Program provides an overview of the program of work Council has delivered as well as detailed reporting against the deliverables set out in the Operational Plan 2021-22 for the period 1 January 2022 to 30 June 2022.

**7. Attachments**

1. Six Monthly Progress Report - January-June 2022 (under separate cover) [⇒](#) .

**REPORT  
CM/7.2/22.08**

**Subject:** Budget Carry Over - 2021-22 to 2022-23

**TRIM No:** A03/0346

**Author:** Teena Su, Executive Manager, Finance

**Director:** Richard Sheridan, Acting Director, Corporate Services

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**RECOMMENDATION:**

That Council:

1. Carries over \$7,350,403 from the 2021–22 financial year budget to 2022–23, as set out in Attachment 1 of the report.
2. Allocates the \$1 million NSW Severe Weather and Flood Grant to the following capital works projects:
  - (a) Glenayr Avenue flood improvements – \$500,000.
  - (b) Notts Avenue boardwalk remediation works – \$400,000
  - (c) North Bondi promenade remediation works – \$100,000.

**1. Executive Summary**

The purpose of this report is to seek Council approval to transfer \$7.35m in funds associated with specific operational and capital projects from the 2021–22 financial year to the current 2022–23 financial year. These funds will permit 37 Council approved multi-year projects and programs to continue to be implemented, as per Delivery Program commitments.

These requests are a result of projects and programs not being as advanced as originally estimated and/or due to restrictions or delays related to the COVID-19 pandemic.

**2. Introduction/Background**

It is proposed that approved funds associated with a number of operational and capital projects from the 2021–22 financial year, as detailed in Attachment 1, be carried over to the 2022–23 financial year to permit completion, as per Delivery Program commitments.

**3. Relevant Council Resolutions**

Nil.

#### 4. Discussion

##### Carry-over proposal to 2022-23 (Attachment 1)

In accordance with the carry-over process, 37 operational and capital projects were identified as requiring unspent funds to be carried over to the new financial year 2022-23 to permit their completion. These requests have been reviewed and agreed by the Executive Leadership Team (ELT). Carry-overs total \$7.35m, as summarised in the following table.

Table 1. Summary of carry-overs.

Carry Overs from 2021/22 to 2022/23			Funding Sources Summary				
Requestor	Proposed Carry Over Value	No. of Carryovers	2021/22 General Fund	Internal Restricted Reserves	External Restricted Reserves	Income to be received in 2022/23	Total
Total Operational Carry Over	726,483	5	395,490	324,934	6,059	0	726,483
Total Capital Works Carry Over	6,623,920	32	1,798,169	951,659	1,130,228	2,743,864	6,623,920
<b>Total Carry Over to 2021/22</b>	<b>7,350,403</b>	<b>37</b>	<b>2,193,658</b>	<b>1,276,593</b>	<b>1,136,287</b>	<b>2,743,864</b>	<b>7,350,403</b>

Refer to Attachment 1 for further detail.

##### Operational capital expense carry-overs (\$726k)

Proposed carry-overs include:

- TRIM system upgrade of \$185k.
- Bondi Pavilion IT infrastructure setup and fit-out works of \$576k.
- Other operating capital expense of \$45k.

##### Capital works program carry-overs (\$6.62m)

32 capital work program projects, totalling \$6.62m, require funds to be carried over to FY 2022-23; see Table 2.

The 2021-22 financial year was challenging due to disruptions caused by the COVID-19 pandemic restrictions. This resulted in Council and Council contractors having to modify operations in response to the evolving situation created by COVID-19. As a consequence, a number of projects could not be completed by the end of the financial year as originally proposed.

Table 2. Capital works program carry-overs.

Capital Works Program	No. of projects	Value \$
Multi-year projects	9	2,468,769
Delayed projects to be completed in 2021-23	23	4,155,151
<b>Total Carry Over</b>	<b>32</b>	<b>6,623,920</b>

##### NSW Severe Weather and Flood Grant (\$1m)

In addition to the incomplete project carry-overs, Council received a \$1m NSW Severe Weather Flood grant in June 2022. Staff recommend acceptance of this grant to support the following three new projects that will be added to the 2022-23 capital works program:

- Glenayr Avenue flood improvements – \$500k
- Notts Ave boardwalk remediation works – \$400k
- North Bondi promenade remediation works – \$100k.

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

The carry-over items valued at \$7.35m and associated funding sources were included in the previous financial year 2021–22 and will have no impact on the current year's budget bottom line.

**6. Conclusion**

To permit the completion of a range of Council's projects, funds associated with 37 items are requested to be carried over from 2021–22 financial year to the 2022–23 financial year.

**7. Attachments**

1. Carry overs from 2021-22 to 2022-23 [↓](#) .



Carry Overs from 2021/22 to 2022/23			Expense	Funding Sources															
NO.	Cost Centre/Project	Cost Centre Description	Proposed Carry Over Value	Grant/Fee to be received in 2022/23	Computer Reserve	s94 reserve	PA reserve	Domestic Waste Reserve	Affordable housing reserve	Social housing reserve	Investment Strategy Reserve	Car Parking Reserve	Infrastructure Cemetery Reserve	Infrastructure Coastal & Retaining Reserve	Affordable Housing Contributions Reserve	Other Infrastructure Reserve	Carry Over Reserve	Centralized reserve	2021/22 General Fund
1	12002	IT Project - firewall threat prevention works	40,396		(34,337)			(6,059)											0
2	24059	Waverley Early Education Centre	4,535																(4,535)
3	24109	Bondi Pavilion Administration	390,955																(390,955)
4	R0082	Bondi Pavilion IT infrastructure set up	184,792		(94,479)						(90,313)								0
5	R0084	TRIM system upgrade	105,805		(105,805)														0
																			0
	Total Operational Carry Over		726,483	0	(234,621)	0	0	(6,059)	0	0	(90,313)	0	0	0	0	0	0	0	(395,490)
6	C0006	Bondi Pavilion Conservation & Restoration	1,245,324																(1,245,324)
7	C0021	Bondi Junction Cycle Way / Street Scape Upgrade	241,307	(241,307)															0
8	C0125	South Bronte (Community Centre) Toilet	17,902			(17,902)													0
9	C0289	Bronte Pump House Upgrade and Pump Replacement	7,780														(7,780)		0
10	C0438	Installation of EV charging stations	100,783																(100,783)
11	C0562	Barracuff Park + Playground	10,174														(10,174)		0
12	C0688	Tamarama SLSC – Building Upgrade	175,000	(175,000)															0
13	C0712	2A Edmund Street (Social Housing) Redevelopment	35,092						(4,163)	(5,194)					(25,735)				0
14	C0716	40km/hr speed zone review	183,951	(183,951)															0
15	C0718	Coastal Path Improvements - Notts Ave	12,818			(4,177)												(8,641)	0
16	C0811	Safety by design in public places	393,423				(335,965)										(57,458)		(0)
17	C0843	Car Park Access Infrastructure Upgrade	360,745									(360,745)							0
18	C0854	Onslow Park and Playground	7,760			(4,599)	(3,161)												0
19	C0865	Coastal Fencing Renewal - Clarke Reserve	17,019				(15,625)							(764)				(630)	0
20	C0867	Bondi Lifeguard Facilities Upgrade	165,613	(165,613)															0
21	C0885	Waverley Park Slope Stabilisation and Path to Netball Cou	2,600			0	(2,600)												0
22	C0886	Waverley Park Playground and Fitness Station Upgrade	15,745	(15,745)															0
23	C0889	2020/21 - RC - Glenayr Avenue - Blair St to Hall St	1,480,289	(768,481)			(521,920)												(189,887.59)
24	C0916	2020/21 - FC - Birrell Street - Cross St to Wolaroi Crescent	34,394			(21,086)											(7,883)	(5,425)	0
25	C0917	2020/21 - FC - Bronte Road - Pacific St to 495 Bronte Rd	15,941			(6,378)											(6,823)	(2,740)	0
26	C0952	Tamarama Marine Drive	330,129	(330,129)															0
27	C0972	South Head Cemetery Retaining wall reconstruction	34,000										(34,000)						0
28	C0977	North Bondi GPT	30,000															(30,000)	0
29	C0981	2021/22 - RC - Military Road - Raleigh St to 216 Military Rd	11,051																(11,051)
30	C1000	2021/22 - FC - Dickson Reserve	130,253			(51,983)											(78,270)		0
31	C1002	2021/22 - FC - Denison Street - Ebley St to Birrell S (E/S)	46,805			(46,805)													0
32	C1012	2021/22 - RC - Gaerloch Avenue - Kenneth St to 22 Gaerloch	8,460			(5,721)											(2,739)		0
33	C1027	Integrati access control system	28,158								(28,158)								0
34	C1029	York Road Slip Lane	960,931	(594,288)		(82,949)										(283,694)			0
35	C1030	Birrell Street Pedestrian Crossing - Henrietta Street	101,123																(101,123)
36	C1032	Williams Park Walking Track	19,350	(19,350)															
37	E0005	2022 April Storm Damage	400,000	(250,000)															(150,000)
	Total Capital Works Carry Over		6,623,919.84	(2,743,864)	0	(241,600)	(879,271)	0	(4,163)	(5,194)	(28,158)	(360,745)	(34,000)	(764)	(25,735)	(283,694)	(171,127)	(47,436)	(1,798,169)
	Total Carry Over to 2022/23		7,350,403	(2,743,864)	(234,621)	(241,600)	(879,271)	(6,059)	(4,163)	(5,194)	(118,471)	(360,745)	(34,000)	(764)	(25,735)	(283,694)	(171,127)	(47,436)	(2,193,658)

## REPORT CM/7.3/22.08



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

**TRIM No:** A03/2211

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

**Director:** Richard Sheridan, Acting Director, Corporate Services

### RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for June 2022 attached to the report.
2. Notes that the Acting Director, Corporate Services, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

### 1. Executive Summary

For the month of June 2022, Council's investment portfolio generated \$110,570 in interest.

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

The interest income for year to date achieved 101.31% (\$869,965) of the current approved budget of \$858,678.

### 2. Introduction/Background

Clause 212 of the *Local Government (General) Regulation 2021* requires that Council be provided with a written report setting out details of all money that the Council has invested under section 625 of the *Local Government Act 1993* (the Act) and certifying that these investments have been made in accordance with the Act, regulations, Ministerial Investment Orders and Council's Investment Policy.

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

*Table 1. Monthly interest income received by Council.*

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

October	858,687	63,632	304,584	35.47%
November	858,687	52,572	357,156	41.59%
December	858,687	77,035	434,191	50.56%
January	858,687	63,493	497,684	57.96%
February	858,687	49,821	547,505	63.76%
March	858,687	86,007	633,511	73.78%
April	858,687	68,165	701,676	81.72%
May	858,687	57,719	759,395	88.44%
June	858,687	110,570	869,965	101.31%

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 June 2022	CM/7.3/22.06	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the Investment Summary Report for May 2022 attached to the report.</li> <li>2. Notes that the Interim Director, Finance and Governance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the <i>Local Government Act 1993</i> and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.</li> </ol>

### 4. Discussion

As at 30 June 2022, Council's cash investment portfolio for the financial year, generated interest earnings of \$869,965 representing 101.31% of the approved budget of \$858,687.

Council's investment portfolio posted a marked-to-market return of -3.67% pa for the month of June against the bank bill index benchmark return of 0.61% pa.

The NSW TCorpIM LT Growth Fund recorded a negative marked-to-market return in June, -4.17% and was the primary influence on Council's overall negative result. While the fixed interest markets had another bad month, the fund was mainly affected by a poor result in their Global and Australian share components.

Without marked-to-market influences, Council's investment portfolio yielded 1.09% pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

Over the last 12 months, Council's investment portfolio had a -0.55% return, versus the bank bill index benchmark of 0.10%.

During June, Council had \$10m among a range of 9-, 10- and 12-month term deposits mature, which had an average rate of 0.36% pa. Reflecting the sharp increase in term deposit rates over the past several months, those \$10m in proceeds were invested in three 12-month deposits paying an average of over 3.80% pa.

As at 30 June 2022, Council's investment portfolio has a current market value of \$127,509,915, which represents a loss of \$304,795 on the \$127,814,710 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Asset Group	Face Value	Current value
Cash	\$7,013,745	\$7,013,745
Floating Rate Note	\$33,250,000	\$32,781,103
Managed Funds	\$15,050,965	\$15,050,965
Term Deposit	\$72,500,000	\$72,664,102
<b>Total</b>	<b>\$127,814,710</b>	<b>\$127,509,915</b>

### Analysis

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

For the past 12 months, the investment portfolio had a -0.55% return, versus the bank bill index benchmark of 0.10%.

*Table 3. Portfolio return.*

Month	Portfolio Return %	Ausbond BB Index %	Variance %
Jun-21	2.94	0.03	2.91
Jul-21	2.63	0.04	2.59
Aug-21	2.43	0.02	2.41
Sep-21	-2.00	0.01	-2.01
Oct-21	-1.01	-0.01	-1.00
Nov-21	1.72	0.07	1.65
Dec-21	1.79	0.04	1.75
Jan-22	-1.50	0.06	-1.56
Feb-22	-2.87	0.07	-2.94
Mar-22	-1.84	0.04	-1.88
Apr-22	-1.42	-0.19	-1.23
May-22	-0.92	0.41	-1.33
June-22	-3.67	0.61	-4.28
<b>Average % return Over the last 12 months</b>	<b>-0.55</b>	<b>0.10</b>	<b>0.65</b>

Council has a well-diversified portfolio invested predominantly among a range of term deposits and senior ranked floating rate notes from highly rated government and Australian bank issuers. Council also has a quarter of its portfolio invested in professionally managed funds, via NSW TCorp, which provide exposure to a wide range of asset classes, including international and domestic shares. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

### Investments in ethically, socially and environmentally beneficial alternatives

As at the end of June 2022, 73.3% of Council's portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs (including the daily operation fund) accounted for 14.9% of the portfolio. The remaining 11.8% is invested with TCorp.

Over the period of 49 months, from June 2018 to June 2022, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 14.9%, as displayed in Figure 1 below.

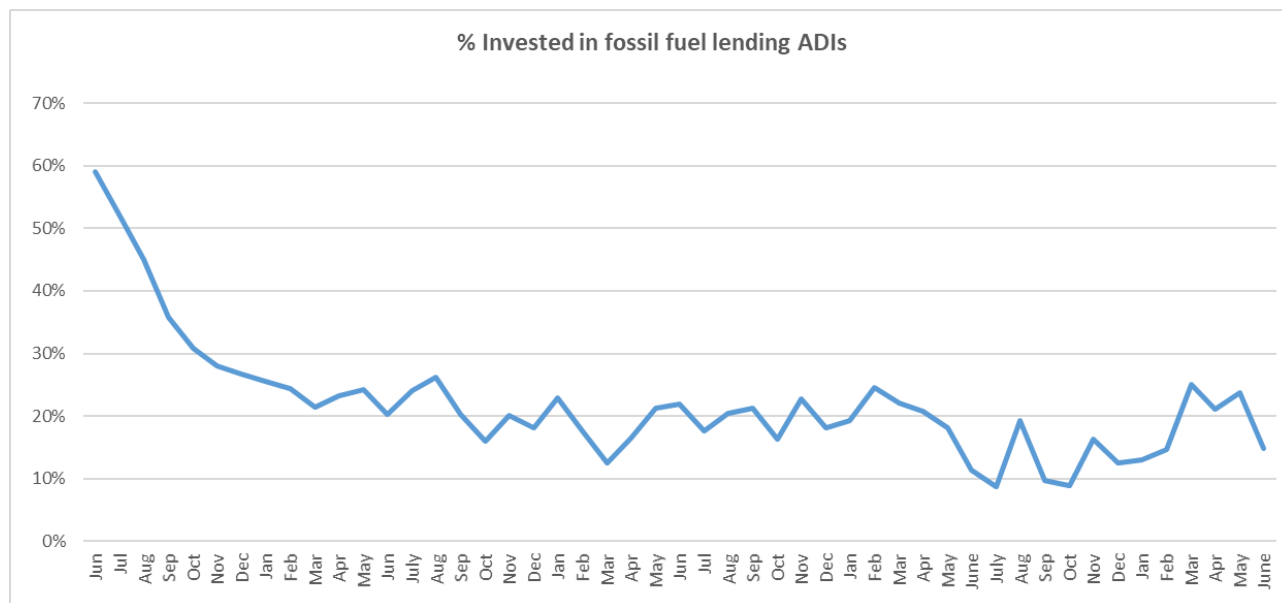


Figure 1. Investments in fossil-fuel-lending ADIs.

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

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

Date	Amount	Term (months)	Non-Fossil/Green Deposit Rates	Fossil Fuel ADI Deposit Rates
10-Jun-22	5,000,000	12	3.65%	3.69%
21-Jun-22	5,000,000	12	4.15%	4.10%

When excluding the working capital funds held in the CBA bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 77.61% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 9.93% of the portfolio. The remaining 12.46% is invested with TCorp as displayed in Figure 2 below.

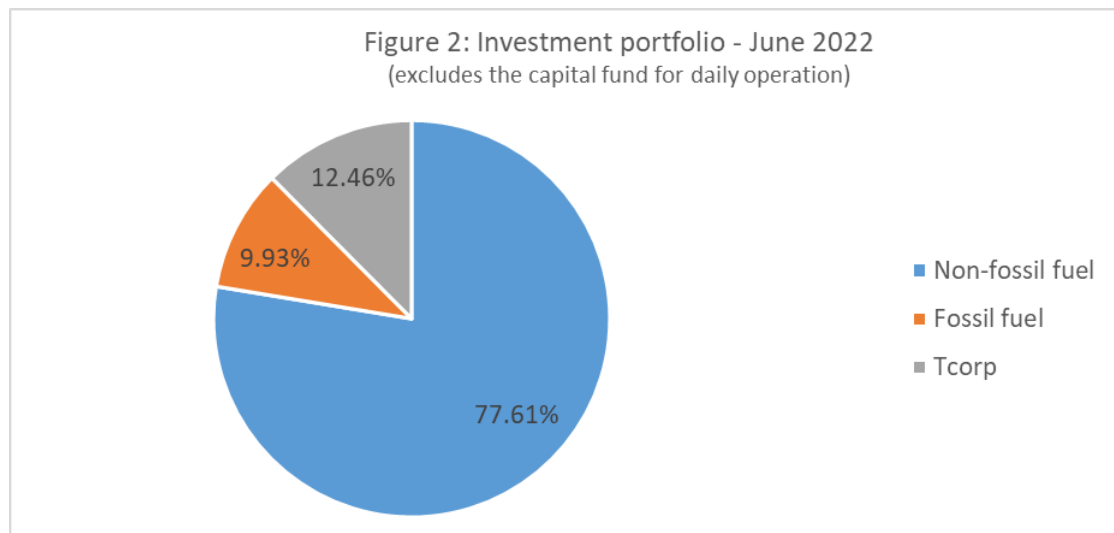


Figure 2. Investment portfolio.

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

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

## 6. Conclusion

Council's investment portfolio has achieved interest earning of \$869,965 for the 2021–22 financial year, representing 101.31% of the approved budget of \$858,678.

## 7. Attachments

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



## Investment Summary Report June 2022

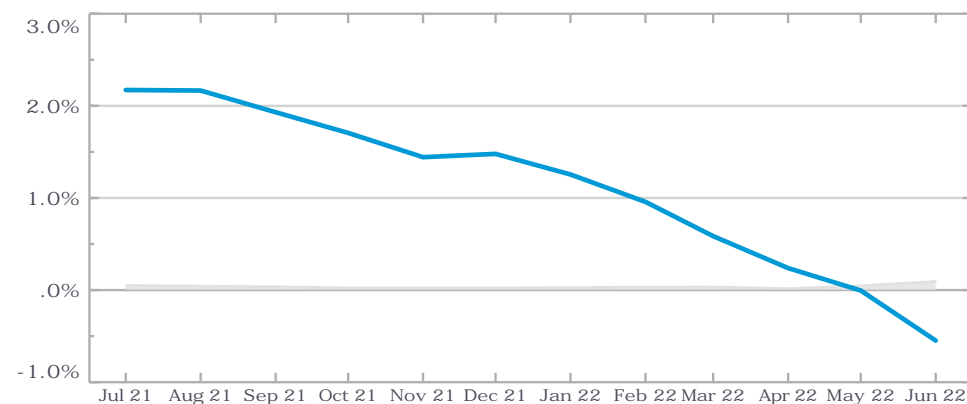
# Waverley Council Executive Summary - June 2022



## Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	7,013,744.62	7,013,744.62
Floating Rate Note	33,250,000.00	32,781,103.49
Managed Funds	15,050,965.20	15,050,965.20
Term Deposit	72,500,000.00	72,664,101.62
	127,814,709.82	127,509,914.93

## Investment Performance

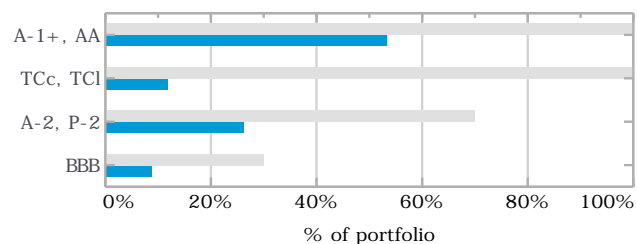


Portfolio Rolling 12 month return

AusBond BB Index Rolling 12 month Return

## Investment Policy Compliance

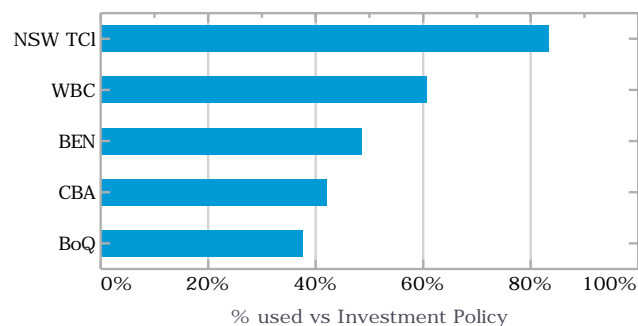
### Total Credit Exposure



Portfolio Exposure

Investment Policy Limit

### Highest Individual Exposures



### Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	96,014,710	75% 100%
Between 1 and 3 Years	11,500,000	9% 50%
Between 3 and 10 Years	20,300,000	16% 30%
	127,814,710	



Waverley Council  
Investment Holdings Report - June 2022



### Cash Accounts

Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
5,677,034.58	0.2000%	Commonwealth Bank of Australia	A-1+	5,677,034.58	120789	24hr Call
442,170.48	0.0000%	Commonwealth Bank of Australia	A-1+	442,170.48	120794	General Funds
41,102.37	0.0000%	Commonwealth Bank of Australia	A-1+	41,102.37	120795	Trust Funds
22,916.00	0.0000%	Commonwealth Bank of Australia	A-1+	22,916.00	120796	Cemetery Funds
193,487.02	0.0000%	Commonwealth Bank of Australia	A-1+	193,487.02	120797	Depositor Funds
572,553.77	0.0000%	Commonwealth Bank of Australia	A-1+	572,553.77	120799	Library CP
14,196.60	0.0000%	Commonwealth Bank of Australia	A-1+	14,196.60	120800	Eastgate CP
12,709.45	0.0000%	Commonwealth Bank of Australia	A-1+	12,709.45	120801	Hollywood Av CP
37,574.35	0.0000%	Commonwealth Bank of Australia	A-1+	37,574.35	370151	Library Gift
7,013,744.62	0.1619%			7,013,744.62		

### Managed Funds

Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,175,972.32	-0.1024%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,175,972.32	411310	Builder Deposits
2,211,013.22	0.0433%	NSW T-Corp (Cash)	TCc	Cash Fund	2,211,013.22	505262	
10,663,979.66	-4.1674%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	10,663,979.66	538089	
15,050,965.20					15,050,965.20		

### Term Deposits

Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
12-Jul-22	3,000,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	13-Sep-21	3,007,175.34	541896	7,175.34	At Maturity	
19-Jul-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	20-Jul-21	3,014,219.18	541669	14,219.18	At Maturity	
2-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,013,356.16	541733	13,356.16	At Maturity	
9-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,013,356.16	541734	13,356.16	At Maturity	
16-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,013,356.16	541735	13,356.16	At Maturity	
23-Aug-22	2,500,000.00	0.3000%	Commonwealth Bank of Australia	A-1+	2,500,000.00	24-Aug-21	2,506,390.41	541770	6,390.41	At Maturity	Green

# Waverley Council Investment Holdings Report - June 2022



## Term Deposits

Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
26-Aug-22	5,000,000.00	0.3500%	Suncorp Bank	A-1+	5,000,000.00	26-Aug-21	5,014,815.07	541782	14,815.07	At Maturity	
2-Sep-22	2,000,000.00	0.3100%	Commonwealth Bank of Australia	A-1+	2,000,000.00	3-Sep-21	2,005,112.88	541834	5,112.88	At Maturity	Green
13-Sep-22	2,000,000.00	0.3800%	Great Southern Bank	A-2	2,000,000.00	14-Sep-21	2,006,038.36	541899	6,038.36	At Maturity	
8-Nov-22	2,000,000.00	0.8000%	Auswide Bank	P-2	2,000,000.00	3-Nov-20	2,010,520.55	540548	10,520.55	Annually	
15-Nov-22	3,000,000.00	0.5400%	Westpac Group	A-1+	3,000,000.00	18-Nov-21	3,001,952.88	542104	1,952.88	Quarterly	Green
22-Nov-22	3,000,000.00	0.5600%	Westpac Group	A-1+	3,000,000.00	22-Nov-21	3,001,795.07	542108	1,795.07	Quarterly	Green
13-Dec-22	3,000,000.00	0.6900%	Westpac Group	A-1+	3,000,000.00	17-Dec-21	3,000,793.97	542207	793.97	Quarterly	Green
10-Jan-23	3,000,000.00	0.7500%	Westpac Group	A-1+	3,000,000.00	17-Jan-22	3,004,500.00	542247	4,500.00	Quarterly	Green
7-Feb-23	2,000,000.00	0.8800%	Westpac Group	A-1+	2,000,000.00	9-Feb-22	2,002,555.62	542326	2,555.62	Quarterly	Green
14-Feb-23	2,000,000.00	0.8800%	Westpac Group	A-1+	2,000,000.00	9-Feb-22	2,002,555.62	542327	2,555.62	Quarterly	Green
7-Mar-23	2,500,000.00	1.0300%	Westpac Group	A-1+	2,500,000.00	9-Mar-22	2,501,552.05	542421	1,552.05	Quarterly	Green
14-Mar-23	2,000,000.00	1.0300%	Westpac Group	A-1+	2,000,000.00	9-Mar-22	2,001,241.64	542422	1,241.64	Quarterly	Green
21-Mar-23	2,500,000.00	1.0300%	Westpac Group	A-1+	2,500,000.00	9-Mar-22	2,501,552.05	542423	1,552.05	Quarterly	Green
4-Apr-23	3,000,000.00	1.2300%	Suncorp Bank	A-1+	3,000,000.00	22-Mar-22	3,010,210.68	542468	10,210.68	Annually	
6-Jun-23	2,000,000.00	3.6500%	Bendigo and Adelaide Bank	A-2	2,000,000.00	10-Jun-22	2,004,200.00	542860	4,200.00	At Maturity	
13-Jun-23	3,000,000.00	3.6500%	Bendigo and Adelaide Bank	A-2	3,000,000.00	10-Jun-22	3,006,300.00	542861	6,300.00	At Maturity	
20-Jun-23	5,000,000.00	4.1500%	Commonwealth Bank of Australia	A-1+	5,000,000.00	21-Jun-22	5,005,684.93	542878	5,684.93	At Maturity	ESGTD
20-Feb-24	2,000,000.00	1.5800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,004,588.49	542328	4,588.49	Quarterly	Green
5-Mar-24	4,000,000.00	1.8300%	Westpac Group	AA-	4,000,000.00	9-Mar-22	4,004,412.05	542424	4,412.05	Quarterly	Green
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,005,866.30	542329	5,866.30	Quarterly	Green
72,500,000.00		1.2130%			72,500,000.00		72,664,101.62		164,101.62		

Waverley Council  
Investment Holdings Report - June 2022



### Floating Rate Notes

Maturity Date	Face Value (\$)	Rate (% pa)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Reference Date
28-Oct-22	2,400,000.00	1.6062%	TMB Snr FRN (Oct22) BBSW+0.90%	A-2	2,400,000.00	28-Oct-19	2,406,063.24	538616	6,759.24	28-Jul-22
2-Dec-22	3,000,000.00	2.1158%	BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	A-2	3,000,000.00	2-Dec-19	3,007,053.14	538825	5,043.14	2-Sep-22
25-Jan-23	1,250,000.00	1.5774%	BEN Snr FRN (Jan23) BBSW+1.05%	A-2	1,250,000.00	25-Jan-18	1,255,565.36	536145	3,565.36	25-Jul-22
6-Feb-23	1,100,000.00	2.3204%	NPBS Snr FRN (Feb23) BBSW+1.40%	A-2	1,100,000.00	6-Feb-18	1,106,721.07	536174	3,916.07	8-Aug-22
21-Feb-23	1,700,000.00	1.9544%	GSB Snr FRN (Feb23) BBSW+0.90%	A-2	1,700,000.00	21-Feb-20	1,704,979.95	539454	3,550.05	22-Aug-22
30-Jul-24	2,500,000.00	1.4920%	SUN Snr FRN (Jul24) BBSW+0.78%	AA-	2,500,000.00	30-Jul-19	2,497,188.08	538331	6,438.08	29-Jul-22
24-Oct-24	1,000,000.00	1.6474%	GSB Snr FRN (Oct24) BBSW+1.12%	BBB	1,000,000.00	24-Oct-19	1,004,918.86	538604	2,978.86	25-Jul-22
2-Dec-25	2,250,000.00	1.7358%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,200,813.04	540603	3,103.04	2-Sep-22
24-Feb-26	1,300,000.00	1.5205%	SUN Snr FRN (Feb26) BBSW+0.45%	AA-	1,300,000.00	24-Feb-21	1,269,609.88	540958	2,057.88	24-Aug-22
4-Mar-26	4,000,000.00	1.8717%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	4,000,000.00	4-Mar-21	3,893,487.95	540983	5,127.95	5-Sep-22
18-Jun-26	4,000,000.00	2.4862%	BEN Snr FRN (Jun26) BBSW+0.65%	BBB+	4,000,000.00	11-Jun-21	3,909,717.06	541523	2,997.06	19-Sep-22
15-Sep-26	3,750,000.00	2.1853%	SUN Snr FRN (Sep26) BBSW+0.48%	AA-	3,750,000.00	9-Sep-21	3,646,829.77	541877	3,592.27	15-Sep-22
23-Dec-26	5,000,000.00	2.1499%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	21-Sep-21	4,878,156.09	541916	2,356.09	23-Sep-22
33,250,000.00		1.9755%			33,250,000.00		32,781,103.49		51,485.09	

# Waverley Council

## Accrued Interest Report - June 2022



### Accrued Interest Report

Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
<u>Floating Rate Note</u>									
TMB Snr FRN (Oct22) BBSW+ 0.90%	538616			28-Oct-19	28-Oct-22	0.00	30	3,168.39	1.61%
BOz 'SRI' Snr FRN (Dec22) BBSW+ 0.90%	538825			02-Dec-19	02-Dec-22	7,448.22	30	5,124.10	2.08%
BEN Snr FRN (Jan23) BBSW+ 1.05%	536145			25-Jan-18	25-Jan-23	0.00	30	1,620.62	1.58%
NPBS Snr FRN (Feb23) BBSW+ 1.40%	536174			06-Feb-18	06-Feb-23	0.00	30	2,097.89	2.32%
GSB Snr FRN (Feb23) BBSW+ 0.90%	539454			21-Feb-20	21-Feb-23	0.00	30	2,730.81	1.95%
SUN Snr FRN (Jul24) BBSW+ 0.78%	538331			30-Jul-19	30-Jul-24	0.00	30	3,065.75	1.49%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604			24-Oct-19	24-Oct-24	0.00	30	1,354.03	1.65%
BEN Snr FRN (Dec25) BBSW+ 0.52%	540603			02-Dec-20	02-Dec-25	3,431.10	30	3,140.34	1.70%
SUN Snr FRN (Feb26) BBSW+ 0.45%	540958			24-Feb-21	24-Feb-26	0.00	30	1,624.64	1.52%
NPBS Snr FRN (Mar26) BBSW+ 0.63%	540983			04-Mar-21	04-Mar-26	7,708.52	30	5,537.98	1.68%
BEN Snr FRN (Jun26) BBSW+ 0.65%	541523			18-Jun-21	18-Jun-26	8,475.97	30	4,710.29	1.43%
SUN Snr FRN (Sep26) BBSW+ 0.48%	541877			15-Sep-21	15-Sep-26	5,997.33	30	4,504.91	1.46%
CBA Green Snr FRN (Dec26) BBSW+ 0.41%	541916			23-Sep-21	23-Dec-26	7,624.66	30	4,179.38	1.02%
Floating Rate Note Total						40,685.80		42,859.13	1.57%
<u>Managed Funds</u>									
Short Term Income Fund	411310	Builder Deposits		01-Dec-15		0.00	30	-2,229.54	-1.24%
Cash Fund	505262			30-Jul-15		0.00	30	956.62	.53%
Managed Funds Total						0.00		-1,272.92	-.35%
<u>Term Deposit</u>									
Bendigo and Adelaide Bank	541886			09-Sep-21	07-Jun-22	3,341.10	6	73.98	.30%
ME Bank	541541			16-Jun-21	14-Jun-22	21,879.45	13	783.56	.55%
Bendigo and Adelaide Bank	541887			09-Sep-21	21-Jun-22	3,513.70	20	246.58	.30%

Waverley Council  
Accrued Interest Report - June 2022



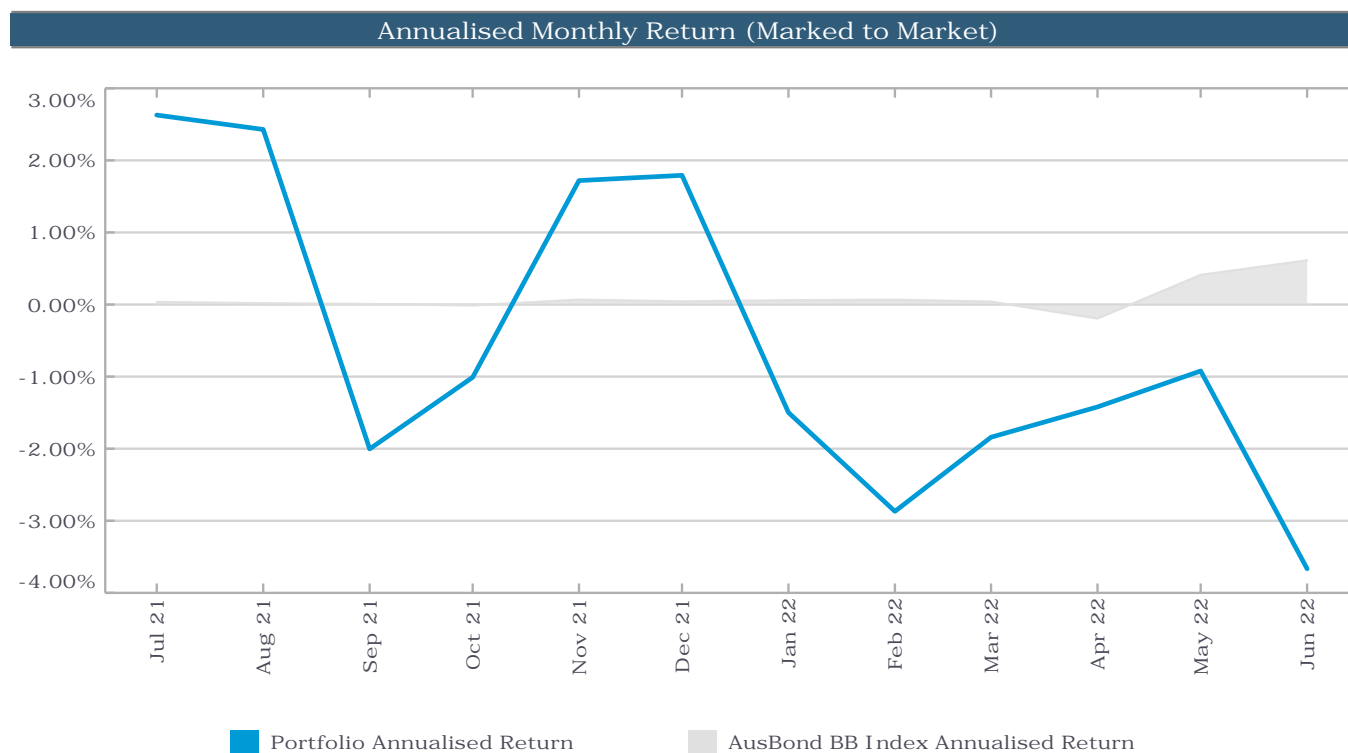
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Bendigo and Adelaide Bank	541865			07-Sep-21	28-Jun-22	7,249.32	27	665.76	.30%
Bendigo and Adelaide Bank	541896			13-Sep-21	12-Jul-22	0.00	30	739.72	.30%
ME Bank	541669			20-Jul-21	19-Jul-22	0.00	30	1,232.88	.50%
ME Bank	541733			10-Aug-21	02-Aug-22	0.00	30	1,232.87	.50%
ME Bank	541734			10-Aug-21	09-Aug-22	0.00	30	1,232.87	.50%
ME Bank	541735			10-Aug-21	16-Aug-22	0.00	30	1,232.87	.50%
Commonwealth Bank of Australia	541770	Green		24-Aug-21	23-Aug-22	0.00	30	616.44	.30%
Suncorp Bank	541782			26-Aug-21	26-Aug-22	0.00	30	1,438.36	.35%
Commonwealth Bank of Australia	541834	Green		03-Sep-21	02-Sep-22	0.00	30	509.59	.31%
Great Southern Bank	541899			14-Sep-21	13-Sep-22	0.00	30	624.66	.38%
Auswide Bank	540548			03-Nov-20	08-Nov-22	0.00	30	1,315.07	.80%
Westpac Group	542104	Green		18-Nov-21	15-Nov-22	0.00	30	1,331.51	.54%
Westpac Group	542108	Green		22-Nov-21	22-Nov-22	0.00	30	1,380.82	.56%
Westpac Group	542207	Green		17-Dec-21	13-Dec-22	5,217.53	30	1,701.36	.69%
Westpac Group	542247	Green		17-Jan-22	10-Jan-23	0.00	30	1,849.32	.75%
Westpac Group	542326	Green		09-Feb-22	07-Feb-23	0.00	30	1,446.58	.88%
Westpac Group	542327	Green		09-Feb-22	14-Feb-23	0.00	30	1,446.58	.88%
Westpac Group	542421	Green		09-Mar-22	07-Mar-23	6,490.41	30	2,116.43	1.03%
Westpac Group	542422	Green		09-Mar-22	14-Mar-23	5,192.33	30	1,693.15	1.03%
Westpac Group	542423	Green		09-Mar-22	21-Mar-23	6,490.41	30	2,116.43	1.03%
Suncorp Bank	542468			22-Mar-22	04-Apr-23	0.00	30	3,032.87	1.23%
Bendigo and Adelaide Bank	542860			10-Jun-22	06-Jun-23	0.00	21	4,200.00	3.65%
Bendigo and Adelaide Bank	542861			10-Jun-22	13-Jun-23	0.00	21	6,300.00	3.65%

Waverley Council  
Accrued Interest Report - June 2022



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Commonwealth Bank of Australia	542878	ESGTD		21-Jun-22	20-Jun-23	0.00	10	5,684.93	4.15%
Westpac Group	542328	Green		09-Feb-22	20-Feb-24	0.00	30	2,597.26	1.58%
Westpac Group	542424	Green		09-Mar-22	05-Mar-24	18,450.41	30	6,016.43	1.83%
Westpac Group	542329	Green		09-Feb-22	04-Mar-25	0.00	30	3,320.55	2.02%
Term Deposit Total						77,824.66		58,179.43	.96%
						118,510.46		99,765.64	<u>1.09%</u>

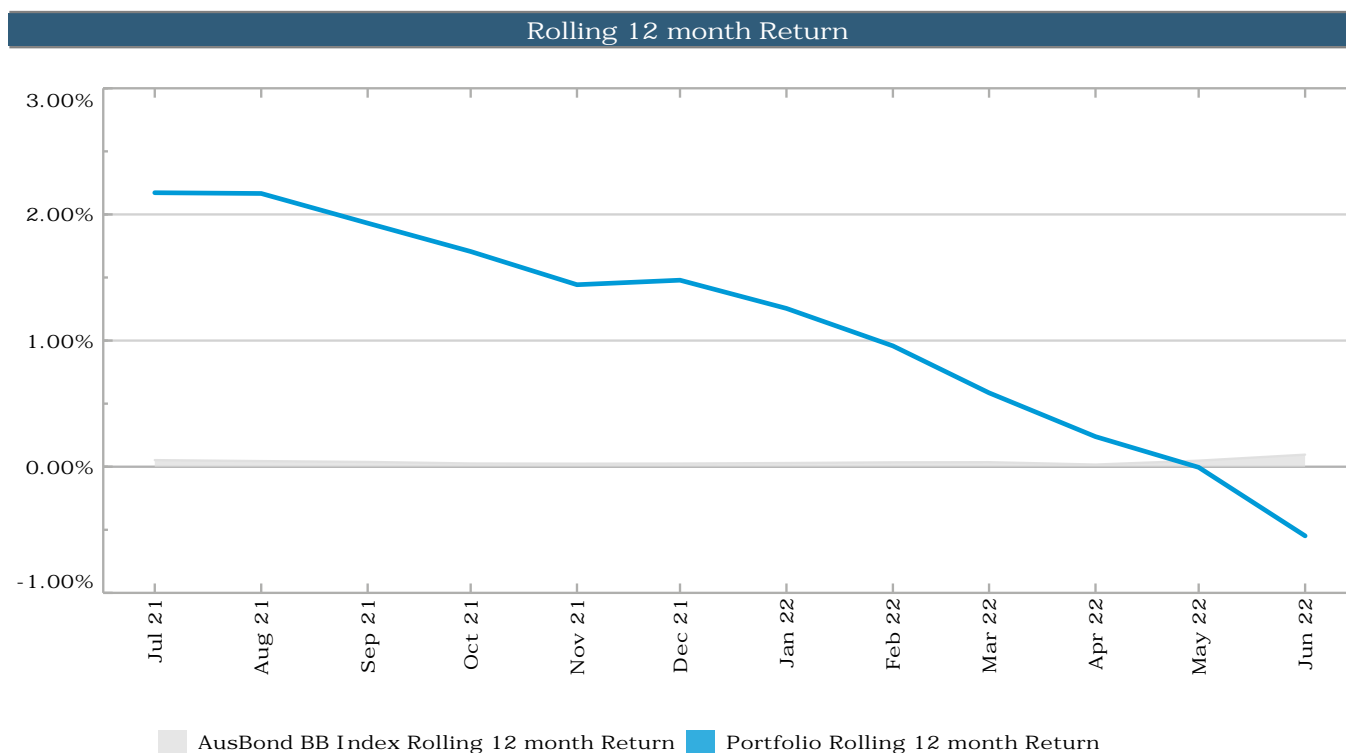
Waverley Council  
Investment Performance Report - June 2022



#### Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Jun 2022	-3.67%	0.61%	-4.28%
Last 3 Months	-2.00%	0.28%	-2.28%
Last 6 Months	-2.02%	0.17%	-2.19%
Financial Year to Date	-0.55%	0.10%	-0.65%
Last 12 months	-0.55%	0.10%	-0.65%

Waverley Council  
Investment Performance Report - June 2022



**Historical Performance Summary (actual)**

	Portfolio	AusBond BB Index	Outperformance
Jun 2022	-0.31%	0.05%	-0.36%
Last 3 Months	-0.50%	0.07%	-0.57%
Last 6 Months	-1.01%	0.08%	-1.09%
Financial Year to Date	-0.55%	0.10%	-0.65%
Last 12 months	-0.55%	0.10%	-0.65%



## Waverley Council Environmental Commitments Report - June 2022

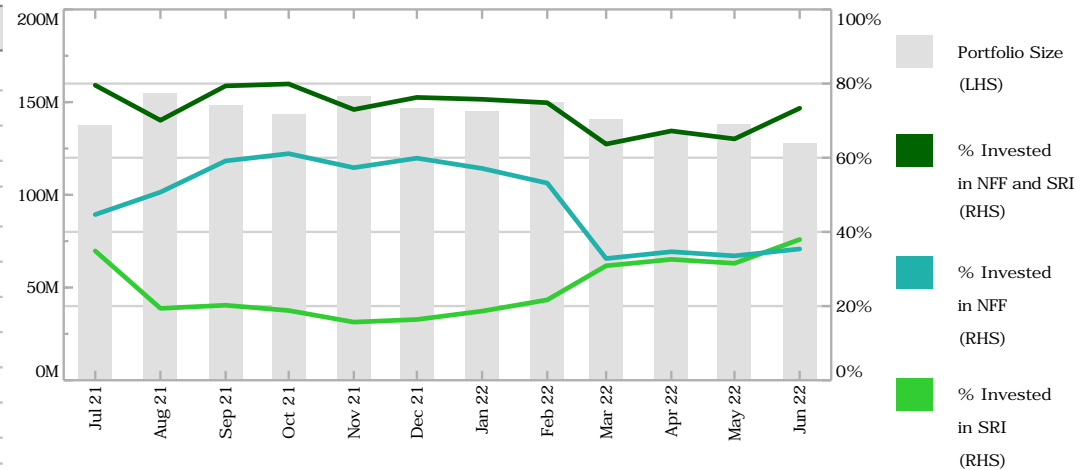


### Current Breakdown

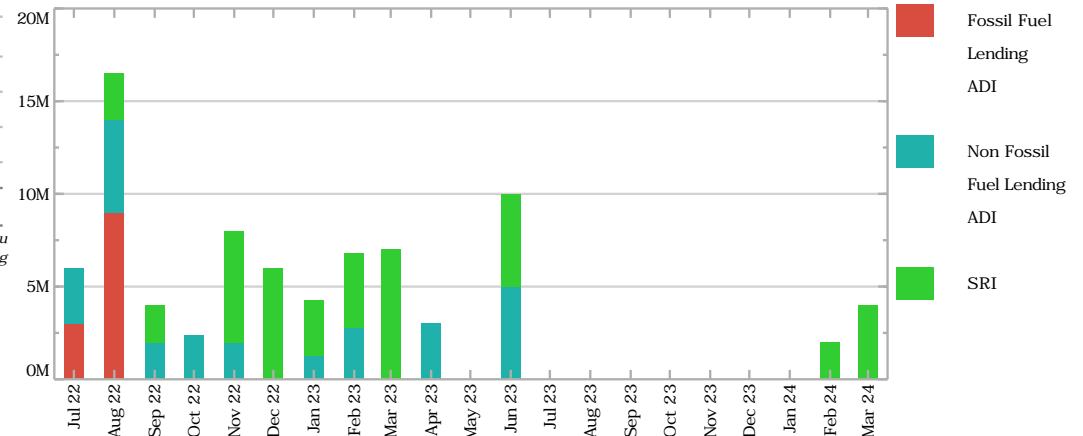
ADI Lending Status *	Current Month (\$)	Previous Month (\$)
<b>Fossil Fuel Lending ADIs</b>		
Bank of Queensland	12,000,000	16,000,000
Commonwealth Bank of Australia	7,013,745	16,637,230
	19,013,745 14.9%	32,637,230 23.7%
<b>Non Fossil Fuel Lending ADIs</b>		
Auswide Bank	2,000,000	2,000,000
Bendigo and Adelaide Bank	15,500,000	16,500,000
Great Southern Bank	4,700,000	4,700,000
Newcastle Permanent Building Society	5,100,000	5,100,000
Suncorp Bank	15,550,000	15,550,000
Teachers Mutual Bank	2,400,000	2,400,000
	45,250,000 35.4%	46,250,000 33.5%
<b>Other</b>		
NSW T-Corp (Cash)	4,386,986	4,388,258
NSW T-Corp (LT)	10,663,980	11,127,713
	15,050,965 11.8%	15,515,972 11.3%
<b>Socially Responsible Investment</b>		
Bank Australia (Sustainability)	3,000,000	3,000,000
CBA (Green)	14,500,000	9,500,000
Westpac Group (Green TD)	31,000,000	31,000,000
	48,500,000 37.9%	43,500,000 31.5%
	127,814,710	137,903,202

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

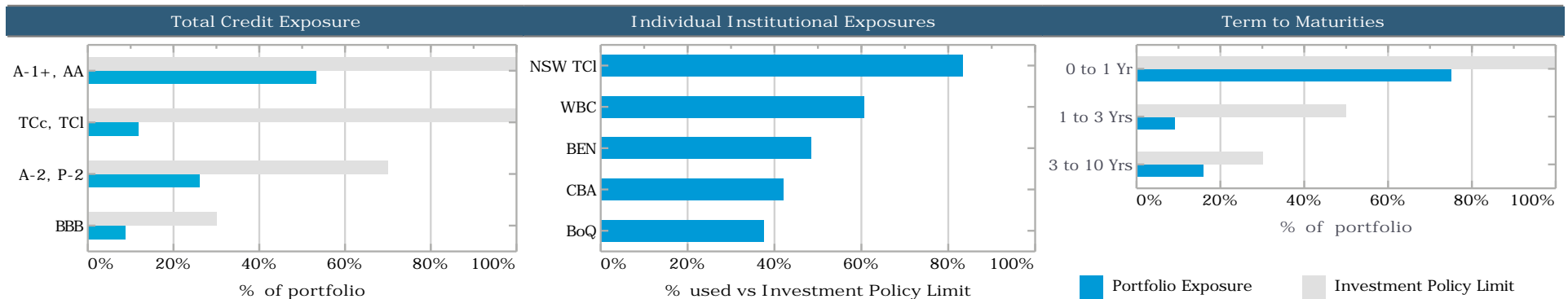
### Historical Portfolio Exposure to NFF Lending ADIs and SRIs



### Upcoming maturities



# Waverley Council Investment Policy Report - June 2022



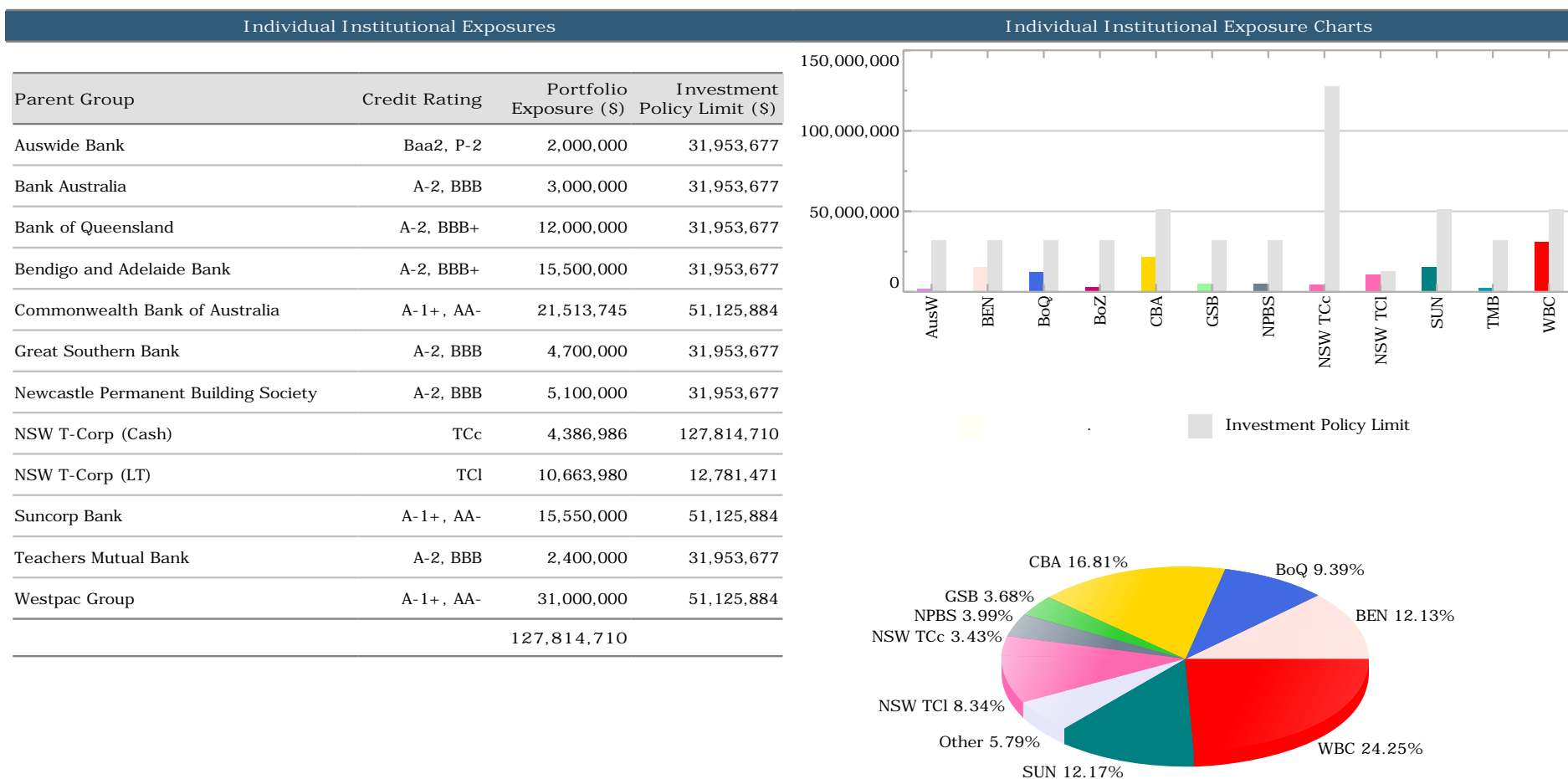
	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1+	47,513,745	
Long Term	AA	20,550,000	
		68,063,745	53% 100% a
Short Term	TCc	4,386,986	
Short Term	TCI	10,663,980	
		15,050,965	12% 100% a
Short Term	A-2	31,450,000	
Short Term	P-2	2,000,000	
		33,450,000	26% 70% a
Long Term	BBB	11,250,000	
		11,250,000	9% 30% a
		127,814,710	100%

a = compliant  
r = non-compliant

	% used vs Investment Policy Limit
NSW T-Corp (LT) (TCI)	83% a
Westpac Group (A-1+, AA-)	61% a
Bendigo and Adelaide Bank (A-2, BBB+)	49% a
Commonwealth Bank of Australia (A-1+, AA-)	42% a
Bank of Queensland (A-2, BBB+)	38% a
Suncorp Bank (A-1+, AA-)	30% a
Newcastle Permanent Building Society (A-2, BBB)	16% a
Great Southern Bank (A-2, BBB)	15% a
Bank Australia (A-2, BBB)	9% a
Teachers Mutual Bank (A-2, BBB)	8% a
Auswide Bank (P-2, Baa2)	6% a
NSW T-Corp (Cash) (TCc)	3% a

	Face Value (\$)	Policy Max
Between 0 and 1 Year	96,014,710	75% 100% a
Between 1 and 3 Years	11,500,000	9% 50% a
Between 3 and 10 Years	20,300,000	16% 30% a
	127,814,710	
Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	22,064,710	17%
01. Less Than 30 Days	6,000,000	5%
02. Between 30 Days and 60 Days	16,500,000	13%
03. Between 60 Days and 90 Days	4,000,000	3%
04. Between 90 Days and 180 Days	16,400,000	13%
05. Between 180 Days and 365 Days	31,050,000	24%
06. Between 365 Days and 3 Years	11,500,000	9%
07. Between 3 Years and 5 Years	20,300,000	16%
	127,814,710	

## Waverley Council Individual Institutional Exposures Report - June 2022



Waverley Council  
Cashflows Report - June 2022



Current Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
2-Jun-22	538825	Bank Australia	Floating Rate Note	Coupon - Received	7,448.22
				<u>Deal Total</u>	<u>7,448.22</u>
	540603	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	3,431.10
				<u>Deal Total</u>	<u>3,431.10</u>
				Day Total	10,879.32
6-Jun-22	540983	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	7,708.52
				<u>Deal Total</u>	<u>7,708.52</u>
				Day Total	7,708.52
7-Jun-22	541886	Bendigo and Adelaide Bank	Term Deposits	Maturity Face Value - Received	1,500,000.00
		Bendigo and Adelaide Bank	Term Deposits	Interest - Received	3,341.10
				<u>Deal Total</u>	<u>1,503,341.10</u>
				Day Total	1,503,341.10
9-Jun-22	542421	Westpac Group	Term Deposits	Interest - Received	6,490.41
				<u>Deal Total</u>	<u>6,490.41</u>
	542422	Westpac Group	Term Deposits	Interest - Received	5,192.33
				<u>Deal Total</u>	<u>5,192.33</u>
	542423	Westpac Group	Term Deposits	Interest - Received	6,490.41
				<u>Deal Total</u>	<u>6,490.41</u>
	542424	Westpac Group	Term Deposits	Interest - Received	18,450.41
				<u>Deal Total</u>	<u>18,450.41</u>
				Day Total	36,623.56
10-Jun-22	542860	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
	542861	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00

Waverley Council  
Cashflows Report - June 2022



Current Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
<u>Deal Total</u>					<u>-3,000,000.00</u>
<u>Day Total</u>					<u>-5,000,000.00</u>
14-Jun-22	541541	ME Bank	Term Deposits	Maturity Face Value - Received	4,000,000.00
		ME Bank	Term Deposits	Interest - Received	21,879.45
<u>Deal Total</u>					<u>4,021,879.45</u>
<u>Day Total</u>					<u>4,021,879.45</u>
15-Jun-22	541877	Suncorp Bank	Floating Rate Note	Coupon - Received	5,997.33
<u>Deal Total</u>					<u>5,997.33</u>
<u>Day Total</u>					<u>5,997.33</u>
17-Jun-22	542207	Westpac Group	Term Deposits	Interest - Received	5,217.53
<u>Deal Total</u>					<u>5,217.53</u>
<u>Day Total</u>					<u>5,217.53</u>
20-Jun-22	541523	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	8,475.97
<u>Deal Total</u>					<u>8,475.97</u>
<u>Day Total</u>					<u>8,475.97</u>
21-Jun-22	541887	Bendigo and Adelaide Bank	Term Deposits	Maturity Face Value - Received	1,500,000.00
		Bendigo and Adelaide Bank	Term Deposits	Interest - Received	3,513.70
<u>Deal Total</u>					<u>1,503,513.70</u>
	542878	Commonwealth Bank of Australia	Term Deposits	Settlement Face Value - Paid	-5,000,000.00
<u>Deal Total</u>					<u>-5,000,000.00</u>
<u>Day Total</u>					<u>-3,496,486.30</u>
23-Jun-22	541916	Commonwealth Bank of Australia	Floating Rate Note	Coupon - Received	7,624.66
<u>Deal Total</u>					<u>7,624.66</u>
<u>Day Total</u>					<u>7,624.66</u>

Waverley Council  
Cashflows Report - June 2022



### Current Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
28-Jun-22	541865	Bendigo and Adelaide Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Bendigo and Adelaide Bank	Term Deposits	Interest - Received	7,249.32
<u>Deal Total</u>					<u>3,007,249.32</u>
Day Total					3,007,249.32
<u>Net Cash Movement for Period</u>					<u>118,510.44</u>

### Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
12-Jul-22	541896	Bendigo and Adelaide Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Bendigo and Adelaide Bank	Term Deposit	Interest - Received	7,446.58
<u>Deal Total</u>					<u>3,007,446.58</u>
Day Total					3,007,446.58
18-Jul-22	542247	Westpac Group	Term Deposit	Interest - Received	5,547.95
<u>Deal Total</u>					<u>5,547.95</u>
Day Total					5,547.95
19-Jul-22	541669	ME Bank	Term Deposit	Interest - Received	14,958.90
		ME Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
<u>Deal Total</u>					<u>3,014,958.90</u>
Day Total					3,014,958.90
25-Jul-22	536145	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	4,861.85
<u>Deal Total</u>					<u>4,861.85</u>
	538604	Great Southern Bank	Floating Rate Note	Coupon - Received	4,062.08
<u>Deal Total</u>					<u>4,062.08</u>
Day Total					8,923.93
28-Jul-22	538616	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	9,610.80
<u>Deal Total</u>					<u>9,610.80</u>
Day Total					9,610.80
29-Jul-22	538331	Suncorp Bank	Floating Rate Note	Coupon - Received	9,299.45
<u>Deal Total</u>					<u>9,299.45</u>
Day Total					9,299.45
<u>Net Cash Movement for Period</u>					<u>6,055,787.60</u>

## REPORT

### CM/7.4/22.08



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

**TRIM No:** A03/2211

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

**Director:** Richard Sheridan, Acting Director, Corporate Services

#### RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for July 2022 attached to the report.
2. Notes that the Acting Director, Corporate Services, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

#### 1. Executive Summary

For the month of July 2022, Council's investment portfolio generated \$101,473 in interest.

The interest on investment budget for the 2022–23 financial year was adopted by Council at its meeting on 21 June 2022 and was set at \$955,782.

The interest income for year to date achieved 10.62% (\$101,473) of the current approved budget forecast of \$955,782.

#### 2. Introduction/Background

Clause 212 of the *Local Government (General) Regulation 2021* requires that Council be provided with a written report setting out details of all money that the Council has invested under section 625 of the *Local Government Act 1993* (the Act) and certifying that these investments have been made in accordance with the Act, regulations, Ministerial Investment Orders and Council's Investment Policy.

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

*Table 1. Monthly interest income received by Council.*

Month	2021–22 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Budget (%)
July	955,782	101,473	101,473	10.62%

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 June 2022	CM/7.3/22.06	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the Investment Summary Report for May 2022 attached to the report.</li> <li>2. Notes that the Interim Director, Finance and Governance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the <i>Local Government Act 1993</i> and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.</li> </ol>

### 4. Discussion

As at 31 July 2022, Council's cash investment portfolio for the financial year, generated interest earnings of \$101,473 representing 10.62% of the current approved budget of \$955,782.

Council's investment portfolio posted a marked-to-market return of 5.31% pa for the month of July against the bank bill index benchmark return of 1.45% pa.

Without marked-to-market influences, Council's investment portfolio yielded 1.57% pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

Over the last 12 months, Council's investment portfolio had a -0.33% return, versus the bank bill index benchmark of 0.22%.

During July, Council had \$6m in 10- and 12-month term deposits mature, which had an average yield of 0.40%pa. No new investments were placed during the month.

As at 31 July 2022, Council's investment portfolio has a current market value of \$125,432,337 which represents a loss of \$196,575 on the \$125,628,912 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Asset Group	Face Value	Current value
Cash	\$10,424,890	\$10,424,890
Floating Rate Note	\$33,250,000	\$32,843,615
Managed Funds	\$15,454,022	\$15,454,022
Term Deposit	\$66,500,000	\$66,709,810
<b>Total</b>	<b>\$125,628,912</b>	<b>\$125,432,337</b>



## Analysis

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

For the past 12 months, the investment portfolio had a -0.33% return, versus the bank bill index benchmark of 0.22%.

*Table 3. Portfolio return.*

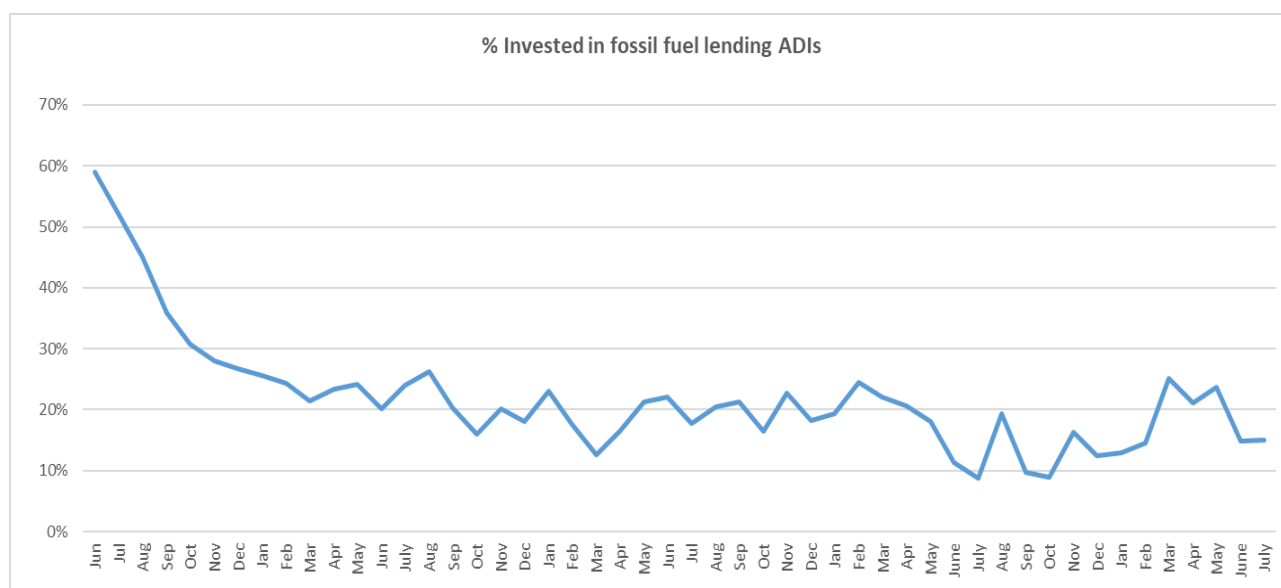
Month	Portfolio Return %	Ausbond BB Index %	Variance %
July-22	5.31	1.45	3.86
<b>Average % return over the last 12 months</b>	<b>-0.33</b>	<b>0.22</b>	<b>-0.55</b>

Council has a well-diversified portfolio invested predominantly among a range of term deposits and senior ranked floating rate notes from highly rated government and Australian bank issuers. Council also has a quarter of its portfolio invested in professionally managed funds, via NSW TCorp, which provide exposure to a wide range of asset classes, including international and domestic shares. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

## Investments in ethically, socially and environmentally beneficial alternatives

As at the end of July 2022, 73% of Council's portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs (including the daily operation fund) accounted for 15% of the portfolio. The remaining 12% is invested with TCorp.

Over the period of 50 months, from June 2018 to July 2022, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 15%, as displayed in Figure 1 below.



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

When excluding the working capital funds held in the CBA bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 78.77% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 7.81% of the portfolio. The remaining 13.41% is invested with TCorp as displayed in Figure 2 below.

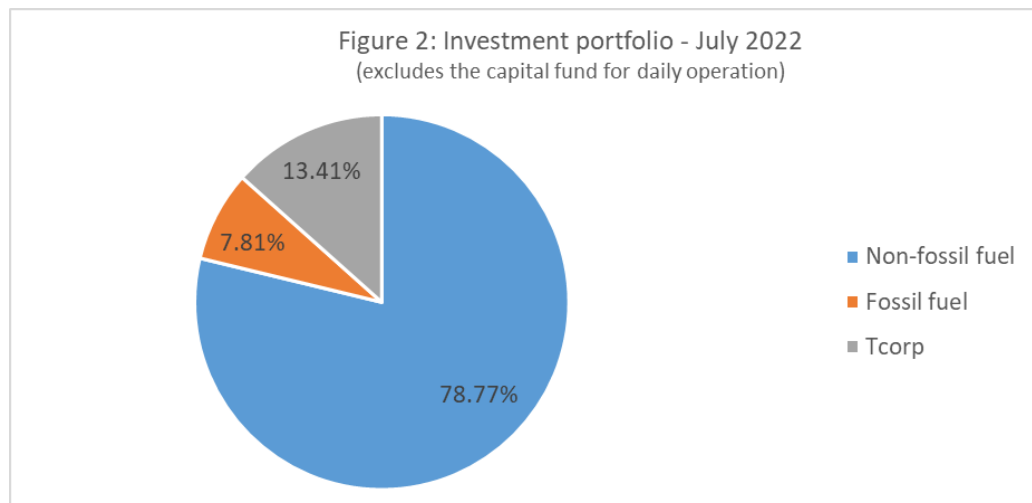


Figure 2. Investment portfolio.

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

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

## 6. Conclusion

Council's investment portfolio has achieved interest earning of \$101,473 for the year to date, representing 10.62% of the approved budget forecast of \$955,782.

## 7. Attachments

1. Investment Summary Report - July 2022 [↓](#) .



## Investment Summary Report July 2022

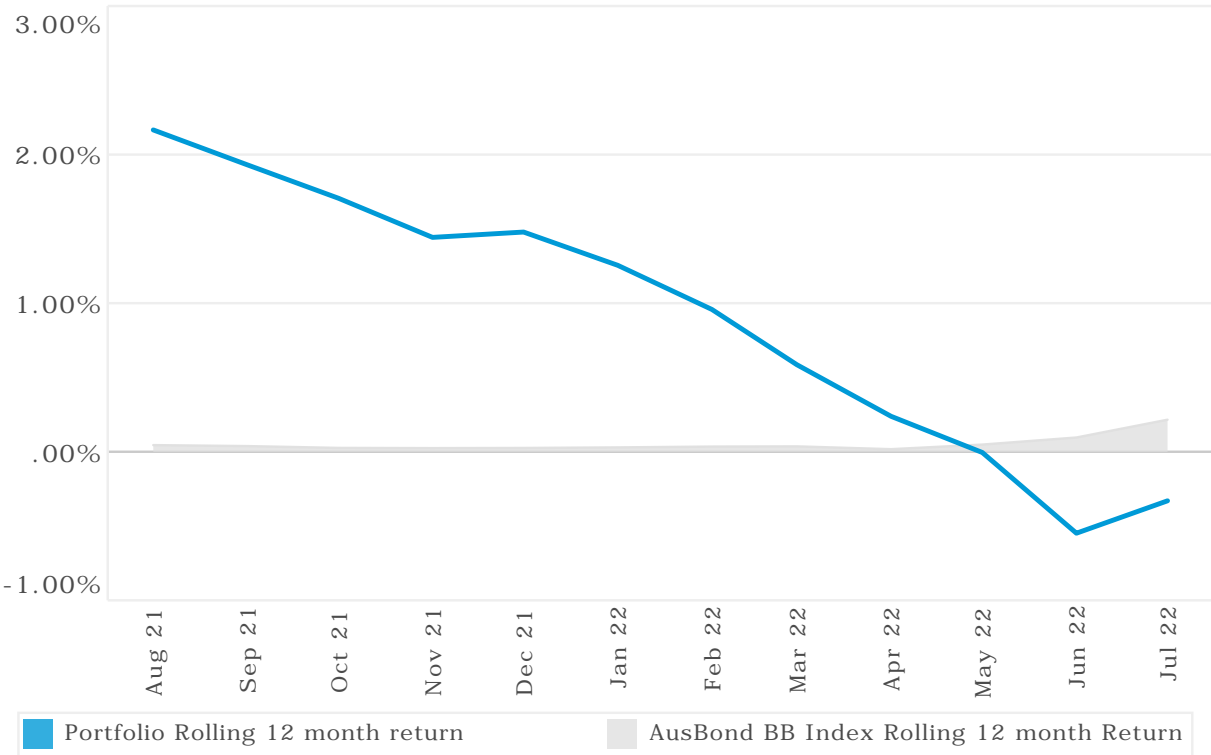
Waverley Council  
Executive Summary - July 2022



Investment Holdings

Investment Performance

	Face Value (\$)	Current Value (\$)
Cash	10,424,890	10,424,890
Floating Rate Note	33,250,000	32,843,615
Managed Funds	15,454,022	15,454,022
Term Deposit	66,500,000	66,709,810
	125,628,912	125,432,337

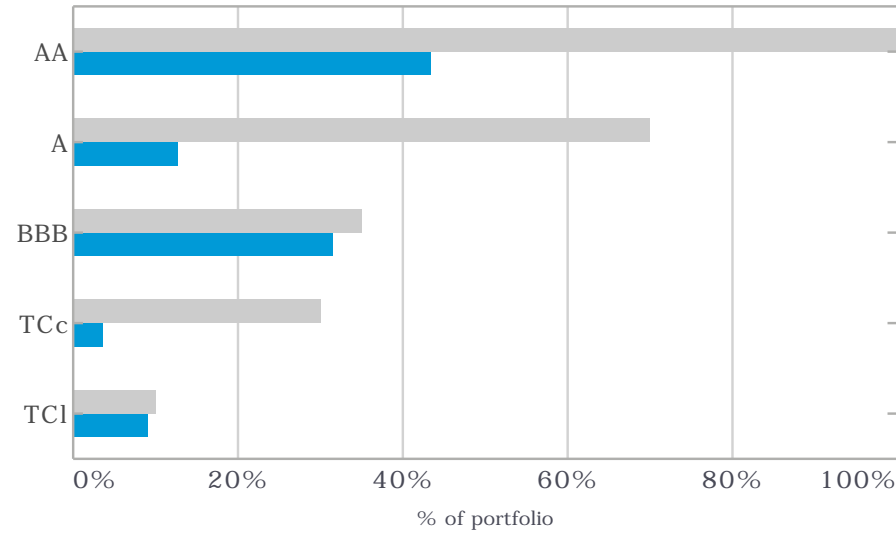


Investment Policy Compliance

Total Credit Exposure

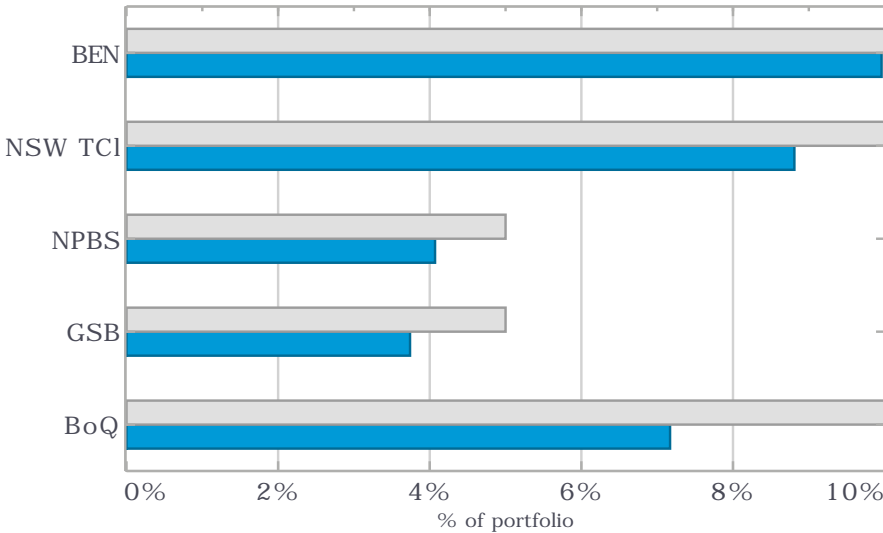
Individual Institutional Exposures

Term to Maturities



Portfolio Exposure

Investment Policy Limit



	Face Value (\$)	Policy Max	
0 to 1 yrs	93,828,912	75%	100% a
1 to 10 yrs	31,800,000	25%	70% a
	125,628,912		

Specific Sub Limits			
3 to 10 yrs	20,300,000	16%	50% a
5 to 10 yrs	0	0%	25% a

# Waverley Council

## Investment Holdings Report - July 2022



### Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating		Current Value (\$)	Deal No.	Reference
6,256.10	0.0000%	Commonwealth Bank of Australia	AA-		6,256.10	120800	Eastgate CP
7,712.77	0.0000%	Commonwealth Bank of Australia	AA-		7,712.77	120801	Hollywood Av CP
9,460.00	0.0000%	Commonwealth Bank of Australia	AA-		9,460.00	120796	Cemetery Funds
37,585.00	0.0000%	Commonwealth Bank of Australia	AA-		37,585.00	370151	Library Gift
58,807.62	0.0000%	Commonwealth Bank of Australia	AA-		58,807.62	120795	Trust Funds
322,842.62	0.0000%	Commonwealth Bank of Australia	AA-		322,842.62	120797	Depositor Funds
589,761.34	0.0000%	Commonwealth Bank of Australia	AA-		589,761.34	120799	Library CP
2,488,634.44	0.0000%	Commonwealth Bank of Australia	AA-		2,488,634.44	120794	General Funds
6,903,829.85	0.2000%	Commonwealth Bank of Australia	AA-		6,903,829.85	120789	24hr Call
10,424,889.74	0.1324%				10,424,889.74		

### Managed Funds

Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
2,183,628.27	0.3518%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,183,628.27	411310	Builder Deposits
2,215,010.20	0.1808%	NSW T-Corp (Cash)	TCc	Cash Fund	2,215,010.20	505262	
11,055,383.54	3.6703%	NSW T-Corp (LT)	TCl	Long Term Growth Fund	11,055,383.54	538089	
15,454,022.01	2.7013%				15,454,022.01		

### Term Deposits

Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
2-Aug-22	3,000,000.00	0.5000%	ME Bank	BBB+	3,000,000.00	10-Aug-21	3,014,630.14	541733	14,630.14	At Maturity	
9-Aug-22	3,000,000.00	0.5000%	ME Bank	BBB+	3,000,000.00	10-Aug-21	3,014,630.14	541734	14,630.14	At Maturity	
16-Aug-22	3,000,000.00	0.5000%	ME Bank	BBB+	3,000,000.00	10-Aug-21	3,014,630.14	541735	14,630.14	At Maturity	
23-Aug-22	2,500,000.00	0.3000%	Commonwealth Bank of Australia	AA-	2,500,000.00	24-Aug-21	2,507,027.40	541770	7,027.40	At Maturity	Green
26-Aug-22	5,000,000.00	0.3500%	Suncorp Bank	A+	5,000,000.00	26-Aug-21	5,016,301.37	541782	16,301.37	At Maturity	
2-Sep-22	2,000,000.00	0.3100%	Commonwealth Bank of Australia	AA-	2,000,000.00	3-Sep-21	2,005,639.45	541834	5,639.45	At Maturity	Green

# Waverley Council

## Investment Holdings Report - July 2022



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
13-Sep-22	2,000,000.00	0.3800%	Great Southern Bank	BBB	2,000,000.00	14-Sep-21	2,006,683.84	541899	6,683.84	At Maturity	
8-Nov-22	2,000,000.00	0.8000%	Auswide Bank	Baa2	2,000,000.00	3-Nov-20	2,011,879.45	540548	11,879.45	Annually	
15-Nov-22	3,000,000.00	0.5400%	Westpac Group	AA-	3,000,000.00	18-Nov-21	3,003,328.77	542104	3,328.77	Quarterly	Green
22-Nov-22	3,000,000.00	0.5600%	Westpac Group	AA-	3,000,000.00	22-Nov-21	3,003,221.92	542108	3,221.92	Quarterly	Green
13-Dec-22	3,000,000.00	0.6900%	Westpac Group	AA-	3,000,000.00	17-Dec-21	3,002,552.05	542207	2,552.05	Quarterly	Green
10-Jan-23	3,000,000.00	0.7500%	Westpac Group	AA-	3,000,000.00	17-Jan-22	3,000,863.01	542247	863.01	Quarterly	Green
7-Feb-23	2,000,000.00	0.8800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,004,050.41	542326	4,050.41	Quarterly	Green
14-Feb-23	2,000,000.00	0.8800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,004,050.41	542327	4,050.41	Quarterly	Green
7-Mar-23	2,500,000.00	1.0300%	Westpac Group	AA-	2,500,000.00	9-Mar-22	2,503,739.04	542421	3,739.04	Quarterly	Green
14-Mar-23	2,000,000.00	1.0300%	Westpac Group	AA-	2,000,000.00	9-Mar-22	2,002,991.23	542422	2,991.23	Quarterly	Green
21-Mar-23	2,500,000.00	1.0300%	Westpac Group	AA-	2,500,000.00	9-Mar-22	2,503,739.04	542423	3,739.04	Quarterly	Green
4-Apr-23	3,000,000.00	1.2300%	Suncorp Bank	A+	3,000,000.00	22-Mar-22	3,013,344.66	542468	13,344.66	Annually	
6-Jun-23	2,000,000.00	3.6500%	Bendigo and Adelaide Bank	BBB+	2,000,000.00	10-Jun-22	2,010,400.00	542860	10,400.00	At Maturity	
13-Jun-23	3,000,000.00	3.6500%	Bendigo and Adelaide Bank	BBB+	3,000,000.00	10-Jun-22	3,015,600.00	542861	15,600.00	At Maturity	
20-Jun-23	5,000,000.00	4.1500%	Commonwealth Bank of Australia	AA-	5,000,000.00	21-Jun-22	5,023,308.22	542878	23,308.22	At Maturity	ESGTD
20-Feb-24	2,000,000.00	1.5800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,007,272.33	542328	7,272.33	Quarterly	Green
5-Mar-24	4,000,000.00	1.8300%	Westpac Group	AA-	4,000,000.00	9-Mar-22	4,010,629.04	542424	10,629.04	Quarterly	Green
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,009,297.53	542329	9,297.53	Quarterly	Green
	66,500,000.00	1.2863%			66,500,000.00		66,709,809.59		209,809.59		

### Floating Rate Notes

Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
28-Oct-22	2,400,000.00	3.0481%	TMB Snr FRN (Oct22) BBSW+0.90%	BBB	2,400,000.00	28-Oct-19	2,402,025.69	538616	801.69	28-Oct-22	
2-Dec-22	3,000,000.00	2.1158%	BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	BBB	3,000,000.00	2-Dec-19	3,011,994.08	538825	10,434.08	2-Sep-22	
25-Jan-23	1,250,000.00	3.2593%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,250,000.00	25-Jan-18	1,253,481.34	536145	781.34	25-Oct-22	
6-Feb-23	1,100,000.00	2.3204%	NPBS Snr FRN (Feb23) BBSW+1.40%	BBB	1,100,000.00	6-Feb-18	1,109,119.90	536174	6,083.90	8-Aug-22	
21-Feb-23	1,700,000.00	1.9544%	GSB Snr FRN (Feb23) BBSW+0.90%	BBB	1,700,000.00	21-Feb-20	1,708,374.87	539454	6,371.88	22-Aug-22	

Waverley Council  
Investment Holdings Report - July 2022



Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
30-Jul-24	2,500,000.00	2.9008%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,495,821.05	538331	596.05	31-Oct-22	
24-Oct-24	1,000,000.00	3.3293%	GSB Snr FRN (Oct24) BBSW+ 1.12%	BBB	1,000,000.00	24-Oct-19	1,002,338.50	538604	638.50	24-Oct-22	
2-Dec-25	2,250,000.00	1.7358%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,204,602.58	540603	6,420.08	2-Sep-22	
24-Feb-26	1,300,000.00	1.5205%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	1,300,000.00	24-Feb-21	1,274,811.68	540958	3,736.68	24-Aug-22	
4-Mar-26	4,000,000.00	1.8717%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	4,000,000.00	4-Mar-21	3,898,006.60	540983	11,486.60	5-Sep-22	
18-Jun-26	4,000,000.00	2.4862%	BEN Snr FRN (Jun26) BBSW+0.65%	BBB+	4,000,000.00	11-Jun-21	3,918,763.33	541523	11,443.33	19-Sep-22	
15-Sep-26	3,750,000.00	2.1853%	SUN Snr FRN (Sep26) BBSW+0.48%	A+	3,750,000.00	9-Sep-21	3,663,839.80	541877	10,552.30	15-Sep-22	
23-Dec-26	5,000,000.00	2.1499%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	21-Sep-21	4,900,435.92	541916	11,485.92	23-Sep-22	
	33,250,000.00	2.2993%			33,250,000.00		32,843,615.34		80,832.35		

# Waverley Council

## Accrued Interest Report - July 2022



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	(% pa)
<b>Floating Rate Note</b>									
TMB Snr FRN (Oct22) BBSW+0.90%	538616		2,400,000.00	28-Oct-19	28-Oct-22	9,610.80	31	3,653.25	1.79%
BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	538825		3,000,000.00	2-Dec-19	2-Dec-22	0.00	31	5,390.94	2.12%
BEN Snr FRN (Jan23) BBSW+ 1.05%	536145		1,250,000.00	25-Jan-18	25-Jan-23	4,861.85	31	2,077.83	1.96%
GSB Snr FRN (Feb23) BBSW+0.90%	539454		1,700,000.00	21-Feb-20	21-Feb-23	0.00	31	2,821.83	1.95%
NPBS Snr FRN (Feb23) BBSW+ 1.40%	536174		1,100,000.00	6-Feb-18	6-Feb-23	0.00	31	2,167.83	2.32%
SUN Snr FRN (Jul24) BBSW+0.78%	538331		2,500,000.00	30-Jul-19	30-Jul-24	9,299.45	31	3,457.42	1.63%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	4,062.08	31	1,721.72	2.03%
BEN Snr FRN (Dec25) BBSW+0.52%	540603		2,250,000.00	2-Dec-20	2-Dec-25	0.00	31	3,317.04	1.74%
SUN Snr FRN (Feb26) BBSW+0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26	0.00	31	1,678.80	1.52%
NPBS Snr FRN (Mar26) BBSW+0.63%	540983		4,000,000.00	4-Mar-21	4-Mar-26	0.00	31	6,358.65	1.87%
BEN Snr FRN (Jun26) BBSW+0.65%	541523		4,000,000.00	18-Jun-21	18-Jun-26	0.00	31	8,446.27	2.49%
SUN Snr FRN (Sep26) BBSW+0.48%	541877		3,750,000.00	15-Sep-21	15-Sep-26	0.00	31	6,960.03	2.19%
CBA Green Snr FRN (Dec26) BBSW+0.41%	541916		5,000,000.00	23-Sep-21	23-Dec-26	0.00	31	9,129.83	2.15%
						27,834.18		57,181.44	2.02%
<b>Managed Funds</b>									
NSW T-Corp Defensive Cash Funds	411310				1-Sep-22	0.00	0	7,655.95	4.22%
NSW T-Corp Defensive Cash Funds	505262				1-Sep-22	0.00	0	3,996.98	2.15%
						0.00		11,652.93	3.17%
<b>Term Deposits</b>									
Bendigo and Adelaide Bank	541896		3,000,000.00	13-Sep-21	12-Jul-22	7,446.58	11	271.24	0.30%
ME Bank	541669		3,000,000.00	20-Jul-21	19-Jul-22	14,958.90	18	739.72	0.50%
Commonwealth Bank of Australia	541770		2,500,000.00	24-Aug-21	23-Aug-22	0.00	31	636.99	0.30%
ME Bank	541733		3,000,000.00	10-Aug-21	2-Aug-22	0.00	31	1,273.98	0.50%
ME Bank	541734		3,000,000.00	10-Aug-21	9-Aug-22	0.00	31	1,273.98	0.50%
ME Bank	541735		3,000,000.00	10-Aug-21	16-Aug-22	0.00	31	1,273.98	0.50%
Suncorp Bank	541782		5,000,000.00	26-Aug-21	26-Aug-22	0.00	31	1,486.30	0.35%



# Waverley Council

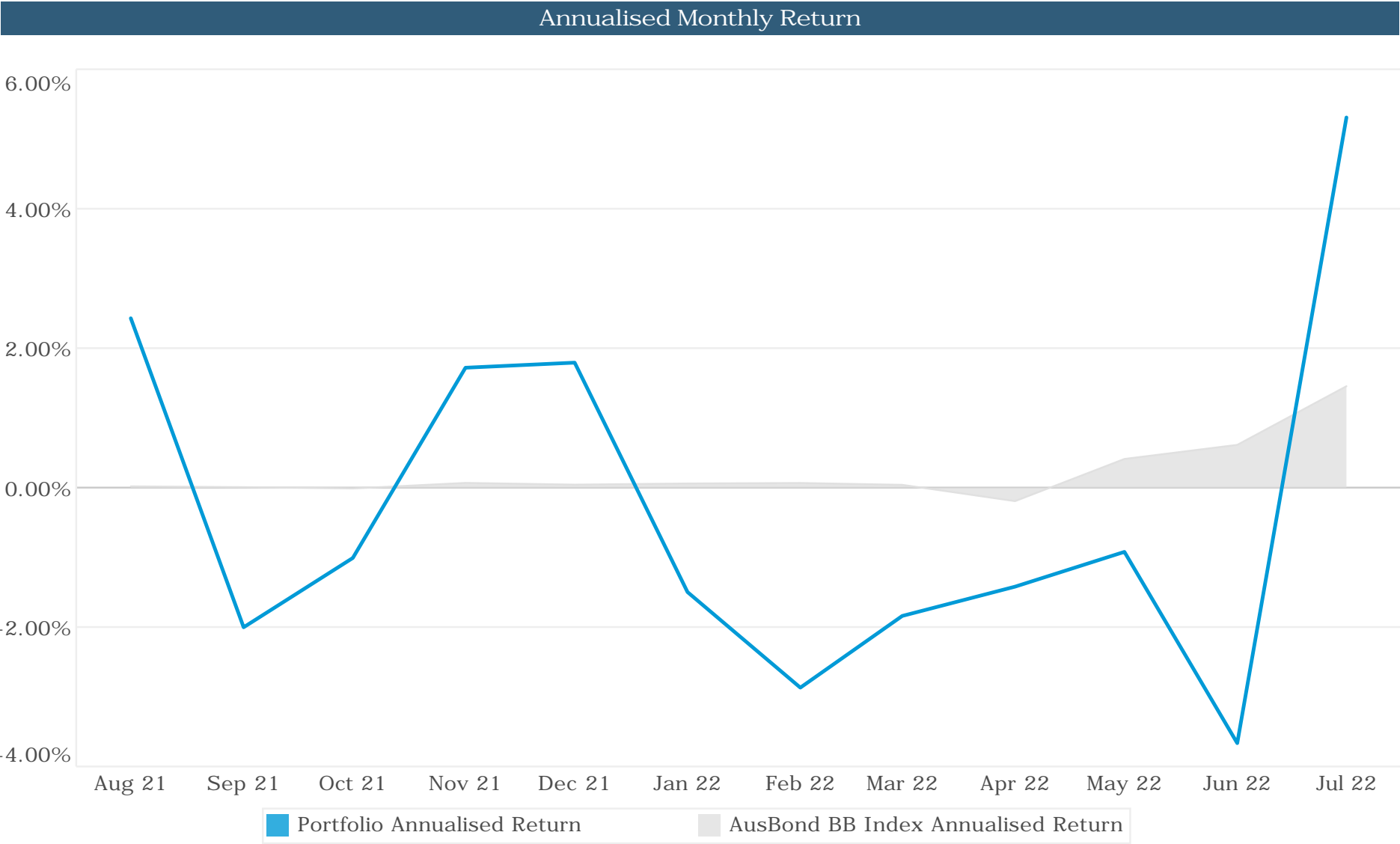
## Accrued Interest Report - July 2022



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	(% pa)
Commonwealth Bank of Australia	541834		2,000,000.00	3-Sep-21	2-Sep-22	0.00	31	526.57	0.31%
Great Southern Bank	541899		2,000,000.00	14-Sep-21	13-Sep-22	0.00	31	645.48	0.38%
Auswide Bank	540548		2,000,000.00	3-Nov-20	8-Nov-22	0.00	31	1,358.90	0.80%
Westpac Group	542104		3,000,000.00	18-Nov-21	15-Nov-22	0.00	31	1,375.89	0.54%
Westpac Group	542108		3,000,000.00	22-Nov-21	22-Nov-22	0.00	31	1,426.85	0.56%
Westpac Group	542207		3,000,000.00	17-Dec-21	13-Dec-22	0.00	31	1,758.08	0.69%
Westpac Group	542247		3,000,000.00	17-Jan-22	10-Jan-23	5,547.95	31	1,910.96	0.75%
Westpac Group	542326		2,000,000.00	9-Feb-22	7-Feb-23	0.00	31	1,494.79	0.88%
Westpac Group	542327		2,000,000.00	9-Feb-22	14-Feb-23	0.00	31	1,494.79	0.88%
Westpac Group	542421		2,500,000.00	9-Mar-22	7-Mar-23	0.00	31	2,186.99	1.03%
Westpac Group	542422		2,000,000.00	9-Mar-22	14-Mar-23	0.00	31	1,749.59	1.03%
Westpac Group	542423		2,500,000.00	9-Mar-22	21-Mar-23	0.00	31	2,186.99	1.03%
Suncorp Bank	542468		3,000,000.00	22-Mar-22	4-Apr-23	0.00	31	3,133.98	1.23%
Bendigo and Adelaide Bank	542860		2,000,000.00	10-Jun-22	6-Jun-23	0.00	31	6,200.00	3.65%
Bendigo and Adelaide Bank	542861		3,000,000.00	10-Jun-22	13-Jun-23	0.00	31	9,300.00	3.65%
Commonwealth Bank of Australia	542878		5,000,000.00	21-Jun-22	20-Jun-23	0.00	31	17,623.29	4.15%
Westpac Group	542328		2,000,000.00	9-Feb-22	20-Feb-24	0.00	31	2,683.84	1.58%
Westpac Group	542424		4,000,000.00	9-Mar-22	5-Mar-24	0.00	31	6,216.99	1.83%
Westpac Group	542329		2,000,000.00	9-Feb-22	4-Mar-25	0.00	31	3,431.23	2.02%
						27,953.43		73,661.40	1.25%
<b>Grand Totals</b>						<b>55,787.61</b>		<b>142,495.77</b>	<b>1.57%</b>

# Waverley Council

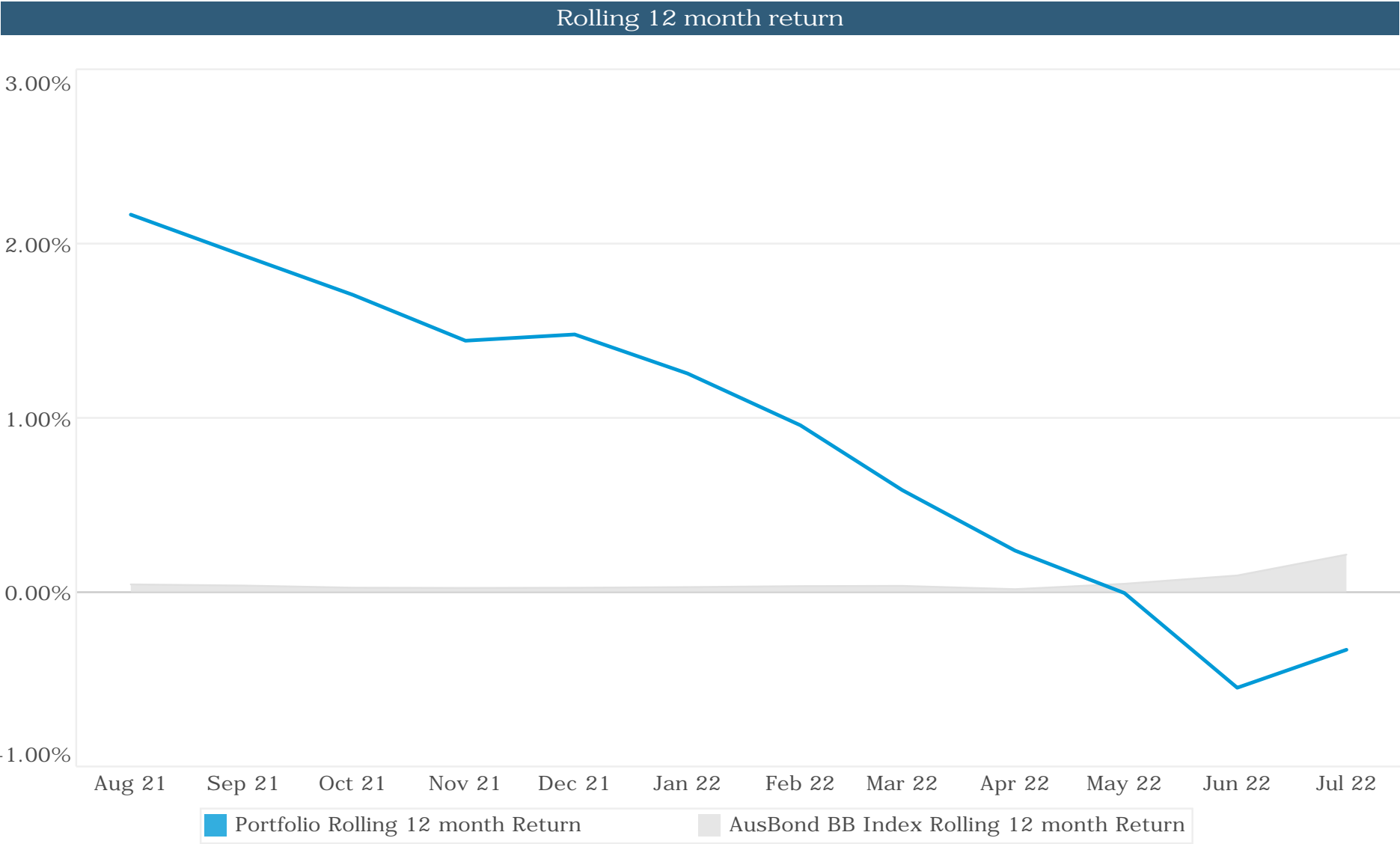
## Investment Performance Report - July 2022



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Jul 2022	5.31%	1.45%	3.86%
Last 3 months	0.21%	0.83%	-0.62%
Last 6 months	-0.89%	0.40%	-1.29%
Financial Year to Date	5.31%	1.45%	3.86%
Last 12 months	-0.33%	0.22%	-0.55%

# Waverley Council

## Investment Performance Report - July 2022



Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Jul 2022	0.44%	0.12%	0.32%
Last 3 months	0.05%	0.21%	-0.16%
Last 6 months	-0.44%	0.20%	-0.64%
Financial Year to Date	0.44%	0.12%	0.32%
Last 12 months	-0.33%	0.22%	-0.55%

# Waverley Council

## Environmental Commitments Report - July 2022



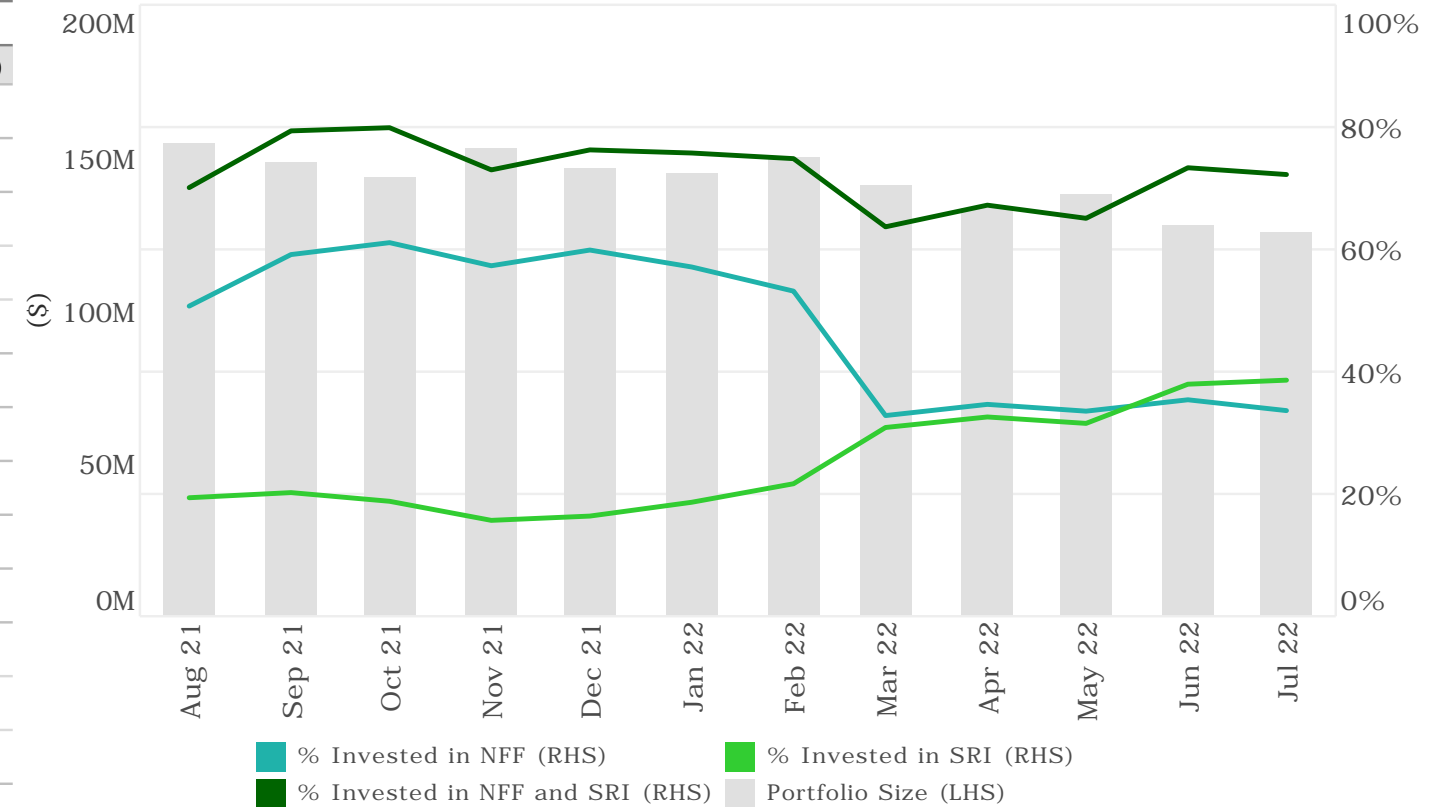
### Current Breakdown

ADI Lending Status *	Current Month (\$)		Previous Month (\$)	
Fossil Fuel Lending ADIs				
Bank of Queensland	9,000,000		12,000,000	
Commonwealth Bank of Australia	10,424,890		7,013,745	
	19,424,890	15%	19,013,745	15%
Non Fossil Fuel Lending ADIs				
Auswide Bank	2,000,000		2,000,000	
Bendigo and Adelaide Bank	12,500,000		15,500,000	
Great Southern Bank	4,700,000		4,700,000	
Newcastle Permanent Building Society	5,100,000		5,100,000	
Suncorp Bank	15,550,000		15,550,000	
Teachers Mutual Bank	2,400,000		2,400,000	
	42,250,000	34%	45,250,000	35%
Other				
NSW T-Corp (Cash)	4,398,638		4,386,986	
NSW T-Corp (LT)	11,055,384		10,663,980	
	15,454,022	12%	15,050,965	12%
Socially Responsible Investment				
Bank Australia (Sustainability)	3,000,000		3,000,000	
CBA (Green)	14,500,000		14,500,000	
Westpac Group (Green TD)	31,000,000		31,000,000	
	48,500,000	39%	48,500,000	38%
	125,628,912		127,814,710	

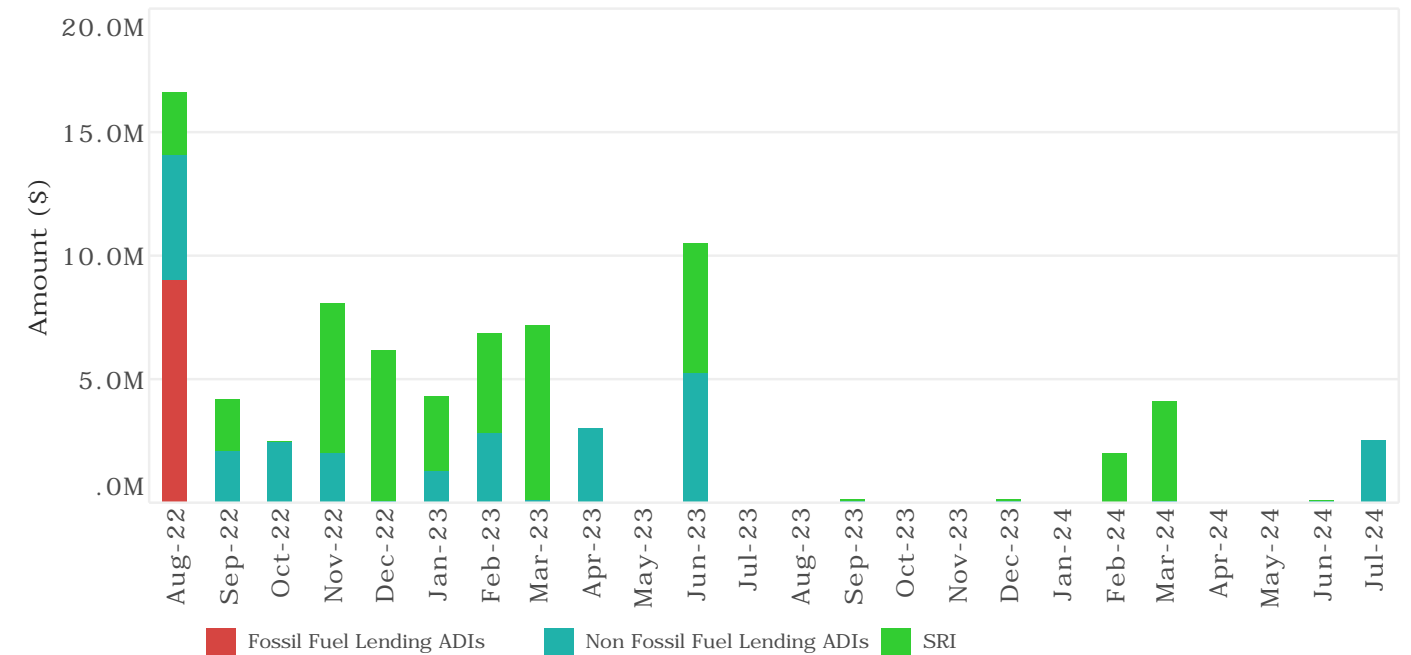
\* source: Marketforces

Percentages may not add up to 100% due to rounding

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

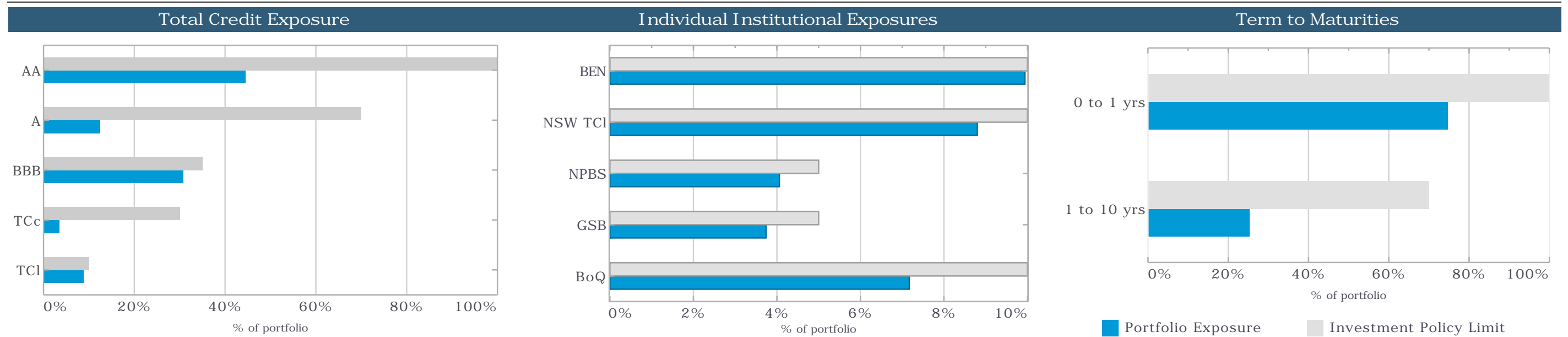


### Upcoming Maturities



# Waverley Council

## Investment Policy Compliance Report - July 2022



Credit Rating Group	Face Value (\$)	% of portfolio	Policy Max	
AA	55,924,890	45%	100%	a
A	15,550,000	12%	70%	a
BBB	38,700,000	31%	35%	a
TCc	4,398,638	4%	30%	a
TCl	11,055,384	9%	10%	a
	125,628,912			

Specific Sub Limits				
BBB+	21,500,000	17%	35%	a
BBB	17,200,000	14%	15%	a

Institution	% of portfolio	Investment Policy Limit	
Bendigo and Adelaide Bank (BBB+)	10%	10%	a
NSW T-Corp (TCl)	9%	10%	a
Newcastle Permanent Building Society (BBB)	4%	5%	a
Great Southern Bank (BBB)	4%	5%	a
Bank of Queensland (BBB+)	7%	10%	a
Westpac Group (AA-)	25%	50%	a
Bank Australia (BBB)	2%	5%	a
Suncorp Bank (A+)	12%	30%	a
Commonwealth Bank of Australia (AA-)	19%	50%	a
Teachers Mutual Bank (BBB)	2%	5%	a
Auswide Bank (Baa2)	2%	5%	a
NSW T-Corp (TCc)	4%	30%	a

	Face Value (\$)	% of portfolio	Policy Max	
0 to 1 yrs	93,828,912	75%	100%	a
1 to 10 yrs	31,800,000	25%	70%	a
	125,628,912			

Specific Sub Limits				
3 to 10 yrs	20,300,000	17%	50%	a
5 to 10 yrs	0	0%	25%	a

a = compliant  
r = non-compliant

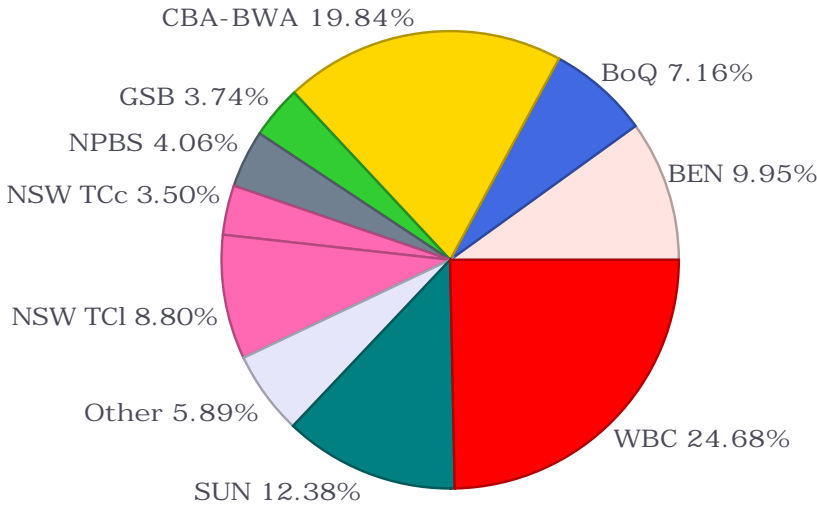
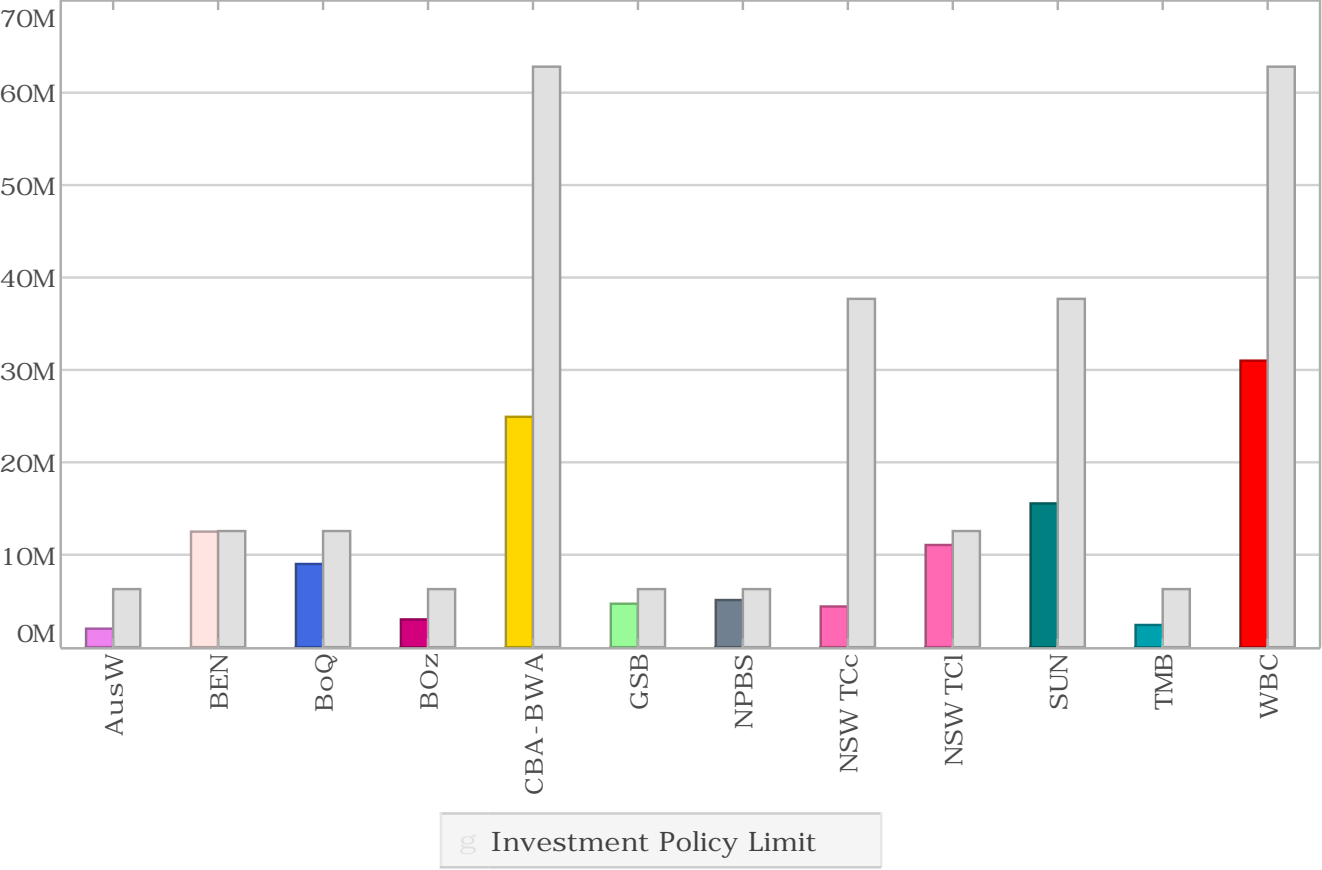
Waverley Council  
Individual Institutional Exposures Report - July 2022



Individual Insitutional Exposures

Individual Insitutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Auswide Bank (Baa2)	2,000,000	2%	6,281,446	5%	4,281,446
Bank Australia (BBB)	3,000,000	2%	6,281,446	5%	3,281,446
Bank of Queensland (BBB+)	9,000,000	7%	12,562,891	10%	3,562,891
Bendigo and Adelaide Bank (BBB+)	12,500,000	10%	12,562,891	10%	62,891
Commonwealth Bank of Australia (AA-)	24,924,890	19%	62,814,456	50%	37,889,566
Great Southern Bank (BBB)	4,700,000	4%	6,281,446	5%	1,581,446
Newcastle Permanent Building Society (BBB)	5,100,000	4%	6,281,446	5%	1,181,446
NSW T-Corp (TCc)	4,398,638	4%	37,688,674	30%	33,290,036
NSW T-Corp (TCl)	11,055,384	9%	12,562,891	10%	1,507,507
Suncorp Bank (A+)	15,550,000	12%	37,688,674	30%	22,138,674
Teachers Mutual Bank (BBB)	2,400,000	2%	6,281,446	5%	3,881,446
Westpac Group (AA-)	31,000,000	25%	62,814,456	50%	31,814,456
	125,628,912				



# Waverley Council

## Cashflows Report - July 2022



### Actual Cashflows for July 2022

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
12-Jul-22	541896	Bendigo and Adelaide Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Bendigo and Adelaide Bank	Term Deposit	Maturity: Interest Received/Paid	7,446.58
		<u>Deal Total</u>			<u>3,007,446.58</u>
				Day Total	3,007,446.58
18-Jul-22	542247	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	5,547.95
		<u>Deal Total</u>			<u>5,547.95</u>
		Day Total			
19-Jul-22	541669	ME Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		ME Bank	Term Deposit	Maturity: Interest Received/Paid	14,958.90
		<u>Deal Total</u>			<u>3,014,958.90</u>
				Day Total	3,014,958.90
25-Jul-22	536145	BEN Snr FRN (Jan23) BBSW+ 1.05%	Floating Rate Note	Coupon Date	4,861.85
		<u>Deal Total</u>			<u>4,861.85</u>
25-Jul-22	538604	GSB Snr FRN (Oct24) BBSW+ 1.12%	Floating Rate Note	Coupon Date	4,062.08
		<u>Deal Total</u>			<u>4,062.08</u>
		Day Total			
28-Jul-22	538616	TMB Snr FRN (Oct22) BBSW+ 0.90%	Floating Rate Note	Coupon Date	9,610.80
		<u>Deal Total</u>			<u>9,610.80</u>
		Day Total			
29-Jul-22	538331	SUN Snr FRN (Jul24) BBSW+ 0.78%	Floating Rate Note	Coupon Date	9,299.45
		<u>Deal Total</u>			<u>9,299.45</u>
		Day Total			
				<u>Total for Month</u>	<u>6,055,787.61</u>

### Forecast Cashflows for August 2022



# Waverley Council

## Cashflows Report - July 2022



Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
2-Aug-22	541733	ME Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		ME Bank	Term Deposit	Maturity: Interest Received/Paid	14,671.23
		<u>Deal Total</u>			<u>3,014,671.23</u>
Day Total					3,014,671.23
8-Aug-22	536174	NPBS Snr FRN (Feb23) BBSW+ 1.40%	Floating Rate Note	Coupon Date	6,573.41
				<u>Deal Total</u>	<u>6,573.41</u>
Day Total					6,573.41
9-Aug-22	541734	ME Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		ME Bank	Term Deposit	Maturity: Interest Received/Paid	14,958.90
		<u>Deal Total</u>			<u>3,014,958.90</u>
9-Aug-22	542326	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	4,436.16
				<u>Deal Total</u>	<u>4,436.16</u>
9-Aug-22	542327	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	4,436.16
				<u>Deal Total</u>	<u>4,436.16</u>
9-Aug-22	542328	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	7,964.93
				<u>Deal Total</u>	<u>7,964.93</u>
9-Aug-22	542329	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	10,183.01
				<u>Deal Total</u>	<u>10,183.01</u>
Day Total					3,041,979.18
16-Aug-22	541735	ME Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		ME Bank	Term Deposit	Maturity: Interest Received/Paid	15,246.58
		<u>Deal Total</u>			<u>3,015,246.58</u>
Day Total					3,015,246.58
18-Aug-22	542104	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	4,083.29
				<u>Deal Total</u>	<u>4,083.29</u>
Day Total					4,083.29
22-Aug-22	539454	GSB Snr FRN (Feb23) BBSW+ 0.90%	Floating Rate Note	Coupon Date	8,283.44



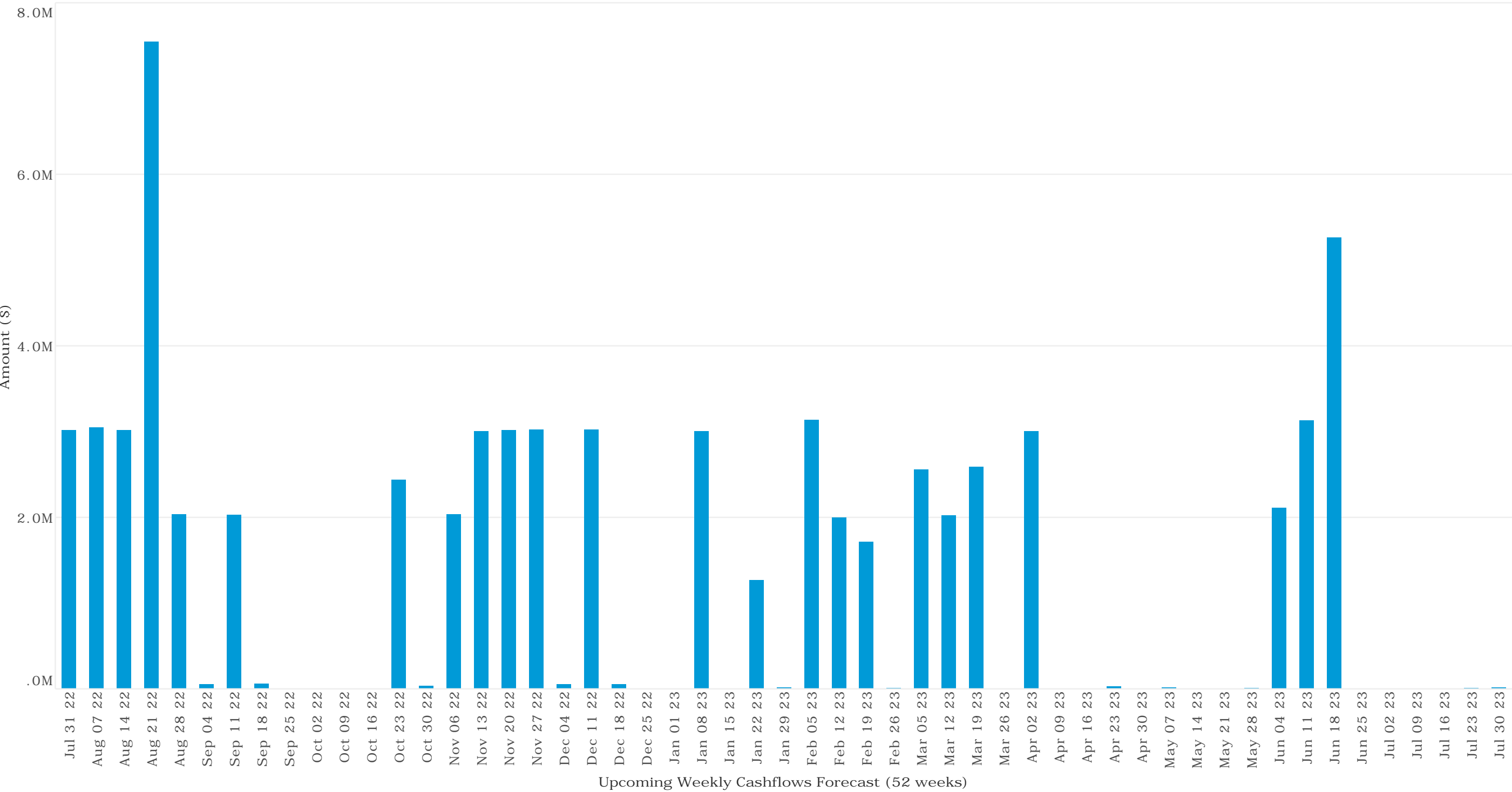
# Waverley Council

## Cashflows Report - July 2022

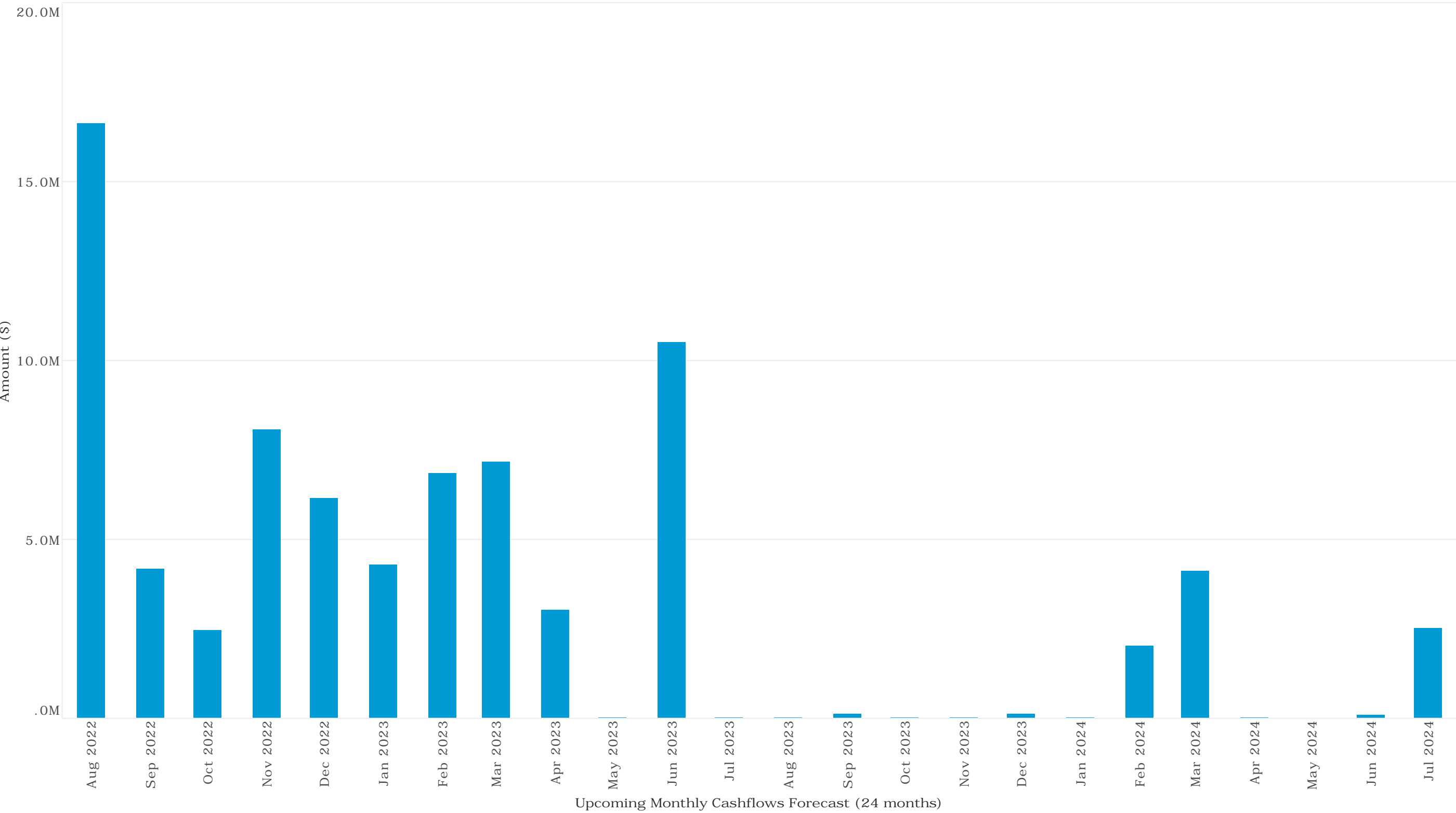


Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
<u>Deal Total</u>					<u>8,283.44</u>
22-Aug-22	542108	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	4,188.49
<u>Deal Total</u>					<u>4,188.49</u>
Day Total					12,471.94
23-Aug-22	541770	Commonwealth Bank of Australia	Term Deposit	Maturity: Face Value	2,500,000.00
		Commonwealth Bank of Australia	Term Deposit	Maturity: Interest Received/Paid	7,479.45
<u>Deal Total</u>					<u>2,507,479.45</u>
Day Total					2,507,479.45
24-Aug-22	540958	SUN Snr FRN (Feb26) BBSW+ 0.45%	Floating Rate Note	Coupon Date	4,982.24
<u>Deal Total</u>					<u>4,982.24</u>
Day Total					4,982.24
26-Aug-22	541782	Suncorp Bank	Term Deposit	Maturity: Face Value	5,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	17,500.00
<u>Deal Total</u>					<u>5,017,500.00</u>
Day Total					5,017,500.00
<u>Total for Month</u>					<u>16,624,987.31</u>

Waverley Council  
Cashflows Report - July 2022



Waverley Council  
Cashflows Report - July 2022



**REPORT**  
**CM/7.5/22.08**

**Subject:** Audit, Risk and Improvement Committee Meeting  
Minutes - November 2021, March 2022 and June 2022

**TRIM No:** SF21/6067

**Author:** Al Johnston, Governance Officer

**Director:** Richard Sheridan, Acting Director, Corporate Services

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**RECOMMENDATION:**

That Council notes the minutes of the Audit, Risk and Improvement Committee meetings held on 25 November 2021, 31 March 2022 and 2 June 2022 attached to the report.

**1. Executive Summary**

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

The minutes of the meetings held on 25 November 2021, 31 March 2022 and 2 June 2022 have been confirmed by the Committee and are attached to this report.

**2. Introduction/Background**

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

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

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

**3. Relevant Council Resolutions**

Nil.

**4. Discussion**

Nil.

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

Nil.

**6. Conclusion**

The minutes of the ARIC meetings held on 25 November 2021, 31 March 2022 and 2 June 2022 have been confirmed by the Committee and are attached to this report for Council's noting.

**7. Attachments**

1. ARIC - 25 November 2021 - Minutes [↓](#)
2. ARIC - 31 March 2022 - Minutes [↓](#)
3. ARIC - 2 June 2022 - Minutes [↓](#) .



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING  
HELD BY VIDEO CONFERENCE ON THURSDAY, 25 NOVEMBER 2021**

**Voting Members Present:**

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

**In Attendance:**

Emily Scott	General Manager
Evan Hutchings	Director, Finance and Governance
Sharon Cassidy	Acting Director, Community, Assets and Operations
Rachel Hensman	Acting Director, Customer Service and Organisation Improvement
Karen Mobbs	General Counsel
Jarrod Lean	Internal Auditor (Engagement Partner, Grant Thornton Australia)
Brett Hanger	External Auditor (Nexia Australia)
Teena Su	Executive Manager, Finance
John Mantzios	Chief Information Officer (Item 5.7)
Kevin Trinh	IT Manager, Information Management and Technology (Item 5.7)
Kerrie Pryke	Executive Manager, Human Resources, Safety and Wellbeing (Item 5.8 & 5.11)
Al Johnston	Committee Secretary
Sophie Benbow	Committee Secretary

*At the commencement of proceedings at 2.32PM, those present were as listed above.*

*Prior to the commencement of the meeting, Council's Local Emergency Management Officer gave a risk presentation to the ARIC members on the return to work framework.*

*After the presentation and prior to the commencement of the meeting, an in camera meeting with the external auditors was held.*

**ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Chair read the following Acknowledgement of Indigenous Heritage:

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

**1. Apologies/Leaves of Absence**

Apologies were received and accepted from Caroline Karakatsanis (Audit Office of NSW).

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

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

**3. Confirmation of Minutes**

**ARIC/3.1/21.11 Confirmation of Minutes - Audit, Risk and Improvement Committee Meeting - 23 September 2021 (SF21/284)**

**MOTION / DECISION**

Mover: Kath Roach  
Seconder: John Gordon

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

**4. Actions from Previous Meetings**

**ARIC/4.1/21.11 Actions from Previous Meetings (SF21/531)**

**MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconder: Kath Roach

That the Committee notes the status of the actions from previous meetings as at 25 November 2021.

**DISCUSSION**

The Chair of the Committee asked for an update on two items which are outstanding:

- The briefing report from the new Change Manager regarding completed Internal Audits for 2020/21.
- The update reports on the Service Review Program from the General Manager.

It was confirmed that both have been postponed until next year.

The Chair of the Committee also asked about the submission to the Office of Local Government on the draft guidelines *Risk Management and Internal Audit for local councils in NSW*. The General Counsel advised that management are generally satisfied that the proposed draft guidelines cover the functions and responsibilities of the ARIC, so no submission was made.

**5. Reports****ARIC/5.1/21.11 Audited Financial Statements 2020/21 (A21/0024)****MOTION / DECISION**

Mover: John Gordon  
Seconder: George Copeland

That the Committee:

1. Notes the Audited Financial Statements 2020-21 as attached to the report were submitted to the Office of Local Government on 29 October 2021.
2. Receives and notes the Engagement Closing Report on the 2020-21 Financial Statements attached to the report.
3. Receive an update at its meeting in March 2022 on the preparation for the 2021-22 end of year Audit.

**DISCUSSION**

The External Auditor advised the Committee that the Council's Annual Financial Statements and Audit for the year ending 30 June 2021, have been completed within the statutory timeframe. The Statements were submitted to NSW Office of Local Government on 29 October 2021. He gave an update on the General Purpose Financial Statements, Special Purpose Financial Statements and Auditors report which are contained in the Agenda.

The External Auditor wanted to highlight section 3.4 of the Engagement Closing Report, noting that as the audit did not identify any matters in addition to those reported in the Interim Management letter issued in July 2021, a Final Management Letter will not be issued.

Section 4.1 of the Engagement Closing Report included commentary on the Annual Engagement Plan. The key issues noted for this year were:

- The impact of Covid.
- Assessing the fair value of infrastructure, property, plant and equipment.
- Revaluations of "other structures", "other open space/recreational assets" and investment properties undertaken during the year
- Quality and timeliness of financial reporting.
- IT General Controls; and
- Cyber security.

**ARIC/5.2/21.11 General Manager's Update (SF21/638)****MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconder: John Gordon

That the Committee:

1. Notes the General Manager's verbal update provided at the meeting.
2. Requests that the Committee receives a copy of the Return to Work framework once finalised.
3. Requests that the Business Change Manager present to the next ARIC meeting on risks associated with the high rate of change Council is currently undergoing.



4. Requests that the *2021 Understanding What Matters, Waverley Council Staff Engagement Survey* results be presented to the next meeting in March 2022.

## DISCUSSION

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

### *Covid Impacts – Q1 budget review*

- 21/22 Original Budget assumed a COVID free scenario. Given the on-going impact of COVID during the year, the outcome was below budget revenue, increased expenses, and the continuation of Council's business support package from 1 July 2021

### *Return to work planning*

- In line with NSW Public Health Orders, restrictions will ease from December 15<sup>th</sup> (or when NSW reaches 95% double vaccination).
- Waverley Council's Covid Vaccination Policy is underway. Considerations include setting business rules to ensure equity and consistency across the organisation. Also, sensitivity around heightened levels of anxiety for staff returning to the workplace.
- A Return to Work proposal has been drafted. This proposes that all employees return to work for a minimum of one day per week from January 2022, increasing to three days per week from March 2022 onwards.

### *Additional Senior staff Changes*

- A number of Senior staff changes are taking place.
- There are no permanently appointed Directors at Executive level.
- Interim support is being provided at the Executive level along with recruitment taking place in 2022.

### *ICT modernisation – Road to approval*

- Council Decision proposed for March 2022
- Pending decision, formal kick off is scheduled for October 2022.

### *Cyber Security Framework*

- Ernst & Young were engaged to uplift the organisations cyber awareness. As a result an online learning module has been embedded for on boarding staff.
- Phishing campaigns have taken place with a Phishing Campaign Report detailing the results.

### *Change management framework*

- Business Change Manager appointed in March 2021
- Change management framework has been endorsed by ELT.
- There are multiple challenges for the organisation ie council election, change saturation, low change maturity, COVID/Working From Home, new leadership and direction, which have to be considered as it will impact change management.

### *Australian Business Excellence Framework*

- The Australian Business Excellence Framework (ABEF) is the established national standard for Business Excellence and has been adopted by over 125 Councils around the country.
- An integrated leadership and management system that describes the elements essential to organisations sustaining high levels of performance is used to assess and improve all aspects of a Council operations, including leadership, IP&R, people, ICT, information and knowledge, safety, service delivery, and bottom-line results.
- Council's implementation includes: membership with Business Excellence Australia, Workshops, Opportunities for improvement, Development of a Business Excellence Strategy and a Business Improvement Register.

*Councillor Induction*

- Council meeting is scheduled for around 10 January 2022
- Councillors oath and affirmation will be done prior to this
- The Induction program is scheduled

The Committee expressed concern regarding the sheer volume of change to the business. The General Manager confirmed that the structure of the business will be reviewed with the new Council which will include minor changes. Recruitment will commence in January and is part of the new structure.

The Committee asked about the delivery of the Capital Works Program and the re-prioritisation of projects and if anything has changed or whether there is any risk for the organisation with regards to this. The General Manager highlighted that the schedule for this has changed so that the Capital Works Program is budgeted for in the first part of the financial year which is structurally easier to manage.

The Committee asked about the results of the last staff survey and what the results indicate about the organisation. The General Manager stated that the organisation is currently running a staff survey. Previous to this the last staff survey was in 2018. The idea for the current staff survey is so that the Executive Leadership Team can get an idea of the preliminary results and what is measured in the results. The General Manager suggested that the results of the current staff survey be shared at the next ARIC meeting in March 2022.

With regards to Councillor induction for the Councillors in 2022, the Committee suggested that the role of the ARIC is explained to the Councillors in detail, especially if there is no Councillor appointed to ARIC next year.

The Committee asked if there is a reporting structure to prioritise the change happening at Council. The General Manager responded saying that the newly recruited Business Change Manager will be managing this. The Business Change Manager has done an audit of the change occurring within the organisation which will help the Executive Leadership Team prioritise their focus. Along with this, the three key areas she is working on is the ICT modernisation, connected workplaces which involves the Council Chambers refurbishment and the Return to Work framework.

**ARIC/5.3/21.11          Q1 Budget Review - September 2021 (A03/0346)****MOTION / DECISION**

Mover:        Elizabeth Gavey  
Seconder:    George Copeland

That the Committee notes:

1. The Q1 September 2021 Budget Review report attached to the report.
2. The associated COVID-19 – Council Response, Business Continuity and Community Support Initiatives – Review reports, and the recommendations contained in those reports were adopted by Council at its meeting on 26 October 2021.

**DISCUSSION**

The Executive Manager, Finance highlighted the key points of the Q1 budget review and advised that COVID has had the biggest impact on budget performance. The unexpected lockdown impacted the budget dramatically with the loss of revenue from Council car parks, parking fines and property rentals. It is estimated the loss is approximately \$9M. This has resulted in a negative operating performance ratio to 6.97% for this financial year.

The Committee asked about the reserves strategy and if the reserves can be re-purposed or are they being used for their original purpose. The Executive Manager, Finance confirmed that they have all been used for their original purpose.

The Committee further stressed that Council be conscious of not drawing down too much on reserves, when the operating funds are not available.

**ARIC/5.4/21.11 Investment Portfolio Performance - October 2021 (A03/2211)**

**MOTION / DECISION**

Mover: John Gordon  
Seconder: Kath Roach

That the Committee notes the October 2021 Investment Summary Report, including the related attached report which is listed for consideration at the Council meeting on 23 November 2021.

**ARIC/5.5/21.11 Capital Progress Partnerships - Progress Report (A18/0377)**

**MOTION/DECISION**

Mover: John Gordon  
Seconder: Kath Roach

That the Committee receives and notes the progress report on the Capital Project Partnerships projects.

**DISCUSSION**

The Acting Director, Community, Assets and Operations updated the Committee on the six capital project partnerships as follows:

- The North Bondi Surf Club advanced response lifesaving facility is complete.
- Tamarama Surf Club refurbishment is under construction, moving towards a project agreement for lease.
- Bondi Surf Club project – community consultation went well, an expected DA is due to go forward in February 2022.
- Three more projects are in various stages of planning and design (these projects are the Waverley Park indoor cricket nets, Bronte Surf Club and Rowe Street interchange access project).

The Committee asked about the Rowe Street Project and if the costing is correct. It was confirmed that Council is not building the project. It is a collective DA for all three lots. It was confirmed that probity has been signed off for this project.

**ARIC/5.6/21.11 Insurance Coverage (SF21/284)**

**MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconder: John Gordon

That the Committee notes the report on Council's General Insurance coverage.

**DISCUSSION**

The Director of Finance and Governance provided an overview of Council's general insurance coverage including its cyber insurance.

The Committee discussed potential environmental risks affecting Council and recommended management give consideration to a template for environmental risk assessment including a response plan offered by StateWide.

The Committee asked about the Artworks contained in the Artworks Policy and when they were last re-valued. The Director of Finance and Governance confirmed that this was in the last 12 months.

**ARIC/5.7/21.11            Information Management and Technology - ICT Strategy and Work Program Update (A20/0450)**

**MOTION / DECISION**

Mover:        John Gordon  
Seconder:    Elizabeth Gavey

That the Committee:

1. Notes progress on the implementation of the ICT Strategy and work program.
2. Requests management add an action status column to the Current State Assessment table on the Cyber Security Initiatives and consolidate it with the IT Audit Progress table to avoid repetition of action items and report to the March 2022 meeting.

**DISCUSSION**

The Executive Manager, Information Management and Technology gave an update.

The key points of his discussion were:

- The ICT Modernisation has been paused with a view to present to the new Council in 2022.
- Governance frameworks have been developed to streamline the current and future technology roadmap.
- KPMG were engaged to advise on practical solutions for Council with regards to technology. They provided multiple scenarios to staff to get feedback on gaps in technology solutions. The results are being included in the business case to improve systems.
- The Ernst & Young Cybersecurity report is still ongoing. An update will be provided in 6 months.
- The IT Internal audit recommendations will be consolidated with the recommendations arising from the ICT modernisation program to avoid repetition of action items.

The Committee requested further information around the priorities for Information Management and Technology with regard to systems and data for Council. The Chief Information Officer responded stating that data with regards to confidential information for property and rates is the number one priority. The next priority should be general sensitive information, such as correspondence between Councillors and the General Manager, internal documentation and our internal document management system and ways to protect the information stored within that system further.

**ARIC/5.8/21.11            Governance Report (SF21/524)**

**MOTION / DECISION**

Mover:        John Gordon  
Seconder:    Elizabeth Gavey

That the Committee:

1. Receives and notes the report.

2. Receives the work program of Council's newly appointed Risk Project Lead.

**DISCUSSION**

The Director of Finance and Governance informed the Committee that a Risk Project Lead has been appointed and is responsible for the development and implementation of a number of projects including risk registers, fraud and corruption prevention, the Governance Framework, the policy register and legal compliance.

The Committee asked if Council is confident in identifying risks despite the current registers being under development. The Director of Finance and Governance responded and stated that most areas of the Council would be reporting any risks through to a Director at the very least.

The Committee asked for clarification over the 'termination' terminology included in the WHS report. The Executive Manager, Human Resources, Safety and Wellbeing confirmed that this means that the person 'terminated' was unable to perform the requirements of their role and there was no likelihood of them returning.

The Committee asked about the compliments and complaints reports. It was confirmed that the compliments get filtered back to the relevant staff member along with being included in the staff newsletter shared with everyone internally. The Committee also noted that complaints have gone up since October. It was confirmed that this is likely to be because of lockdown finishing.

**ARIC/5.9/21.11 Strategic Internal Audit Program (A21/0369)****MOTION / DECISION**

Mover: Kath Roach  
Seconder: John Gordon

That the Committee:

1. Notes that in relation to its previous request for a cemetery audit to be added to the Program, that a verbal update will be provided at the meeting of 25 November 2021 of a potential reprioritisation of the draft Four-Year Strategic Internal Audit program for the financial years 2022-2025 or an addition being made to the 2021/22 Internal Audit Plan.
2. Endorses the deferral of the Asset Management and Maturity Review to 2022-23 and the addition of the Cemetery Review to the 2021/22 Internal Audit Plan.

**DISCUSSION**

The General Counsel informed the Committee that following ELT discussion it was decided that the Cemetery audit be deferred to 2021/22 Internal Audit Plan.

**ARIC/5.10/21.11 Annual Internal Audit Plan Status Update 2021/22 (A21/0369)****MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconder: John Gordon

That the Committee receives and notes the status update for the Annual Internal Audit Plan 2021/22.

**ARIC/5.11/21.11 Completed Internal Audit Reports 2021/22 (A21/0368)****MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconder: Kath Roach

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

1. Payroll and Accounts Payable Data Analytics Report September 2021.
2. Events Management Report September 2021.
3. Capital Projects Partnership Compliance Report November 2021.

**DISCUSSION***Payroll and Accounts Payable Data Analytics Report September 2021.*

The Committee noted the statistics contained in the report regarding staff tenure and asked about workforce planning with regards to work health and safety for staff over 55 years old. The Executive Manager, Human Resources, Safety and Wellbeing confirmed that there is a work health force plan underway due to be finalised in April 2022 with exhibition to Council and the Community in May 2022, that will address the ageing workforce that Council is experiencing.

The Committee asked about the spend on casual hours and overtime and if this is appropriately managed. The General Manager responded and said that this is the way that Council accounts for casual hours. Council runs a 7 day service so this can be why the overtime is high. The Executive Manager, Human Resources, Safety and Wellbeing also added that the large proportion of beach ambassadors during the pandemic would have pushed the overtime figure up significantly.

*Events Management Report September 2021*

The Internal Auditor gave an update on the report.

There are no significant concerns about the events that are being conducted or the management of events. The key concerns are around planning and setting the calendar of events for the year. Prioritising a system which will assist this process is part of the new ICT modernisation program.

In response to a question from the Committee, the Committee was advised that all events require Council approval, with the approval process tailored to reflect the size and impact of the event. An annual report of the main events also go to Council for approval.

There was some discussion about significant events and the process to monitor their risk assessment. It was confirmed that Council works closely with the Event Management guidelines, the local Police, and uses CCTV and other measures to manage high impact events.

*Capital Projects Partnership Compliance Report November 2021*

Guidance over heads of agreement and moving into formal agreements is needed. With regards to Risk Assessments, it was noted that many of them were similar evidencing the need for each project to be started with a new risk assessment reflecting the particular project.

**ARIC/5.12/21.11      Audit Recommendations Report - Implementation Status Update (A21/0368)****MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconder: John Gordon

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

**DISCUSSION**

There was discussion around the Councillor Expenses and Payments Review. The Committee noted that the Councillor Expenses and Facilities Policy currently on Council's website is not up to date, which means that potential Councillor candidates are looking at an out of date document. It was suggested that a note is added to the relevant page on the website to say that the policy will be updated on a certain date.

With respect to the Working With Children (Safety of Children) Review, the Committee asked if Council was exposed given that the Volunteer Policy had not yet been endorsed by Council. It was confirmed that internal processes are in place to ensure Council is complying with obligations until the Policy is finalised.

**ARIC/5.13/21.11      ARIC Work Program 2021 (SF21/530)****MOTION / DECISION**

Mover: John Gordon  
Seconder: Kath Roach

That the Committee endorses the ARIC Work Program 2021 attached to the report with the following amendments:

1. The Delegation Review be deferred to March 2022.
2. The in-camera meeting with the Chief Audit Executive be held before the end of this year.
3. The in-camera meeting with the Internal Auditors be held today after this meeting
4. The performance review of the Internal Auditor and the Chief Audit Executive be held early next year after the in-camera meetings.
5. The review of the Implementation of Strategic Plan, Delivery Program and Strategies and Collection of performance measurement data by Council be deferred to March 2022.
6. The Internal Audit Charter be deferred until after the final version of the Office of Local Government's *Risk Management and Internal Audit for local councils in NSW* has been issued.
7. The in-camera meeting with the External Auditor has been completed.

**ARIC/5.14/21.11 Draft ARIC Report to Council (SF21/5557)****MOTION/DECISION**

Mover: Elizabeth Gavey

That the Committee receives and notes the following documents attached to the report and provides feedback to the ARIC Chair:

1. The draft Audit, Risk and Improvement Committee's Annual Report for 2021.
2. The Audit, Risk and Improvement Committee Self-Assessment Questionnaire.

**6 Other Business****ARIC/6.1/21.11 – ARIC Meeting Dates****DECISION:**

That the Committee adopts the following meeting dates for 2022:

- 9am, 31 March 2022
- 9am, 2 June 2022
- 9am, 28 July 2022
- 9am, 22 September 2022
- 9am, 24 November 2022

**7. Meeting Closure**

**THE MEETING CLOSED AT 5.56PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**





**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING  
HELD BY VIDEO CONFERENCE ON THURSDAY, 31 MARCH 2022**

**Voting Members Present:**

Elizabeth Gavey (Chair)	Independent Member
John Gordon	Independent Member
Kath Roach	Independent Member
Cr Tim Murray	Councillor Member (Alternate)

**In Attendance:**

Emily Scott	General Manager
Richard Sheridan	Interim Director, Finance and Governance
Sharon Cassidy	Acting Director, Community, Assets and Operations
Meredith Graham	Acting Director, Customer Service and Organisation Improvement
George Bramis	Acting Director, Planning, Environment and Regulatory
Karen Mobbs	General Counsel (Chief Audit Executive)
Jarrold Lean	Internal Auditor (Engagement Partner, Grant Thornton Australia)
Brett Hanger	External Auditor (Nexia Australia)
Caroline Karakatsanis	Audit Office of NSW (Item 5.1)
Richard Coelho	Executive Manager, Governance and Risk
Teena Su	Executive Manager, Finance
John Mantzios	Chief Information Officer (Item 5.6)
Kevin Trinh	IT Manager, Information Management and Technology (Item 5.6)
Kerrie Pryke	Executive Manager, Human Resources, Safety and Wellbeing (Item 5.7)
Hellen Demetriou	Business Change Manager, Organisation Improvement (Item 5.5)
Cr Sally Betts	Observer
Cr Ludovico Fabiano	Observer
Al Johnston	Committee Secretary

*At the commencement of proceedings at 9.05 AM, those present were as listed above.*

*Prior to the commencement of the meeting, Council's Risk Project Lead gave a presentation to the ARIC members on the project work program.*

**ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Chair read the following Acknowledgement of Indigenous Heritage:

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

**1. Apologies/Leaves of Absence**

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 were received:

- 2.1 Ms Gavey inform the meeting that she has been appointed to the Audit and Risk Committee for Local Government NSW.

**3. Confirmation of Minutes**

**ARIC/3.1/22.03 Confirmation of Minutes - Audit, Risk and Improvement Committee Meeting - 25 November 2021 (SF21/6067)**

**MOTION / DECISION**

Mover: John Gordon  
Seconder: Kath Roach

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 25 November 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**DISCUSSION**

The Chair of the Committee advised that prior to the meeting she had emailed to the Committee Secretary details of two minor typographical corrections to the minutes.

**4. Actions from Previous Meetings**

**ARIC/4.1/22.03 Actions from Previous Meetings (SF21/6071)**

**MOTION / DECISION**

Mover: John Gordon  
Seconder: Kath Roach

That the Committee notes the status of the actions from previous meetings as at 31 March 2022.

**5. Reports****ARIC/5.1/22.03      Audit Office of NSW - Engagement Audit Plan for 2021/22 Financial Year (A21/0527)****MOTION / DECISION**

Mover: John Gordon

Seconder: Kath Roach

That the Committee:

1. Receives and notes the Annual Engagement Plan (AEP) for the audit of the 2021/22 financial statements.
2. Reviews the ARIC meeting schedule so it aligns with the preparation of the Financial Statements.

**DISCUSSION**

The Committee was informed by the representative of the Audit Office of NSW that the theme of this year's audit is timeliness across all councils as there were many applications for extensions last year. Council's Executive Manager, Finance noted the timeline is one week later than last year and was confident that the August deadline will be met subject to there being no delay in the asset valuation work and no staff shortages due to Covid-19. The Committee was advised that Council's engineering staff have the capability to carry out the valuation assessments.

The Committee referred to the write-down of car park and building assets in the 2020/21 audit and asked how asset valuation is now being managed. The Committee were advised that the write-down last year was due to Council changing its valuer and a different methodology being used. The new valuer has been engaged for 5 years so the methodology will be consistent moving forward.

The Committee discussed the timeframe for preparing the Financial Statements and how it aligns with the ARIC meeting schedule and suggested moving the September meeting forward.

**ARIC/5.2/22.03      Quarterly Budget Review (Q2) - December 2021 (A03/0346)****MOTION**

Mover: Elizabeth Gavey

Seconder: John Gordon

That the Committee:

1. Notes the Q2 budget review attached to this report, has been adopted by Council on 15th February 2022.
2. Receives a presentation on the Long-Term Financial Plan at the June 2022 meeting.

**DISCUSSION**

The key points of the Committee's discussion were:

- The Committee was advised that Council's reserves are being used for the purpose they are set up for and the need for a Council resolution if they are to be repurposed.
- The Long-Term Financial Plan projects a balanced budget with the exception of the IT modernisation program where there is a deficit over the next 6 years.
- The performance of long and short term cash holdings is monitored monthly against the budget.

- The Long-Term Financial Plan be presented to the next ARIC meeting.

**ARIC/5.3/22.03 Investment Portfolio Performance - February 2022 (A03/2211)****MOTION / DECISION**

Mover: John Gordon  
Seconded: Elizabeth Gavey

That the Committee:

1. Notes the February 2022 Investment Summary Report as attached to this report has been considered at the Council meeting on 15 March 2022.
2. Receives confirmation that councillors have been briefed on the investment portfolio, including the reconciliation of investments with the reserves.

**DISCUSSION**

The Committee was advised that Council is going to market later this year for investment advisor services, the market is improving and Council will soon be able to secure higher longer term returns.

The Committee asked if the new Council has been briefed on the investment portfolio and has a good understanding of its performance. Management responded that councillors receive an investment report each month and a workshop program is commencing shortly to brief them on the portfolio. Councillors are due to review the ethical investment threshold in June 2022 to provide a direction to officers.

The Committee requested that it receive confirmation that councillors have been briefed on the investment portfolio, including the reconciliation of investments with reserves.

**ARIC/5.4/22.03 General Manager's Update (SF21/6073)****MOTION / DECISION**

Mover: John Gordon  
Seconded: Kath Roach

That the Committee:

1. Notes the General Manager's verbal update provided at the meeting.
2. Requests the KPMG business case for the ICT Modernisation Program and the peer review be presented to the Committee at its next meeting.

**DISCUSSION**

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

**Budget Setting Context – 2022/23**

- COVID Financial impact for 2021/22 approximately \$7m due to loss of income but the same level of costs.
- Service levels were maintained, and cost reductions were difficult.
- Managed to continue to retain local employment for 680 people.
- For these 3 years, Council did not meet the operating performance ratio industry benchmark of >0%.

- Financial recovery is planned.
- Budget allows for a 25% reduction in COVID impacted income for 3months approximately \$1.8m.
- GDP set to grow by 3.5% over 2022/23 and now inflation is on the radar.
- Federal / State government COVID-19 support was ineffective for Local Government as most grants were tied to a purpose and not flexible.
- CPI set at 2.5% for 2023. With some concern that CPI is likely to double in future years.
- Business Sector of Waverley is trending upward as of June 2021 with growth in Financial Services, Professional and Technical and Retail. Declining industry Transport and Warehouses which is a small sector of 350 businesses.
- We have seen increased visitation in commercial centres and other public spaces through smart technology.
- Growth largely through domestic tourism / local market.
- We have seen only a marginal decline in occupancy levels in commercial centres.
- We are seeing positive trends across the local economy.

**Draft 2022/23 Budget snapshot**

- An operating surplus of \$64k and EBITDA \$22.1m.
- Net Cash was break even (after capital works and depreciation).
- Meeting operating performance ratio >0% first time in 3 years.
- Total expenditure is \$141.13 million (LY 139.883m):
- Operational expenditure is \$119.135 million (1.05% increase on 21/22)
- Depreciation \$21.997m (0% change on 21/22)
- Total income \$155.512 million (LY 164.82m):
- Operating income is \$141.19 m (6.1% increase on 21/22)
- Capital income is \$14.31 million (125% decrease on 21/22)
- Utilising \$0.80 million reserve funding to support the 2022/23 programs (\$24.79 million decrease on 2021/22).

**Draft 2022/23 Budget snapshot - Capital**

- Property Strategy priority = new Commercial Property Strategy to be developed.
- An operating cash flow of \$36.38m (\$14.32m excluding Developers Capital Income & plant disposals).
- Capital Expenditure \$36.72m (LY \$72.07m)
  - Capital Work Program \$30.33m (LY \$69.96m)
  - Other Capital Purchases \$6.39m (LY \$2.11m).
- Utilising \$15.65 million reserve funding to support CAPEX (\$25.13 million decrease on 21/22).
- Grants and General Capital of \$14.68m.

**Major Changes - Income**

- 51% reduction in Hoarding Fees due to Bondi Pavilion Contract ending \$2.4m.
- 395% reduction in Restoration Fees from Utility Companies (net loss \$0.5m).
- 89% increase in Construction Fees \$1.52m.
- 43% increase Car parking and on street parking income. Still 5% lower than 2018/19 pre-Covid levels.
- 30% increase Fines Revenue. Still 19% higher than 2018/19 levels.
- Bondi Pavilion Revenue \$1.8m with net costs increase of \$237k allowing for rent-free periods. Note it is a net increase from 2020/21 of \$1.5m.

**Major Changes - Expenditure**

- Employee costs increased by \$1.75m (2.5%) – in line with staff award increase of 2% and superannuation costs 0.5%.
- Materials and contracts decreased by \$0.4m (1.6%).
- Other operating expenses increased by \$0.6m (2.7%) – largely due to the Abandonment fees and Bondi Pavilion returning to normal levels.

- Temporary staff remain at record low levels.
- Contractors down \$0.7m and Consultants down \$0.8m.

#### **Waverley's Community Strategic Plan 2022 -2032**

- Transition from a 11 theme CSP to a 3 theme CSP – for intentional focus, quality reporting and easy-to-read format
- Our response to identified need, issues and concerns will be further strengthened.

#### **Organisation Improvement Program**

- Organisation Strategy
- Values and Behaviours
- People Plan
- ELT and EM Leadership development program
- Staff Engagement Survey
- Australian Business Excellence Framework

#### **Staff Survey Results**

##### *Top 5 questions % favourable*

- I like the kind of work I do
- My co-workers give me help and support
- I believe in the overall purpose of Waverley Council
- Discrimination is not tolerated at Waverley Council
- I know where to get help if I am feeling emotionally unwell or unsafe at work

##### *Bottom 5 questions % favourable*

- Enough time and effort is spent on career planning
- There are enough opportunities for my career to progress at Waverley Council
- I am satisfied with the income I receive
- Waverley Council makes good use of technology
- Change is handled well at Waverley Council

#### **Return to work Roadmap**

- All staff returning to the office at least three days per week from 26 April 2022.

The Committee discussed the ICT Modernisation Program and was advised that the KPMG business case is funded in the Long-Term Financial Plan at \$28M over 4 years. A peer review of the KPMG business case has been undertaken to see if the expenditure profile is right for this council. The peer review shows a reduction in costs but also in benefit realisation. Maximising the gains from the modernisation program through Council's upcoming service reviews was also discussed. The Committee requested it receives a presentation on the KPMG business case and the peer review at its next meeting.

Depreciation benchmarking and the need for Council to improve its data collection, methodology refinements and prior period adjustments, as well as the minimal impact on the budget of the reductions in 7.12 Contributions were also discussed.

The Committee viewed positively the increase in risk reporting shown in the staff survey results and commented that it gives a level of comfort around risk and reputation and the Committee believed the organisation is tracking in the right direction overall from a fraud and corruption perspective.

#### **ARIC/5.5/22.03      Change Management Framework (A22/0017)**

#### **MOTION / DECISION**

Mover:      John Gordon  
 Seconder:    Kath Roach

That the Committee notes progress on the implementation of the Change Management Framework.

#### **DISCUSSION**

Council's Business Change Manager outlined the change framework to be implemented at Council. The discussion centered on the way the framework is going to be rolled out, what aspect of change in the organisation is going to be the first focus, the ability of the model to be customised and evolve, and controlling the pace of change to avoid overload.

#### **ARIC/5.6/22.03      Information Management and Technology - ICT Strategy and Work Program Update (A20/0450)**

#### **MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconded: John Gordon

That the Committee notes progress on the implementation of the ICT Modernisation and work program.

#### **DISCUSSION**

The Committee briefly recapped its earlier discussion on the modernisation program and peer review. The Committee also discussed the project to upgrade and migrate the EDRMS to a hosted cloud system, a planned audit of the cyber framework review to track progress, multi-factor authentication and the timeline for the refurbishment of the council chambers.

The Committee were advised that the IT team are working with the internal auditors to monitor progress on implementation of the ICT Strategy through audit recommendations and that monitoring progress is easier now there is an architectural overview of the IT system.

#### **ARIC/5.7/22.03      Governance Report (SF21/6068)**

#### **MOTION / DECISION**

Mover: Kath Roach  
Seconded: John Gordon

That the Committee:

1. Receives and notes the report.
2. Receives the quarterly Complaints and Compliments report for October - December 2021 once it has been reviewed by management.
3. Receives a briefing report on the volunteer review at the June 2022 meeting.

#### **DISCUSSION**

The Committee requested that the quarterly Complaints and Compliments report referred to in the report be circulated to it after it has been reviewed by the Executive Leadership Team.

The Committee discussed some of the information provided in the WHS report, progress with the delegations review, and the status of referrals from the NSW Ombudsman's Office.

Given the recent news item concerning volunteers at a NSW council the Committee enquired about the recruitment, training, management and supervision of volunteers at Waverley. Management advised that there is a volunteer review currently underway and a briefing report will be presented to the Committee at its next meeting.

**ARIC/5.8/22.03      Annual Internal Audit Plan Status Update 2021/2022 (A21/0369)****MOTION / DECISION**

Mover: Elizabeth Gavey

Seconder: Kath Roach

That the Committee receives and notes the status update for the Annual Internal Audit Plan 2021/22:

**DISCUSSION**

The Internal Auditor advised the Committee that there are no audit reports for this meeting. Several audits have been completed but they had not been reviewed by management in time to meet this agenda deadline. The audit reports are expected to be presented to the Committee at its next meeting. The Internal Auditor assured the Committee that there is nothing of concern in the reports that have been completed.

There was a brief discussion of the progress made with the review of IT General Controls and of the payroll audit.

**ARIC/5.9/22.03      Audit Recommendation Report - Implementation Status Update (A21/0368)****MOTION / DECISION**

Mover: Elizabeth Gavey

Seconder: John Gordon

That the Committee receives and notes the updated implementation status of the external and internal audit recommendations as set out in the attached "*Outstanding Audit Recommendations – March 2022*".

**DISCUSSION**

The Committee discussed IT General Controls and in particular that the information provided in the report does not align with the information provided in the Information Management and Technology report at Item 5.6 on the agenda. All agreed that the information in both reports should align and that this will be remedied for the next meeting.

The Committee also commented that the level of detail provided in the fraud and corruption control section of the report is insufficient for the Committee's purposes and this should also be remedied for the next meeting.

**ARIC/5.10/22.03      ARIC Work Program 2022 (SF21/6070)****MOTION / DECISION**

Mover: Elizabeth Gavey

Seconder: John Gordon

That the Committee endorses the ARIC Work Program 2022 attached to the report subject to the following amendments:

1. The Delegations Review be moved to the 2 June 2022 meeting.
2. The review of whether Council is meeting its integrated planning and reporting obligations be moved to the September 2022 meeting.



3. The review of whether Council is collecting appropriate performance measurement data and reporting its performance measures be moved to the September 2022 meeting.
4. The review of the performance of internal audit and the Chief Audit Executive (Internal Audit Coordinator) be moved to the 24 November 2022 meeting.
5. A review of Council's Long-Term Financial Plan be added to the 2 June 2022 meeting.

**DISCUSSION**

The Committee reviewed its work program and amended the schedule and matters to be considered at each meeting to better align with the preparation of the financial statements for the Committee's consideration.

**ARIC/5.11/22.03      Draft ARIC Annual Report to Council 2021 (SF21/5557)****MOTION / DECISION**

Mover: Elizabeth Gavey  
Second: Kath Roach

That the Committee:

1. Receives and notes the results of the ARIC Self-Assessment Questionnaire.
2. Receives and notes the draft ARIC Annual Report attached to the report.

**DISCUSSION**

The Chair of the Committee thanked management for their feedback and self-assessment questionnaires and said the responses appear to show a general satisfaction with the way the committee is operating at Waverley.

The Chair confirmed the focus for the remainder of the year is the financial statements and service reviews, and acknowledged that the increased reporting to the ARIC is asking a lot of management on top of all the other things happening at Council at the moment. The Chair requested that management advise the Committee if Committee requests are resulting in management's resources being overly stretched.

It was agreed that the ARIC Annual Report be submitted to Council at its meeting in May 2022.

**6 Other Business****ARIC/6.1/22.03 – ARIC Meeting Dates**

The Committee noted the remaining meeting dates for 2022 are:

- 9am, 2 June 2022
- 9am, 28 July 2022
- 9am, 22 September 2022 (subject to alignment with the preparation of the financial statements)
- 9am, 24 November 2022

**7. Meeting Closure**

**THE MEETING CLOSED AT 11.58 AM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**2 JUNE 2022**



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
THURSDAY, 2 JUNE 2022**

**Voting Members Present:**

Elizabeth Gavey (Chair)	Independent Member
John Gordon	Independent Member
Kath Roach	Independent Member
Cr Tim Murray	Councillor Member (Alternate)

**In Attendance:**

Emily Scott	General Manager
Richard Sheridan	Interim Director, Finance and Governance
Sharon Cassidy	Acting Director, Community, Assets and Operations
Meredith Graham	Acting Director, Customer Service and Organisation Improvement
George Bramis	Acting Director, Planning, Environment and Regulatory
Jarrold Lean	Internal Auditor (Engagement Partner, Grant Thornton Australia)
Mahesha Rubasinghe	Internal Auditor (Engagement Manager, Grant Thornton Australia)
Richard Coelho	Executive Manager, Governance and Risk
Teena Su	Executive Manager, Finance
Daphne Brown	Risk Project Lead
Annette Trubenbach	Executive Manager, Community Programs (Item 5.5)
John Mantzios	Chief Information Officer (Item 5.6 and Item 5.7)
Kerrie Pryke	Executive Manager, Human Resources, Safety and Wellbeing (Item 5.9)
Cr Paula Masselos (Mayor)	Observer
Cr Ludovico Fabiano	Observer
Al Johnston	Committee Secretary

*At the commencement of proceedings at 9.02 am, those present were as listed above with the exception of Cr Murray, Ms Cassidy and Cr Masselos who arrived at 9.07 am, 9.45 am and 10.15 am respectively.*

*Prior to the commencement of the meeting, Council's Risk Project Lead gave a presentation to the ARIC members on the risk framework.*

**ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Chair read the following Acknowledgement of Indigenous Heritage:

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

**1. Apologies/Leaves of Absence**

Apologies were received and accepted from Cr Dominic Wy Kanak (councillor member), Brett Hanger (External Auditor, Nexia Australia) and Caroline Karakatsanis (Audit Office of NSW).

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

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

**3. Confirmation of Minutes**

**ARIC/3.1/22.06 Confirmation of Minutes - Audit, Risk and Improvement Committee Meeting - 31 March 2022 (SF21/6067)**

**MOTION / DECISION**

Mover: Elizabeth Gavey  
Seconder: John Gordon

That the minutes of the Audit, Risk and Improvement Committee meeting held on 31 March 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**DISCUSSION**

The Chair of the Committee advised that prior to the meeting she had emailed to the Committee Secretary details of minor typographical corrections to the minutes.

It was agreed that the content of the General Manager's Update continue to be included in the minutes of each meeting because the content is not included in the agenda and it serves to inform committee members, councillors and the public.

**4. Actions from Previous Meetings**

**ARIC/4.1/22.06 Actions from Previous Meetings (SF21/6071)**

**MOTION / DECISION**

Mover: John Gordon  
Seconder: Elizabeth Gavey

That the Committee notes the status of the actions from previous meetings as at 2 June 2022 attached to the report.

**DISCUSSION**

With regard to Action Item 3 about the service review program, management advised the Committee that collection of data to get a baseline is almost complete. Scoping the service review program and prioritising reviews within the program will be completed by early in 2023 with the program to commence in July 2023. An update report will be presented to the ARIC early in 2023.

With regard to Action Item 6 about superannuation contributions to ARIC members, management advised the Committee that members are not entitled to receive superannuation contributions from Council under the current legislation, and the Committee agreed that advice aligns with their experience on other local government ARICs.

With regard to Action Item 19 about a councillor briefing on the investment portfolio, management advised the Committee that the Investment Policy is due to be considered by Council later this month and prior to that councillors will receive a briefing on the policy and the investment portfolio. An update report will be presented to the ARIC after the policy is adopted including details of any policy changes.

**5. Reports****ARIC/5.1/22.06 Draft 2022-23 Budget and Long Term Financial Plan 6 (SF21/5734)****MOTION / DECISION**

Mover: John Gordon

Seconder: Cr Murray

That the Committee:

1. Receives and notes the draft 2022–23 Budget Report and Long Term Financial Plan (LTFP) 6 reports attached to the report, which were presented to Council on 12 April 2022.
2. Notes that Council has applied to IPART for a permanent single-year special variation of 2.5% in lieu of the 0.8% rate peg.

**DISCUSSION**

The discussion covered this item and the next item on the agenda (ARIC/5.2/22.06 - Quarterly Budget Review (Q3) - March 2022).

The key points of the Committee's discussion were:

- Variations on capital works projects due to supply chain issues brought about by COVID-19 are impacting project budgets by as much as 25%.
- Strategic Asset Management Plan renewal ratio and definition of asset renewal and asset upgrade.
- Minimum levels of unrestricted cash and the importance of having the process for transferring cash between reserves covered in a policy.
- The level of support from the elected council for operating services in-house.
- The Long-Term Financial Plan takes into account the cost of the alternative view of the IT Modernisation Program.
- Council's approach to the Community Strategic Plan, reflected in the wording in the document, as a plan by the community that may not necessarily be realised by Council because Council can only

deliver on the things it controls. Budgets are formulated accordingly. For example, the community may wish for less traffic congestion in the LGA. However, Council does not have total control over traffic congestion, so cannot deliver less congestion, but it can advocate for less.

**ARIC/5.2/22.06      Quarterly Budget Review (Q3) - March 2022 (A03/0346)**

**MOTION / DECISION**

Mover:      John Gordon

Seconder:   Cr Murray

That the Committee notes the Q3 budget review attached to the report, which was adopted by Council on 17 May 2022.

**DISCUSSION**

This item was discussed at the previous item on the agenda (ARIC/5.1/22.06 - Draft 2022-23 Budget and Long Term Financial Plan 6).

**ARIC/5.3/22.06      Investment Portfolio Performance - April 2022 (A03/2211)**

**MOTION / DECISION**

Mover:      Kath Roach

Seconder:   Elizabeth Gavey

That the Committee notes the April 2022 Investment Summary Report attached to the report, which was considered at the Council meeting on 17 May 2022.

**DISCUSSION**

The Committee was advised that the Request For Quotation for investment advisor services is about to be advertised.

**ARIC/5.4/22.06      General Manager's Update (SF21/638)**

**MOTION / DECISION**

Mover:      Cr Murray

Seconder:   Kath Roach

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

**DISCUSSION**

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

*Organisational restructure*

- High level departmental structure
- Consultation undertaken
- Feedback
- Transition to new structure

*Integrated Planning and Reporting - Consultation outcomes*

- To meet legislative requirements, Council prepared and placed the Integrated Planning and Reporting documents on public exhibition from 20 April to 18 May 2022.
- Four submissions were received during this period on the Community Strategic Plan with one

submission having implications on the Delivery Program.

- No changes are recommended to the Community Strategic Plan, Delivery Program and Operational Plan based on the submissions received.
- Majority of the concerns raised by the community will be addressed through Other Strategies under the Integrated Planning and Reporting Framework such as Disability Inclusion Action Plan, Environmental Action Plan, and Tree Canopy Strategy.
- The remaining issues raised are predominantly operational approach or process related which are addressed through staff response.
- Low submissions attributed to detailed consultation program over 12 months.
- Documents restructured for the transition to the new structure.

#### *2022/23 Budget position*

- Post COVID-19 financial recovery is planned.
- Budget allows for a 25% reduction in COVID-19 impacted income for 3 months approximately \$1.8m.
- Actively seeking other revenue sources and cost efficiencies to achieve a balanced budget and meet OLG's financial performance ratios.
- Included applying to IPART for the 2.5% additional special variation (ASV) in line with CPI, additional resources in the building compliance function to generate income in temporary truck zones and construction permits.
- Active leave management strategy to contain the leave liability growth.
- Internal submissions managed with no negative impact to final position.

#### *Vision and Values*

- Integrity, Care, Respect, Collaboration, Innovation.

Regarding the organisational restructure the General Manager confirmed the following:

- An audit and risk position in the General Manager's Office will coordinate the Internal Auditor.
- Corporate KPIs will be developed and implemented.
- The restructured organisation will have a customer experience focus.
- Council's change management unit will be driving the transition to the new structure and the associated changes.

#### **ARIC/5.5/22.06      Volunteering Policy Update (A16/0638)**

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

Mover:      Kath Roach  
Seconder:   John Gordon

That the Committee receives and notes the update on the Volunteering Policy and volunteer review, as set out in the report.

##### **DISCUSSION**

The Committee commented that the review process and policy looks comprehensive.

The key points of the Committee's discussion were as follows:

- There are 20 volunteers at Council at the moment but the number varies.
- There are no volunteers working without supervision.
- The definition of volunteer is important because it affects insurance cover.
- The incorporation of membership groups and exploration of grants to fund insurance cover.
- Volunteers are not involved in any high risk activities, bush care being the highest risk activity.
- Precinct committee members are not considered volunteers.

**ARIC/5.6/22.06            ICT Modernisation - Business Case and Peer Review (A20/0450)****MOTION / DECISION**

Mover:     John Gordon  
Seconder:   Cr Murray

That the Committee notes the comparisons between the KPMG Business Case and Council's internal analysis following the peer review, as set out in the report.

**DISCUSSION**

The key points of the Committee's discussion were as follows:

- The imperative for the modernisation project.
- The level of confidence in the numbers presented in the peer review and internal analysis.
- Benefits realisation of the project including cash benefits and non-cash benefits.
- Staff redeployment and what that means in reality.
- Implementation partners and contractors' capability.
- The cost of backfilling positions.
- The total cost of software implementation.
- The intention to carry out pre and post implementation reviews at predetermined stages of the program.
- The enormity of the change facing the organisation with the organisational restructure overlaying the modernisation project.

**ARIC/5.7/22.06            Information Management and Technology - ICT Strategy and Work Program Update (A20/0450)****MOTION / DECISION**

Mover:     Elizabeth Gavey  
Seconder:   Kath Roach

That the Committee notes the progress on the implementation of the ICT Modernisation and work program, as set out in the report.

**DISCUSSION**

The Committee discussed the implementation of multifactor authentication for remote access on critical systems and what is meant by 'critical'. The maturity level of the Essential 8 and its assessment, as well as cyber security training was also discussed.

**ARIC/5.8/22.06            Fraud and Corruption Update (SF22/648)****MOTION / DECISION**

Mover:     Kath Roach  
Seconder:   John Gordon

That the Committee notes:

1. The Fraud and Corruption Control Plan attached to the report (Attachment 1).
2. The Fraud and Corruption Communication Plan attached to the report (Attachment 2).
3. The update on the Fraud and Corruption Control Program, as set out in the report.

**DISCUSSION**

The Committee expressed its satisfaction with the fraud and corruption documents presented in the report



and noted particularly that the communication plan is very good and the roll-out of the program is logical because it focuses on the high risk areas and addresses those first.

The Committee was advised the success of the program roll-out will be assessed from the results of a staff survey to be conducted at its conclusion.

The Committee suggested that the webinars about fraud and corruption prevention available on the Independent Commission Against Corruption website would also be a useful tool.

**ARIC/5.9/22.06 Governance Report (SF21/524)**

**MOTION / DECISION**

Mover: Kath Roach  
Seconded: John Gordon

That the Committee receives and notes the report.

**DISCUSSION**

The Committee discussed the recording of complaints in the complaints management system (Merit) and the level of confidence that all complaints have been captured and recorded properly. The discussion was prompted by a finding of the Cemeteries Management audit that not all complaints are captured.

The Committee found the Uprise utilisation report useful and requested the report be presented to the Committee every 6 months. The service appears well-managed and reported, and the increased number of staff using the service is most likely due to management's awareness campaign. The number of 'at risk callbacks' is low, which is pleasing, although they are higher than in the past due to increased pressure to return to the office. The reasons staff use the service are difficult to monitor because the service provider does not provide all data as it is the personal information of the staff member. However, management is working with the provider to see if more detailed statistical information can be forthcoming.

**ARIC/5.10/22.06 Internal Audit Plan 2022-23 and Four Year Program (A21/0369)**

**MOTION / DECISION**

Mover: Kath Roach  
Seconded: John Gordon

That the Committee:

1. Notes the draft Four Year Strategic Internal Audit Program for the financial years 2023–2026 attached to the report.
2. Requests a review of the timing of the Customer Experience, Integrated Planning & Reporting, and Early Education Centres audits scheduled for 2024 and 2026 in the Four Year Program.
3. Endorses the 2022–23 Internal Audit Plan attached to the report.

**DISCUSSION**

Management confirmed the organisational restructure will not impact the Internal Audit Plan 2022-23. However, the Committee requested the timing of the Customer Experience audit be reviewed given the Council Chamber building will soon be vacated for renovations until mid-2024. Similarly, the Internal Auditors will consider bringing forward the Integrated Planning and Reporting (IP&R) and Early Education Centres audits scheduled later in the four year plan, given the IP&R audit coincides with the end of the council term and child care is a high risk, sensitive area.

**ARIC/5.11/22.06      Annual Internal Audit Plan - Status Update 2021-2022 (A21/0369)****MOTION / DECISION**

Mover: Elizabeth Gavey

Seconder: Kath Roach

That the Committee receives and notes the status update for the Annual Internal Audit Plan 2021–22 attached to the report.

**DISCUSSION**

The Committee was advised that the final two audits reports of the 2021-2022 plan will be presented to the July 2022 meeting.

**ARIC/5.12/22.06      Completed Internal Audit Reports 2021-22 (A21/0368)****MOTION / DECISION**

Mover: Elizabeth Gavey

Seconder: Kath Roach

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

1. Information Technology General Controls – November 2021.
2. Cemeteries Management – March 2022.

**DISCUSSION***Information Technology General Controls*

The Chief Information Officer outlining his responses to the audit findings in the report.

The Committee discussed the cyber incident response plan and Council's insurance cover if an incident occurs, as well as the notion of obtaining third party audit certificates to show that Council's external providers have strong security controls.

*Cemeteries Management*

The Committee commented that management responses to the audit findings were thoughtful and thorough.

Discussion centred on cemetery maintenance and the link between complaints and plot maintenance. Plot holders can choose to pay Council a basic care rate to maintain the plot or they can maintain the plot themselves. Often those who choose not to pay Council to do it, do not end up doing it themselves, and Council has to review how it manages this aspect.

The Committee also discussed management's strategies to extend availability of plots in the short to medium term, and the cemetery trust and other opportunities to support the cemetery.

**ARIC/5.13/22.06      Audit Recommendations Report - Implementation Status Update (A21/0368)****MOTION / DECISION**

Mover: Elizabeth Gavey

Seconder: Kath Roach

That the Committee receives and notes the updated implementation status of the external and internal audit recommendations, as set out in the attachment to the report.

**DISCUSSION**

The Committee noted that a majority of the recommendations in the status report are ICT related and most should be finalised as the ICT Modernisation program progresses, including those long outstanding items in the current Management Letter.

**ARIC/5.14/22.06      ARIC Work Program 2022 (SF21/530)****MOTION / DECISION**

Mover: Elizabeth Gavey

Seconder: John Gordon

That the Committee endorses the ARIC Work Program 2022 attached to the report.

**DISCUSSION**

The Committee noted the changes made to the program after the last meeting and deferred the service reviews to early next year based on the Committee's discussion under item ARIC/4.1/22.06 on this agenda.

**6      Other Business****ARIC/6.1/22.06 – ARIC Meeting Dates**

The Committee noted the meeting dates for the remainder of the year are as follows:

- 9am, 28 July 2022
- 9am, 8 September 2022
- 9am, 24 November 2022

**ARIC/6.2/22.06 – Update on Preparation of 2021/22 Financial Statements**

The Committee was advised that the preparation of the 2021/22 financial statements is on track, noting however, that there is a technical issue with building asset data in Tech 1 which may impact on the drafting of the valuer's report by the deadline, and that Council staff are working with the provider to ensure this is resolved as soon as possible.

**ARIC/6.3/22.06 – Modern Slavery Act 2018**

The Committee brought to the attention of management that the requirements of the recently amended *Modern Slavery Act 2018 (NSW)* will need to be addressed in the 2023 financial statements, and that the Office of Local Government has developed a toolkit to assist councils with this task.

**ARIC/6.4/22.06 – Update on the Guidelines for risk management and internal audit for local councils in NSW.**

The Committee informed the meeting that the release of the Office of Local Government's new *Guidelines for risk management and internal audit for local councils in NSW* has been delayed due to the independent membership of audit, risk and improvement committees no longer being able to be sourced from the NSW Government's prequalification scheme and the need now for the OLG to consider the effect that has on the operation of the committees.

**7. Meeting Closure**

**THE MEETING CLOSED AT 12.37 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**28 JULY 2022**

**REPORT**  
**CM/7.6/22.08**

**Subject:** Bondi Pavilion - Strategic Vision, Programming Framework and Artistic Direction

**TRIM No:** A21/0521

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

**Director:** Meredith Graham, Acting Director, Community, Culture and Customer Experience

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**RECOMMENDATION:**

That Council endorses:

1. The strategic vision, programming framework and principles for delivering arts and culture programming at Bondi Pavilion, as set out in the report.
2. The proposal for a dedicated Artistic Director, Bondi Pavilion, funded from the reallocation of existing resources, as set out in the report.

**1. Executive Summary**

Over past months, Council officers have developed and proposed a recommended strategic approach, accompanying framework and principles for delivering the art and culture program at the Bondi Pavilion, designed to guide and build the programming and utilisation of these facilities in line with Council's vision for their use. A key guiding principle is that the framework should prioritise community outcomes while balancing the aspiration to establish Bondi Pavilion as a drawcard arts and culture destination.

This proposal was put to Council's Finance, Operations and Community Services Committee on 5 July 2022. At that meeting it was decided to defer the item, for officers to return to August Council with a recommendation regarding the creation of a dedicated Artistic Director role within the existing Arts, Culture and Events team, responsible for the programming of cultural spaces and arts programming within Bondi Pavilion.

This report outlines the recommended strategic vision, framework and principles for delivering arts and culture programming at Bondi Pavilion for Council's endorsement. Also outlined is the recommendation for realising a new, dedicated Artistic Director role responsible for managing creative program direction, delivery and coordination at Bondi Pavilion.

**2. Introduction/Background**

Bondi Pavilion has a long history as a local centre of arts and culture, surf history, and beachside community activity. The Pavilion will be open to the public for use in Spring 2022, and in anticipation of that, officers have been developing a strategic framework and principles to empower and guide teams to deliver on the programming expectations of this major Council infrastructure project.

Bondi Pavilion will provide opportunities for Council to deliver key strategic outcomes for the Waverley community, venue audiences and local creatives, as well as generate revenue through room hire and other means. Given the significant financial investment Council is committing to arts and culture in the venue,

this strategic framework and principles for programming are required to guide the requirements, opportunities and parameters for engaging artists, arts organisations and sector partners to optimise usage and program impact, while ensuring community access and operational sustainability over time.

Further, given the additional scale of activity required to support this exercise, a new, dedicated staffing resource is recommended to support its effective implementation and ensure that the ongoing Bondi Pavilion arts and culture program is successful.

In relation to the specific actions outlined in the Council resolution of 5 July 2022:

- The creation of a dedicated Artistic Director role within the existing Arts, Culture and Events team responsible for the programming of cultural spaces and arts programming within the Bondi Pavilion.

A proposal for the creation of a dedicated Artistic Director role is discussed within this report.

- Consideration of how this role would best integrate into the existing Arts, Culture and Events team.

Analysis of the proposed Artistic Director role within the context of the Arts, Culture and Events team has been undertaken and the proposed establishment of the role takes this into consideration.

- Identification of potential funding sources for the Artistic Director role, including consideration of reallocating existing resources.

Funding strategies and reallocation of existing resources have been considered and are discussed within this report.

- Out-of-session consultation with the Arts and Culture Advisory Committee.

This occurred on 27 July 2022.

- Briefing Councillors on plans for the official opening of the Pavilion.

A Councillor briefing was held on 12 July 2022.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 5 July 2022	FC/5.3/22.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the strategic vision and programming framework and principles for arts and culture programming at Bondi Pavilion, including the development of community cultural programs targeting diverse demographic groups.</li> <li>2. Defers this item for endorsement at the August 2022 Council meeting for officers to consider the following: <ol style="list-style-type: none"> <li>(a) The creation of a dedicated Artistic Director role within the existing Arts, Culture and Events team responsible for the programming of cultural spaces and arts programming within the Bondi</li> </ol> </li> </ol>

		<p>Pavilion.</p> <ul style="list-style-type: none"> <li>(b) Consideration of how this role would best integrate into the existing Arts, Culture and Events team.</li> <li>(c) Identification of potential funding sources for the Artistic Director role, including consideration of reallocating existing resources.</li> <li>(d) Out-of-session consultation with the Arts and Culture Advisory Committee.</li> <li>(e) Briefing Councillors on plans for the official opening of the Pavilion.</li> </ul>
Council 20 July 2021	CM/7.9/21.07	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council approves the implementation of operating model Option 3 for the Bondi Pavilion, as detailed in the report, subject to the additional requirement that all partnerships should be aligned to the vision and purpose of Bondi Pavilion as a community cultural centre in accordance with clause 2.</li> <li>2. Council notes the operating principles in the Bondi Pavilion Stakeholder Committee Report, specifically: <ul style="list-style-type: none"> <li>(a) 'Bondi Pavilion is a community cultural centre. It follows that priority of use and function should be given to community use and to cultural use. Commercial operations should be aligned to the vision and purpose of the Bondi Pavilion and clearly defined by policies and effective management. Bondi Pavilion represents our cultural heritage in its broadest sense, and provides services and programming of great value to Waverley residents.'</li> <li>(b) 'The Committee believes that the Bondi Pavilion should be financially sustainable but not be required to be self-funding.'</li> </ul> </li> <li>3. The following additional points be added to the list of operating principles in the report: <ul style="list-style-type: none"> <li>(a) Bondi Pavilion will have its own website.</li> <li>(b) It is recognised that Bondi Pavilion may require additional resources, including artistic program management.</li> </ul> </li> <li>4. Council notes that the original budget for the Bondi Pavilion in the Long Term Financial Plan was \$25 million</li> </ol>

		<p>for the building upgrade only. The current estimate of \$39.65 million for the total project includes an expansion of the scope of the project to the surrounding landscaping, paving and vehicle access to the Pavilion and surf club, as well as increased underpinning requirements to the foundation and works to protect the heritage façade.</p> <p>5. Council notes that in 2016 the proposed refurbishment of less than half of the Pavilion was costed at \$15.2 million.</p> <p>6. Council approves the implementation of operating model Option 3 for the Boot Factory, as detailed in the report.</p> <p>7. Council investigates alternative larger venues for the Innovation Civic Hall to ensure the operating model's financial sustainability.</p> <p>8. Council notes that, if Council approves the recommended operating models, implementation will commence immediately to ensure operational readiness of the Bondi Pavilion and Boot Factory in early 2022.</p>
Council 20 November 2018	CM/7.8/18.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the community engagement report and analysis relating to the Bondi Pavilion Restoration and Conservation Project Concept Design consultation period of 7 September to 5 October 2018.</li> <li>2. Receives and notes the Amphitheatre and Outdoor Performance Report from architects Tonkin Zulaikha Greer in response to Council resolution CM/5.4/18.09 to investigate options for the current amphitheatre space.</li> <li>3. Endorses the Concept Design attached to this report, which includes the following revisions based on community feedback: <ol style="list-style-type: none"> <li>(a) A variation of the design of the Kiln Room, allowing for a second kiln.</li> <li>(b) Relocation of the Lifeguards Room to outside of the Bondi Pavilion.</li> <li>(c) Allowing for a designated loading/unloading zone in the southern courtyard for users of the High Tide Room, Music Studios, Theatre, Art Gallery, and events.</li> </ol> </li> </ol> <p>With these further modifications to the Concept Design:</p>



		<ul style="list-style-type: none"> <li>(d) Reposition the 'Tourism Centre/Box Office' to the north of the Entrance Foyer consistent with the concepts supported by the Bondi Pavilion Stakeholder Committee</li> <li>(e) Indicate all commercial tenancies as large 'shell space' to allow small or large tenancies as demand, structural, and heritage considerations determine.</li> <li>(f) Reposition the internal courtyard pedestrian entrance to the Waste Room from the colonnade corridor to the internal face of the Waste Room to separate the activities of the adjacent Pottery Room/Creative Space from the use of the Waste Room</li> <li>(g) Consistent with feedback from the community, expand the size of the Pottery Room/Creative Space and decrease the size of adjacent the Waste Room.</li> <li>(h) Ensure the first floor servery room is fit for multi-purpose use in association with the adjacent rooms</li> <li>(i) Increase the size of the amenities in the Theatre Green Room</li> <li>(j) An Aboriginal and Torres Strait Islander 'one-stop shop' enhancing the Bondi Pavilion's community cultural connections with the local traditional owner and broader Sydney Aboriginal islander community be investigated.</li> </ul> <p>4. Approves progression to detail design and submission of an integrated development application.</p> <p>5. Notes that Council officers will report to December Council meeting with a timetable and costing for early works that can be undertaken with heritage exemption.</p> <p>6. Notes the previously endorsed Bondi Pavilion Stakeholder Committee recommendations.</p> <p>7. Notes the Bondi Pavilion Conservation Management Plan and the schedule of intrusive heritage elements, specifically:</p> <ul style="list-style-type: none"> <li>(a) The internal courtyard amphitheatre, and notes that Option 2a in the report—temporary demountable seating structure—is a suitable option for replacement of the amphitheatre in</li> </ul>
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		<p>situ.</p> <p>(b) The glass extension on the north eastern corner of the Pavilion.</p> <p>8. Notes that the next phase of the Bondi Pavilion Restoration and Conservation Project requires development application assessment framed by the Bondi Pavilion Conservation Management Plan involving independent assessment officers, heritage consultants and the NSW Heritage Office, and that the development assessment will include a 28-day period for public consultation and submissions.</p> <p>9. Notes that the Bondi Park Cultural Landscape Conservation Management Plan has been submitted to the NSW Heritage Office but has not yet been endorsed.</p> <p>10. Notes that concept design outcomes in regard to the curtilage of the Bondi Pavilion including the eastern forecourt, the northern, southern and western areas will be the subject of more design and public consultation consistent with the Bondi Park Cultural Landscape Conservation Management Plan after adoption.</p> <p>11. Notes that the curtilage will include details of outdoor furniture for public and commercial use, amenity requirements, potential for a new outdoor amphitheatre, pedestrian and vehicle access as required, and paving and surface treatment.</p> <p>12. Prepares materials for an information board in the Bondi Pavilion detailing the adopted concept plans as specified in this resolution, as well as a timetable and works program.</p>
Strategic Planning and Development Committee 4 September 2018	PD/5.2/18.09	<p>That Council:</p> <p>1. Endorses the Bondi Pavilion Restoration and Conservation Project Concept Design attached to this report for the purposes of public exhibition for a period of 28 days commencing on 7 September 2018.</p> <p>2. Notes that, following the public exhibition period, a further report will be prepared for Council summarising the consultation process, key feedback and recommending revisions to the Concept Design, as necessary.</p> <p>3. Receives and notes the following unanimous endorsements from the Bondi Pavilion Stakeholder Committee in relation to the Concept Design:</p> <p>(a) A narrower option to the flexible foyer area such</p>

		<p>that increases the adjacent community space, is more effective in blocking wind tunnels, and is somewhat wider than the alternative option.</p> <ul style="list-style-type: none"> <li>(b) The preferred location for the community radio station is on the southern wall.</li> <li>(c) The preferred location for the amenities, pottery studio, and waste room is on the northern wall.</li> <li>(d) The preferred location of the Bondi Story room is at the entry to the flexible/cultural space (off the atrium) and the room size is consistent with the opposite entry room to the gallery space.</li> <li>(e) Moving the male toilets adjacent to the tourism area to the storage area to allow pedestrian flow through into the Bondi Story room.</li> <li>(f) Providing a dedicated server room approximately 10 m<sup>2</sup>.</li> <li>(g) The preferred location for the external stairs is at the rear of the building.</li> <li>(h) The preferred location of the bar is in its current position with the potential to serve customers directly onto the balcony.</li> <li>(i) Supports the preferred option for the Ocean Room/servery on the first floor.</li> <li>(j) Supports the general layout of the theatre seating, but suggests consideration of a short aisle mid-centre for the back three rows.</li> </ul> <p>4. Notes that, after further consultation with the Bondi Pavilion Stakeholder Committee and with a reference group representing the Bondi Beach Precinct and the Friends of Bondi Pavilion, the majority of these community members support:</p> <ul style="list-style-type: none"> <li>(a) Positioning the fire stairs on the sides of the central block of the Pavilion, as per the Concept Design attached to this report.</li> <li>(b) Re-arranging the rooms adjacent to, and opposite, the 'Tourism Centre' on the ground floor such that: <ul style="list-style-type: none"> <li>(i) The space marked 'Acc WC' is switched in position with the 'Server Room'.</li> <li>(ii) The new position of the 'Server Room' is</li> </ul> </li> </ul>
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		<p>expanded to the west to encompass the room marked 'Store 5 m<sup>2</sup>' resulting in a larger 'Server Room'.</p> <p>(iii) Switch the positions of the 'Male WC' and the 'Female WC' and expand the 'Female WC' to the north to encompass the room marked 'Store 9 m<sup>2</sup>' resulting in a larger 'Female WC'.</p> <p>(iv) Install a lockable door across the 'Bondi Story Room' area between the Tourism Centre and the new location of the server room, such that the central toilet block area can be isolated for use of festival patrons as needed.</p> <p>5. As part of the broader public exhibition process, undertakes consultation with:</p> <p>(a) Business owner stakeholders currently occupy tenancies in the Bondi Pavilion.</p> <p>(b) Community groups that currently use the facilities of the Pavilion.</p> <p>(c) Council staff currently located in the Pavilion.</p>
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#### 4. Discussion

Bondi Pavilion is a historically, culturally and architecturally significant building, at the heart of Bondi Beach. The Pavilion is nearing the completion of a major upgrade. Commissioning and testing of the venue is underway and will be followed by an official public launch on 22 September 2022. The venue's reopening is the start of a new chapter at Bondi Pavilion, envisaged to be full of vibrant community, arts and culture, hospitality and destination travel activity.

#### Strategic vision

Council's ambition for Bondi Pavilion is to activate a vibrant, welcoming multipurpose community, cultural and creative hub in the heart of Bondi Beach for all to enjoy. Council also seeks to deliver a financially and environmentally sustainable venue that is enabled through its operational and programming frameworks to meet the strategic goals and objectives of the Community Strategic Plan 2018-2029 and the Arts and Culture Plan 2021-2026.

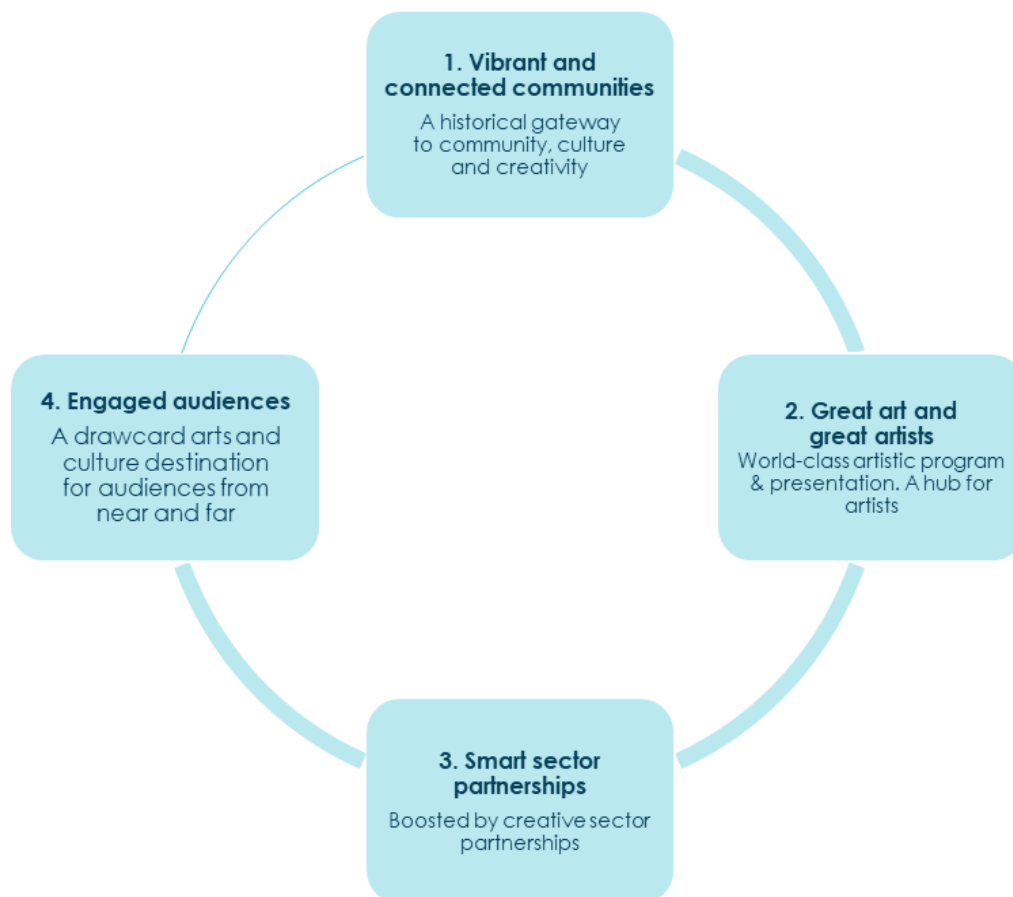
To that end, the following strategic vision statement has been developed, designed to capture in words the essence of Bondi Pavilion's purpose and vision for the future:

*A historical gateway to community, culture and creativity, Bondi Pavilion is a hub for artists, a place for cultural and community exchange, and a drawcard arts and culture destination.*

*The Pavilion's world-class artistic program and presentation boosted by creative sector partners is balanced with ongoing and new community led uses, welcoming audiences from near and far.*

### Programming framework

This strategic vision has directly informed the development of the following, four-pillared programming framework. The framework groups statements in the strategic vision and steps them out into key focus areas for program delivery, outlined below.



*Figure 1. Bondi Pavilion programming framework*

#### *Pillar 1 – Vibrant and connected communities*

This pillar captures the Pavilion's ambition to see vibrant arts and culture as a part of daily life in Waverley, that promotes dynamic social and cultural conversation and supports and celebrates diversity.

The venue is a historical gateway to community, culture and creativity that promotes First Nations voices through content and programs. The approach to naming new spaces in Bondi Pavilion in local Dharawal language demonstrates one action in this area already undertaken. Bondi Story Room is a new cultural space in Bondi Pavilion that will provide a living archive, interactive programs, and provide officers with the capacity to flexibly curate different story themes and programs according to program alignments.

This pillar highlights the significance of ongoing community presence in the venue. It guides program delivery for audiences and an artistic program expression of interest process that will allow artists, makers and presenters to engage with the venue over the short, medium and long term. It also informs the community offers that are integral to licence agreements for the operation of the Bondi Pavilion Pottery and Community Radio studios.

### *Pillar 2 – Great art and great artists*

This pillar articulates the artistic vision to deliver quality artistic programming to Bondi Pavilion audiences, and for artistic programming at Bondi Pavilion to establish the venue's reputation as a place to see works that are at home on the world stage. Given the range of spaces in the venue for artistic presentation, the vision aspires to utilise all art forms to deliver on this objective, including dance, theatre, music, visual arts, stand-up comedy and other participatory programs.

The arts and culture program will seek to expand in line with contemporary performance trends, and into programming areas including multi-art form works, community engaged practice, digital arts, workshops, and talks and ideas programs.

It is acknowledged that defining venue identity and perception within the arts and culture sector and among audiences is a project that can only be built over time, through consistent, strategic programming decisions. It is further acknowledged that arts and culture content can be controversial, and at the highest levels carries an expectation of pushing boundaries and making bold statements. It is anticipated that creative works of this nature will sometimes have a home at Bondi Pavilion.

Honouring its origins as a hub for artists, this pillar focuses on pathways for artists to engage repeatedly with the venue and its audiences, as well as on strategic programming opportunities. Programming to actively create a home for artists includes targeted artists' residencies, the establishment of an artists' register and delivery of a local professional development program providing networking, artists information sessions, and creative community capacity building to artists.

### *Pillar 3 – Smart sector partnerships*

This pillar highlights the increased capacity that comes from building strategic creative sector partnerships as a core mechanism for the delivery of quality artistic programming. This is a sector-embedded approach to arts and culture presentation that acknowledges sector realities of the at times high costs of presentation, and the limitations of individual organisations to meet them without mutual support.

Potential creative sector partners include other arts and culture presenters, community cultural organisations, museums, galleries, performing arts and theatre companies, touring companies and operators, universities and training institutions, festivals, independent producers, other local governments, as well as state and federal funding agencies.

Empowering officers to engage in mutually beneficial local, regional and national creative partnerships will be critical to realising the strategic vision to develop the quality of Bondi Pavilion's artistic program. A focus on active negotiation with potential partners and attraction to the Pavilion through access to the venue and other benefits will support this core strategic ambition.

### *Pillar 4 – Engaged audiences*

As a multi-purpose venue, Bondi Pavilion will be a destination for an extremely broad audience base. This pillar emphasises the required focus on developing venue programming that is appropriate for and appealing to different audience segments. A flexible and versatile approach to program development and audience evaluation is envisaged, to cultivate interest from audiences near and far. Quality – of amenities, venue experience, program content and engagement opportunities – is a core driver.

Audiences can be understood geographically, as Bondi Beach residents, Waverley locals and the broader Sydney Eastern suburbs, metropolitan Sydney, regional New South Wales, interstate and international. These geographic segments also cut across lifestyle visitor segments in a variety of ways that will link to repeat and one-off visitation.

The broad range of Pavilion audience segments highlights the need for a creative offering that spans both passive and active engagement. This approach seeks to capture the interest of those passing through, providing surprise and unexpected delight, and those actively engaged in participatory programs.

Reaching and developing engaged audiences requires the delivery of a targeted, ongoing venue communications campaign spanning digital and traditional channels. Performance evaluation of both venue communications and venue programming is critical to continued success and program iteration.

Empowering officers to embed the new identity of the venue in the eyes of general and arts and culture audiences will ensure steady audience development through focused offers over time.

### **Programming of cultural spaces**

Drawing on the strategic vision, the Pavilion's world class artistic program and presentation, boosted by creative sector partners, is balanced with ongoing and new community led uses, welcoming audiences near and far.

In July 2021, Council determined that Bondi Pavilion be Council owned and operated, supported by strategically aligned partners. The strategic vision and programming framework outlined above articulates the principles for Council-programmed, Council-sponsored, and Council-partnered arts and culture activation at Bondi Pavilion, in keeping with the operating model.

Usage of Bondi Pavilion cultural spaces will be shared between:

- Council programs – aimed at developing the Pavilion offering and supporting the strategic vision and programming framework.
- Community usage and venue hire – ensuring local access and local creative development.

Programming and venue management frameworks are aimed at safeguarding access to these spaces, while prioritising arts and culture needs. Performances and exhibitions will be activated by regular public programming that aims to develop the venue offering in line with its strategic vision.

Ongoing community usage is guaranteed by this mechanism for access that supports mix and balance. Sector best practice presentation is actively balanced with and elevates the showcasing of our local creatives. Community access and support is guaranteed through the expression of interest processes outlined below and Council's focus on local professional development. It is envisaged that Council officers will invest significant time and energy to developing ongoing relationships with the local creative community to ensure community engagement and usage is meaningful and valuable to all participants and aligns with industry best practice.

### **Creative expressions of interest processes**

The establishment of ongoing artistic expression of interest processes for artists and arts organisations is the mechanism by which officers will engage directly with potential Council program partners.

The expression of interest (EOI) processes will apply to either:

- Individual or small groups of artists.
- Arts organisations, community groups, presenters and programmers.

All potential artistic projects will be required to submit an expression of interest. Projects that are assessed as not suitable for current Council programs may be presented at Bondi Pavilion via the venue hire team, either at community or general access rates, as appropriate.

Expressions of interest will be assessed against criteria designed to progress the strategic vision, and to protect the community from inappropriate works. These will provide the parameters within which works can be included in Council programs or qualify for venue hire. Guidelines will provide the mechanism to reject works that could be problematic for presentation in a Council-owned and operated venue (for example, dealing with racism, gambling or tobacco), while acknowledging that artistic expression comes in many forms, and at times is most effective when pushing the boundaries of what an individual may find comfortable.

The EOI is designed to establish a structured, formal process for all parties interacting with Council in this area. The EOI mechanism will enable open, transparent access, parity of opportunity and allow Council to deliver on strategic outcomes including:

- Audience development.
- Ensuring a strong artistic offer, prioritising quality over quantity.
- Accompanying public programming to facilitate meaningful community and audience engagement.

EOIs:

- Apply to the core suitable spaces for arts and culture programming in Bondi Pavilion, that is: Art Gallery, Theatre, Yalagang Room and Courtyards.
- Identify works for possible inclusion in Council program decisions.
- Form the basis of conversations and ongoing relationship-building with potential program partners.
- Ensure equity and transparency of process.
- Will be regularly assessed by officers in line with programming vision and framework at set times year-round.
- Support both long-term planning in line with sector 12-18 month lead times and delivery cycles, and facilitate utilisation of unforeseen, short-term opportunities as they arise.

### **Delegated delivery of strategy**

Council officer activity to deliver on this initiative will variously involve:

- Content that at times pushes artistic boundaries, the nature of which is frequently subjective and never black and white.
- One-on-one negotiations with various partners, organisations, artists, producers, presenters etc, for diverse, mutually beneficial arrangements that differ for each potential partner.
- Contractual engagement of works via procurement exemptions, since given the unique nature of artistic works, these services often do not fit within standard procurement processes.
- Ongoing consultation with and feedback from Council's Arts and Culture Advisory Committee to enhance officer networks and guide program evaluation.

Officers seek Council's endorsement so that they can act in support of delivery of the vision and programming framework objectives, with flexibility to opportunistically engage variously with arts organisations and individual artists that best align with those strategic objectives, provided officers are acting within the principles enshrined in the programming framework. In this way, officers will be empowered to act proactively and responsively in engaging potential partners and actualising strategic programming opportunities.

Expressions of interest will be assessed against the following selection criteria:

1. Inspire vibrant and connected community:
  - How does the project strengthen community experience?
  - Does the project connect to or enhance the local Bondi or Waverley environment, community and/or history?



2. Showcase great art and great artists:
  - Does the calibre and experience of project personnel demonstrate that they can deliver the project as proposed?
  - How will the project use the selected space?
  - Diversity of creative practitioners and projects within the Pavilion's overall creative program.
  - Quality and stage of the project's development.
  - Feasibility and risk of the project.
3. Advance smart sector partnerships:
  - Does the project advance connection with sector partners, organisations, presenters, funding bodies or other sector agencies?
  - Future potential project outcomes.
4. Foster engaged audiences:
  - What is the likely quality of the audience experience?
  - Does the project have an existing market or audience?

### **Artistic program and dedicated Artistic Director, Bondi Pavilion**

Council-owned programs will be delivered by Council's specialist artistic team. Since this strategic vision and its accompanying programming framework were first presented to Council's Finance, Operations and Community Services Committee on 5 July 2022, officers have progressed consideration of and consultation on a dedicated Artistic Director for Bondi Pavilion, to lead and co-ordinate this activity.

As per Council's resolution, an out-of-session meeting of the Arts and Culture Advisory Committee was held on 27 July to consider the need for an Artistic Director, Bondi Pavilion, the remit of such a role and how it could be integrated with the existing Arts and Culture team to build on the significant artistic programming work done to date.

The Arts and Culture Advisory Committee held a consensus view that a new, dedicated artistic director role is required to lead the strategic delivery of Bondi Pavilion and establish the venue in the eyes of the community, artists, the arts and culture sector and for audiences generally. It was agreed by the Committee that the outcomes for this new dedicated role are best expressed by the proposed strategic vision and programming framework outlined above.

The artistic director should therefore be responsible for leading and guiding implementation of that vision and framework, ensuring that Bondi Pavilion achieves its core purpose through artistic programs and placemaking initiatives that guarantee a community and cultural centre instilled with vibrant and connected communities, great art and great artists, smart sector partnerships and engaged audiences. This will inform the generation of the role's position description.

The committee noted the importance of the role to be physically based at Bondi Pavilion, in the Council offices on-site. Accommodation needs will also be considered for other Arts and Culture officers who are supporting Bondi Pavilion program delivery, alongside venue management officers.

The committee also highlighted elements of the role considered to be critical to its success. This included the need for the role to be supported in delivery of these outcomes by staffing resources within Waverley's existing Arts and Culture team, and for the role to be as equally dedicated to raising the profile of the venue through partnership and reputation building as it is to nurturing community arts participation. Consequently, the position description will specify the need for expertise in sector relationship building alongside strong credentials for community arts incubation, development and facilitation.

The responsibilities of the artistic director that will be developed into a position description will include:

- Leading the creative planning and delivery of Council's world class artistic programs, placemaking initiatives, creative projects and activities at Bondi Pavilion.
- Ensuring that Bondi Pavilion achieves its core purpose as a community and cultural centre made up of vibrant and connected communities, great art and great artists, smart sector partnerships and engaged audiences.
- Inspiring and developing the creative fabric of Bondi Pavilion through leadership and collaboration with existing Arts and Culture and Venue team members.
- Working closely with the wider Arts, Culture and Events and Bond Pavilion Venue teams to implement organisational goals and strategic planning, and identify funding opportunities for Bondi Pavilion.
- Establishing Bondi Pavilion as part of a network of presentation and development spaces across the country to grow its reputation and strengthen its offerings.
- Establishing Bondi Pavilion as a hub for artists and community, dedicated to empowering local creatives and developing local audiences through community participatory artworks and programs.
- Balancing local, national and international uses of Bondi Pavilion to enrich the community and develop the potential of the venue and its spaces.

Essential skills, knowledge and experience will include:

- Experience working in a multi-disciplinary space with numerous stakeholders spanning the creative sector, community groups and government organisations.
- Experience in producing outcomes across a diverse range of art forms and public program management contexts.
- Experience in community participatory arts practice and presentation, including working with CALD and Indigenous community groups for creative outcomes.
- Experience working with contemporary artists in a community driven context to produce high level projects with positive qualitative outcomes, and ongoing partnership development and relationship management.
- Sufficient technical fluency to enable production and technical teams to respond to ambitious programming proposals.
- The ability to translate strategic goals into operational requirements for creative initiatives and programs.
- Strong existing professional networks across a range of subject areas.
- Experience in the evaluation and improvement of ongoing programs.

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

### **Financial impact**

Budgets developed for the 2022–2023 financial year account for the resources required to commence delivery on the strategic vision and programming framework for Bondi Pavilion.

The venue operating model assumes a dedicated venue management team to support and facilitate arts and culture program delivery. It also assumes ongoing support of arts and culture programs from Council budgets, as well as increased access to state and federal arts program funding built over time.

The impact of installing a dedicated Artistic Director role has been explored resulting in the identification of a proposal to realign positions within existing resource allocations. The implementation of the role will mean the realignment of some existing roles within the department, an activity to be guided by Council's Human Resources team.

## Time frame

Bondi Pavilion will have its public launch in spring 2022. As programming is confirmed, it will feature in the venue's launch campaign, to drive public and sector awareness and audience attendance for opening and ongoing events.

Officers will act to further define the role of Artistic Director including through the development of a job description aligned to the functions noted in this report, and will seek to step through the processes that will realign the team in order to allocate a role within existing resources.

## Consultation

Internal consultation on the proposed strategic vision, its four pillars, and the framework for engaging with artists, arts organisations and sector partners has taken place with key partnering teams including Events and Bondi Pavilion Venue. Council's Arts and Culture Advisory Committee was also consulted on the proposed vision and programming framework, and their input sought.

Feedback has been positive, with no substantive changes proposed to the essence of the vision or its framework. One advisory committee member did argue that culture and community are a single idea, rather than separate entities, and should not be treated separately in Council's programming approach. Given the dynamic use of those terms in varying contexts including the arts and local government sectors, it is proposed that the singular treatment of both 'culture' and 'community' is retained.

Within the proposed framework, ongoing consultation and evaluation is critical to assess its results, and to measure outcomes. The evaluation process will include internal assessment reporting to evaluate the effectiveness of the process and selection criteria, and regular updates to the Arts and Culture Advisory Committee for expert feedback and input on the program as it evolves.

Internal and external consultation on the question of an artistic director for Bondi Pavilion has also taken place. Officers conducted research and sought extensive input from Council-run arts and culture centres. As well as studying organisational structure and charts from a variety of arts venues around Australia, officers have conducted in-depth interviews with officers at Liverpool City Council, Blacktown Council and City of Casey (Victoria).

These interviews helped form the options put to the Arts and Culture Advisory Committee for discussion. Officers consulted the Committee in a dedicated, out-of-session meeting and received further feedback via email.

The feedback provided through those consultations has informed the basis of the proposal in this report.

## 6. Conclusion

A strategic approach, accompanying framework and principles for delivering the art and culture program at the Bondi Pavilion is recommended, designed to guide and build the programming and utilisation of these facilities in line with Council's vision. The framework prioritises community outcomes while balancing the aspiration to establish Bondi Pavilion as a drawcard arts and culture destination.

It is recommended that Council endorses the strategic vision, framework and principles for delivering arts and culture programming at Bondi Pavilion outlined in this report.

It is further recommended that Council endorse the proposal for an Artistic Director, Bondi Pavilion, who is responsible for leading and guiding implementation of the Bondi Pavilion strategic vision and framework, ensuring that Bondi Pavilion achieves its core purpose through artistic programs and placemaking initiatives and community creative development.

**7. Attachments**

Nil.

**REPORT**  
**CM/7.7/22.08**

**Subject:** Lived Experience of Overdevelopment and Community Planning Advocate

**TRIM No:** A22/0063

**Author:** Meredith Graham, Acting Director, Community, Culture and Customer Experience

**Director:** Meredith Graham, Acting Director, Community, Culture and Customer Experience

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**RECOMMENDATION:**

That Council:

1. Endorses the approach to the establishment of the Community Planning Advocate, as set out in the report.
2. Notes the interim resourcing approach of a fixed term project officer to be appointed to a newly established position of Community Planning Advocate.
3. Notes that the Community Planning Advocate and community planning survey are not currently funded in the 2022–23 budget.
4. Funds the position and community planning survey from existing vacant positions or other costs savings at the quarterly budget review (Q1).

**1. Executive Summary**

At its meeting in February 2022, Council unanimously endorsed a mayoral minute outlining a proposal for Council officers to investigate the establishment of a community planning advocate. Noting the cumulative impact of overdevelopment on the community, Council officers from across the organisation convened and considered the issues raised in the mayoral minute. This report outlines the progress on this initiative and outlines the next steps towards creating a function within Council that addresses the considerations and concerns associated with overdevelopment and community impacts.

**2. Introduction/Background**

Following the endorsement of the mayoral minute, officers convened a cross-organisational working group to meet and discuss the mayoral minute, investigate the feasibility of the concept of a Community Planning Advocate and determine a proposal to put to Council for how the position could be established.

The cross-organisational working group comprised of staff from Strategic Planning, Development Assessment, Community Engagement, Precinct Liaison and Customer Service. Officers sought to firstly unpack the issues as outlined in the mayoral minute, referring to feedback and issues raised via precinct committees and other community feedback. Officers then examined the proposed role of 'Community Planning Advocate' and reviewed the connection to other functions and roles within Council to determine how best it could be addressed. Resourcing options were discussed in order to identify potential roles that could be redirected or repurposed toward the goals of the proposed Community Planning Advocate. Finally

the proposed survey was examined with input from the Communications and Engagement team on how best to establish a meaningful and valid study to gather data and information on community impacts.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/6.3/22.02	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Recognises that there is a significant and growing community concern about the extent of overdevelopment in the Waverley local government area and that this overdevelopment continues unabated.</li> <li>2. Notes that the Community Strategic Plan engagement has identified overdevelopment, traffic congestion and heritage conservation as priority issues for the Waverley community.</li> <li>3. Notes: <ol style="list-style-type: none"> <li>(a) That overdevelopment is changing the nature of our built environment and destroying much of the heritage values that makes Waverley unique.</li> <li>(b) That a number of development sites have caused damage to surrounding buildings.</li> <li>(c) The reports from schools in the area that classes are at capacity and are unable to accept new students, roads are congested and parking is increasingly difficult.</li> <li>(d) The ongoing and unabated numbers of planning proposals and development applications (DAs) associated with large high-rise buildings being submitted to Council.</li> <li>(e) That there has been a subsequent increase in organised resident groups objecting to these applications.</li> <li>(f) That residents are increasingly turning to Council for assistance in understanding the planning process.</li> </ol> </li> <li>4. Recognises that there is a cumulative impact of ongoing overdevelopment upon residents and their amenity, the public domain and the community more broadly.</li> <li>5. Officers investigate and report back to Council on the establishment of a community planning advocate within the organisation that: <ol style="list-style-type: none"> <li>(a) Is independent of the Planning, Environment and</li> </ol> </li> </ol>

		<p>Regulatory directorate.</p> <ul style="list-style-type: none"> <li>(b) Will not be an additional position within the organisation, but rather the duties be assigned to an existing role within the organisation.</li> <li>(c) Will undertake awareness and education programs for residents about planning matters, such as the NSW planning system, our Local Environmental Plan and Development Control Plan, the approval process, how to read plans, developing information sheets about DAs, voluntary planning agreements and planning proposals that relate to large developments, and developing and implementing an accessible webinar series about planning matters in Waverley.</li> <li>(d) Will undertake a six-monthly community planning survey about the cumulative impacts of overdevelopment and which will be fed into the social impact assessment statements.</li> </ul> <p>6. Notes that the community planning survey will:</p> <ul style="list-style-type: none"> <li>(a) Collect metrics and lived experience of residents, businesses and the community more broadly.</li> <li>(b) Assist in developing a comprehensive picture of the cumulative impact of development, large-scale developments and overdevelopment.</li> <li>(c) Provide quantitative and qualitative data to assist the officers when assessing DAs and planning proposals or when advocating at the Land and Environment Court, Waverley Local Planning Panel or the Sydney Eastern City Planning Panel.</li> <li>(d) Provide quantitative and qualitative data to assist the community when drafting their submissions on DAs and planning proposals and other relevant strategies. This information could ultimately inform the various planning bodies, such as the Waverley Local Planning Panel, the Sydney Eastern City Planning Panel, the Independent Planning Commission and the Land and Environment Court.</li> <li>(e) Consider a range of themes and issues such as, but not limited to: <ul style="list-style-type: none"> <li>(i) Infrastructure – Impacts upon parking, schools, loss of solar amenity, overshadowing, wind tunnel effects, traffic congestion.</li> <li>(ii) Environment – Reduction of tree canopy,</li> </ul> </li> </ul>
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		<p>excessive demand on limited public open space.</p> <p>(iii) Socio-psychological and resilience impacts – How these developments contribute to alienation, loneliness, isolation, wellbeing, lack of social contacts, community resilience eroded.</p> <p>(iv) Facilities – Loss of services and businesses, homogenisation of neighbourhoods.</p> <p>(v) Lived experience – What are the cumulative experiences and impacts upon people and their amenity, aggressive behaviour by developers towards residents.</p> <p>(vi) Compliance – Especially noise and unauthorised works/use, complaints, complying development certificates, private certifiers.</p> <p>(f) Be reported to Council, Council officers and to the community on a regular basis.</p> <p>7. Communicates this resolution to all Precincts.</p>
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#### 4. Discussion

Following the February Council meeting where the mayoral minute was approved, officers formed a cross-organisational working group that examined the issues and considerations outlined. This report details the results of investigations and considerations and outlines a proposal for the establishment of a Community Planning Advocate as outlined in the mayoral minute of February 2022.

#### Community sentiment and summary of issues

The community in Waverley has always been concerned with Council's role in the appropriate management of development. An example of some of these concerns can be seen in the last 18 months of Precinct Committees issues and resolutions. Some of these have been outlined below.

*Table 1. Precinct motions on development.*

-	<u>Bondi Beach Precinct May 2021- Discrepancy between good planning documents and decisions made.</u> The Precinct raised the issue of a perceived discrepancy between Council's planning documents and approvals provided by Council. It was noted that Development Approvals seem not to be aligned with Council's Local Villages Strategy. Several developments in Hall Street and Jaques Ave cited as examples.
-	<u>Bondi Beach Precinct 2021 - Need for Social Impact Statements</u> - raised the need for Social Impact Statements, example highlighted is Lamrock Avenue affordable housing, expressed the need for addressing 'social implications' in the DA.
-	<u>Bondi Beach Precinct May 2021- Impact of Overdevelopment with examples in Bondi Beach area</u> - concerns expressed about the ongoing impact on the general amenity of Bondi Beach, particularly in the area of Hall Street Town Centre.



- September 2021 - specific and urgent concerns about excavation works for the above developments and excessive development on sandhills following structural dilapidation of neighbour property.
- <u>Bondi Precinct April 2021</u> – concern about the extent to which DA notification is conducted and advocacy to widen notification areas.
- <u>Bondi Precinct July 2021</u> – specific concern regarding Wellington Street development, expressing perceptions of overdevelopment of the site and negative impacts to amenity of the area.
- <u>Bondi Precinct September 2021</u> – specific objections to a DA, expressing a view overdevelopment of site.
- <u>Charing Cross Precinct August 2021</u> – Heritage issues - War Memorial Planning Proposal concerns.
- <u>Charing Cross Precinct and Combined Precincts August 2021- Request for Planning Webinars</u> – recognising the difficulty in understanding planning processes and seeking Council’s assistance – resulted in Council producing a webinar with two further webinars planned.
- <u>Combined Precincts September 2021 - Timing of community consultation for Planning Proposals</u> - advocacy for a two-way educative and communication approach to Development with a view to strengthening Council’s Community Participation Plan (CPP).
- <u>Queens Park Precinct September 2021</u> - Issues paper developed and submitted to Council outlining concerns with Planning and consultation processes.
- <u>Combined Precincts March 2022 – Priority setting exercise</u> at the Combined Precincts meeting of 3 March 2022. This resulted in a range of issues being considered by the Combined Precincts being clustered into four themes aimed at streamlining the work of the Combined Precincts, the first of which outlined to be Planning Matters and Overdevelopment. The Combined Precincts Meeting then formed a subcommittee around each of the themes.

Officers met on multiple occasions to consider the mayoral minute in detail and took some time to reflect on the root causes of community concerns. This was done in order to consider the drivers for the establishment of the position and the functions that it should perform in response, so that the focus for the role is appropriately scoped. Some of the underlying community sentiment as understood by Council officers was articulated including:

- The short-term disruptive impacts of development in neighbourhoods with residents feeling inconvenienced and lifestyles disrupted on a short-term basis.
- The diminishing goodwill that comes when lifestyle disruptions associated with developments occurs in multiple locations or successive projects over time, the sense that one development in an area finishes and the next one starts.
- Disgruntlement with a perceived lack of consultation or less than satisfactory levels of consultation.
- A loss of heritage and single dwellings towards increasing density.
- More and more competition/demand for scarce resources including recreation space and a finite availability of recreation space and other neighbourhood amenities.
- Traffic congestion, parking availability and transport considerations, and further links between these issues and densification.
- A sense of the NSW Planning system being generally opaque, hard to navigate and difficult to know how to put forward meaningful objections that are timely, relevant and can be listened to.
- Feelings of confusion, misunderstanding and outrage about how a particular development can extend its parameters beyond Council’s *Local Environmental Plan* (LEP) and Development Control Plan (DCP).
- Dissatisfaction with the specific development projects and outcomes.

- A sense that over time aspects of the character of Waverley, and potentially Sydney, has changed significantly. An incremental eroding of amenity and perceptions that the pace at which this occurs has accelerated, and an associated feeling of powerlessness to influence the direction of change.

Officers undertook high-level desktop research to understand the extent of 'overdevelopment' within Waverley, compared to other councils across Greater Sydney. Investigation of the number of dwelling completions across the Southern Sydney Region Organisation of Councils (SSROC) was completed for the last 10 (2012–2022) years using NSW Government data. To ensure the data was comparing 'apples with apples', the number of dwelling completions was divided by the number of residents to derive a figure for the average number of annual dwelling completions per 10,000 residents.

Based on this analysis, it was found that Waverley local government area LGA had an annual average of 28 dwelling completions per 10,000 residents, which was the highest number per capita in the Eastern Suburbs, although significantly lower than other councils in the SSROC area. A number of SSROC councils had three times the number of annual dwelling completions compared to Waverley. It appears that the numbers of dwelling completions do not necessarily correlate directly with the community sentiment in Waverley regarding feelings of 'overdevelopment'. It is possible that other factors such as the concentration of high-density development in some areas of Waverley is a particular factor. Hence the need for further research to understand the community issues associated with development impacts.

*Table 2. Average number of annual dwelling completions per 10,000 residents.*

Waverley	Randwick	Woollahra	Bayside	Inner West	Burwood	Canada Bay	Strathfield	Sydney
28	23	11	100	38	81	59	103	109

Officers note that in May 2022 North Sydney Council passed a similar resolution to that outlined in the mayoral minute.

### **Community Planning Advocate**

In considering the proposed establishment of a Community Planning Advocate, the cross-organisational group identified and examined the key functions with a view to understanding the role's focus areas and as a follow on, the associated skill set that would be required. It was noted that there are a range of existing roles in Council that do touch on some of the functions that a Community Planning Advocate – particularly in terms of education and awareness and a touch point for enquiries.

The functional components of a potential role for a Community Planning Advocate, as outlined in the mayoral minute, are set out below.



*Figure 1. Functional components of Community Planning Advocate.*

### **Awareness and education role**

The cross-organisational working group could see immediate and compelling value in formalising and bolstering Council's approach to community awareness and education. In considering the functions of the role this was a standout gap that Waverley should look to address. The problem lies in a complex planning system combined with Council's customer experience performance gap and community desire to understand the planning process, navigate planning proposals and issues and more effectively advocate for their views. Educative outcomes can be achieved in the following ways:

- The aggregation of information online to bring together the disparate information across Council's website, providing easy to understand and follow material and self-guided information packages.
- Attendance at community meetings e.g. Precinct meetings, community engagement events.
- Production of guidance material to support the community in the identified gaps.
- Building on the webinars that have been produced and that are in production in order to send to people on request.
- Better communication of Council's role and position on specific proposals and outcomes of consultation activity and advocacy.

While officers in the Strategic Planning team do provide some of these functions, such as attendance at community meetings, a dedicated Community Advocate could provide more time and resources to raising awareness and education. The Community Planning Advocate would need to have planning experience and a good working relationship with the Development Assessment and Strategic Planning teams so that it can provide effective two-way communication between these teams and the community.

### **Community touch point/engagement**

With the creation of this role, it is anticipated that members of the community will seek a person they can directly contact and speak to for both general and specific enquiries. In fact, this role is likely to be a central support for the community when controversial or sensitive planning project arise. While the community are able to contact a Duty Planner or customer service staff for more common, transactional planning enquiries, they may prefer talking to the Community Planning Advocate in relation to the online educative material, matters related to planning processes or in understanding options for contributing viewpoints on

particularly controversial planning matters. Key to this function would be assisting members of the community with guidance around how to effectively navigate, engage with and contribute to the planning process and how to offer effective submissions relating to planning matters.

As well as being a responsive contact point, it is also envisaged that the role will work proactively with the community directly, attending Precinct and other meetings, engaging with residents at Have your Say opportunities and other onsite events and working to understand resident concerns onsite through direct engagement. The role has the potential to help in implementing a more comprehensive approach to engagement for controversial and sensitive planning matters in particular.

### Community planning survey

The role would have responsibility for administration of the survey as proposed in the mayoral minute. The proposal outlines a comprehensive survey aimed at gathering both quantitative and qualitative information related to the experience of residents and cumulative impacts across a number of dimensions. While the mayoral minute outlined this survey should occur on a six-monthly basis, the group discussed an alternative approach whereby the survey would be permanently available, promoted regularly and able to be assessed at regular intervals.

In order to effectively design a survey instrument that would address the range of considerations, officers felt that it would be necessary to seek external support from a suitably experienced survey design professional. Council would seek support to design the questionnaire which will collect data on the lived experience of development. Elements as outlined in the mayoral minute such as transport, heritage value, sustainability, greening, amenity and infrastructure demand, and social impacts are all dimensions that would be considered. Ideally the data would reflect that which is gathered during a typical social impact assessment and would be designed so that survey data could be collated for the production of reports that would ultimately be able to be considered as part of planning feedback processes.

It is envisaged that the Community Planning Advocate would work closely with the Development Assessment and Strategic Planning teams. Officers discussed the survey items listed in the mayoral minute and suggest that some of these matters will need further consideration to take account of information that is already captured as part of the planning process. The survey could be one piece of information that would assist in understanding the cumulative impact of a development, but in the context of Council's established planning controls and strategies—which have already been agreed with the community upfront—including the LEP and DCP controls.

*Table 3. Survey elements.*

Mayoral minute survey element	Officer comment
Collect metrics and lived experience of residents, businesses and the community more broadly	The metrics would be expected to generally be qualitative.
Assist in developing a comprehensive picture of the cumulative impact of development, large-scale developments and over development	<p>The term 'overdevelopment' would need to be defined, however this may be a contested concept. A large house or apartment block can be considered overdevelopment by a neighbour, but may be fully compliant with Waverley's planning controls – which were developed with the communities input and have been adopted by the Council.</p> <p>Some development that doesn't comply with Waverley's planning controls may be approved on merit. The planning system in NSW is deliberately designed to allow 'merit assessment' and</p>

	<p>variations to the LEP (via Clause 4.6) and DCP (which are 'guidelines' and don't have the legislative weight of an LEP), so that developments are assessed on their impact rather than broad based controls which aren't necessarily site specific.</p> <p>The issue of discretion in the NSW planning system means that developments are not able to be refused on the basis that they don't comply with some of the planning controls. Council's Development Assessment team and the Waverley Local Planning Panel are rigorous in only allowing variations from the controls where it's reasonable. Based on data from the last 6 years, on average less than 8% of approvals exceed the FSR or height controls (via a Clause 4.6 variation). Moreover, despite being a relatively small Council, Waverley has one of the highest development appeal numbers in NSW (ranked 9<sup>th</sup> out of 128), but it has the second highest success rate compared to other councils with similarly high court appeals.</p>
Consider a range of themes and issues such as, but not limited to:	
Infrastructure - Impacts upon parking, schools, loss of solar amenity, overshadowing, wind tunnel effects, traffic congestion	<p>Parking – this information is typically quantitative and captured in a consultants traffic report and reviewed by Council's internal traffic and transport experts.</p> <p>Schools – this is a NSW Government infrastructure provision issue and not a consideration in assessing applications.</p> <p>Loss of solar amenity, overshadowing, wind tunnel effects – all three of these are considered as part of a Development Application and are assessed against quantitative standards that are defined and codified in Waverley's planning controls.</p>

The Community Planning Advocate would need to develop the community survey to ensure its pertinence to the planning processes, such as Planning Proposals and Development Applications however it may also be useful to gain data on the experience of customers and the community in the Development Application process.

The outcomes are envisaged to be used in strategic planning, development assessment, community engagement and education, and in policy development by Council. Community members and elected representatives would have access to any findings.

It is envisaged that any survey would be ongoing or frequently conducted, allowing Council to understand trends, benchmarks and events that influence community sentiment.

## **Analysis and synthesis**

The Community Planning Advocate, given it would work so closely with the community and would administer the survey, would have as a conduit for feeding back views and sentiment into the planning process. To do this it would need to collate the information being expressed by the community on planning matters, analyse information coming through in the community survey and prepare reports, summaries and updates for both Council and for submission to the planning process.

Where community feedback relates to particular projects, such as strategies, planning proposals or large development applications, it is envisaged that a Community Planning Advocate would provide this information directly to the relevant Council officers within this team and meet to highlight pertinent issues raised by the community.

This role would also have the potential to provide direct educational assistance to members of the community in understanding the planning system, Council's role within the process and limitations of what types of matters can and cannot be considered in the assessment process.

## **Customer Experience Strategy alignment**

The Customer Experience (CX) Strategy outlines a range of tactical and strategic actions in support of a transformation of the way that customers and the community interact with Council. The Strategy is a roadmap towards improving customer experience, both in their interactions at the point of contact and in Council's ability to coordinate and respond to a customer's needs.

Establishing a Community Planning Advocate position aligns to Council's CX Strategy through the theme of service improvement, delivering a redesign of Council's service delivery model for high impact, complex services, in particular, planning and development. As an initiative within the CX Strategy, Council will be introducing a specialised support model for all planning related enquiries to connect customers with specialists who can respond to planning queries in more detail. The enhanced planning enquiry service will include a booking system for appointments with Council's Duty Planner, which could potentially be further extended to the Community Planning Advocate role.

The Community Planning Advocate position would work closely with the Planning support team to identify trends and monitor community sentiment through a more fluid process than the formal surveys. Data analysis will be used to inform educational programs, communications' strategies and process improvements.

## **Resourcing proposal**

Noting that it is envisaged (as described in the Council resolution) that the Community Planning Advocate function is incorporated into an existing role, and that it is also noted to sit outside of the Planning area, the cross-organisational working group discussed options for where the role could be located and how the role could be aligned with existing roles.

Concurrently, the General Manager has enacted an organisational restructure, effective from 1 July 2022, that has reorganised Directorates and some functions at Council. The restructure has provided opportunity to consider where best the function would sit within the organisational structure in order for it to be well positioned, independent and appropriately supported.

Council officers would continue to undertake cross directorate discussions to determine opportunities to establish this new role within existing resourcing.

It will take some time to investigate and undertake the consultative processes associated with redesigning or repurposing a role and consideration will need to be given to achieving this. This is a longer-term

proposition that requires consultation with potentially affected staff members and consideration of the opportunities for skill development and restructuring of roles.

Given the time it will take to conduct this consultative process and reorganise resources, an interim resourcing approach is proposed for a fixed term project officer to be appointed to a newly established position of Community Planning Advocate. The fixed term position would be responsible for the setting up the function, undertaking the various roles outlined above and working to establish and manage the community survey.

The position is proposed to sit within the General Manager's Unit where it has close connection to other roles associated with Precinct liaison, executive services and integrated planning and reporting.

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

### **Financial**

While efficiencies in headcount are considered to be achievable over time, there is a need to establish the function while consultation and further investigation is conducted. To that end, there is a cost associated with the establishment of the Community Planning Advocate position in the form of a fixed term project officer. This cost is not yet accounted for in the 2022–23 Budget and is anticipated to be in the region of \$89,000–\$103,000 plus salary on-costs such as superannuation. This is dependent on the assessment process that establishes the salary level of positions at Council according to their remit and responsibilities.

In addition, there is a proposed cost associated with the establishment of the community survey. It is envisaged that a specialist survey designer could greatly assist in the design of a survey that is both robust and valid. The proposed cost associated with seeking expert advice on the establishment of the survey is \$30,000.

Total costs related to the proposal would be in the order of \$130,000–\$160,000. The \$30,000 related to the design of the survey is a one-off cost in 2022–23. Employment costs for the Community Planning Advocate position would be recurring in future budgets.

With some relevant identified vacancies in the staff establishment, it is proposed that sufficient funds for the position and the community survey in 2022–23 will be allocated in the Q1 budget review from either existing vacant positions or other costs savings.

### **Consultation**

A cross-organisational working group was established in order to interrogate the issues outlined in the mayoral minute and develop a plan for proposed implementation. This group involved staff from Strategic Planning, Development Assessment, Community Engagement, Precinct Liaison and Customer Service.

The proposal was also discussed as an agenda item at a recent Executive Leadership Team meeting.

### **Time frame**

Should Council endorse the resourcing strategy and scoping of the role as outlined in this report, a Q1 budget adjustment would be made to accommodate the proposal, with savings sought to offset costs. A position description would be developed with the intent to recruit the role by November 2022. Further work on determining efficiencies in related areas would occur over Q2, Q3, and Q4 of the financial year in order to establish the role in permanently for July 2023.

## **6. Conclusion**

In response to the mayoral minute on the lived experience of overdevelopment, which was carried unanimously by Council at its meeting in February 2022, Council officers have worked collaboratively to assess the components of the proposal including the proposed community survey and the position of Community Planning Advocate. Via the work of a cross-organisational working group, the main components of the role have been scoped in order to inform the development of a position at Council, proposed to be situated in the General Managers Unit.

The role is initially proposed to be established as a project officer position in order to establish the function and the community survey. Following endorsement of the strategy, officers will develop a position description and act to recruit the proposed position, proposed to be recruited and in place by November 2022.

## **7. Attachments**

Nil.



**REPORT  
CM/7.8/22.08**

**Subject:** Voluntary Planning Agreement - 157-159 Military Road, Dover Heights

**TRIM No:** SF22/3173

**Author:** Shima Niavarani, Strategic Planner

**Director:** Sam McGuinness, Acting Director, Planning, Sustainability and Compliance

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**RECOMMENDATION:**

That Council:

1. Endorses the planning agreement attached to the report applying to land at 157–159 Military Road, Dover Heights, offering a total monetary contribution of \$192,855.40, with 100% to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

**1. Executive Summary**

This report seeks Council's endorsement to execute the attached planning agreement associated with the approved development application DA-316/2015/D at 157–159 Military Road, Dover Heights. The application was approved for the demolition of existing building, construction of mixed-use building with basement car parking and strata subdivision as modified to alter internal layout, relocation of bicycle parking, modification of residential entry and various other external alterations.

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

**2. Introduction/Background**

The planning agreement offers a total monetary contribution of \$192,855.40 in accordance with Council's Planning Agreement Policy.

**3. Relevant Council Resolutions**

Nil.

**4. Discussion****Planning Agreement's monetary contribution to a public purpose**

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The planning agreement offers a total monetary contribution of \$192,855.40, with 100% to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.

The contribution will benefit the public and local community as it seeks to improve and maintain access to affordable housing in the Waverley local government area and facilities a diverse social mix.

### **Public exhibition of the draft Planning Agreement**

The draft planning agreement was drafted in accordance with section 7.5 of the EP&A Act and was required to be exhibited for a period of 28 days. The draft planning agreement and explanatory note were exhibited from 4 July 2022 to 1 August 2022, and included:

- Notice in the *Wentworth Courier*.
- Advertising on Council's Have Your Say website.

### **Submissions**

No submissions were received during exhibition.

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

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$192,855.40, in accordance with Council's Planning Agreement Policy.

### **6. Conclusion**

The draft planning agreement has been placed on exhibition in accordance with section 7.5 of the EP&A Act. It is recommended that Council endorses the planning agreement for execution.

### **7. Attachments**

1. Draft planning agreement [↓](#)
2. Explanatory note [↓](#) .

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**WAVERLEY COUNCIL**

**(Council)**

**AND**

**ROIA DEVELOPMENT PTY LTD  
(ACN 646 765 648)**

**AND**

**IOMT DEVELOPMENTS PTY LTD  
(ACN 646 590 221)**

**(Developer)**

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# **PLANNING AGREEMENT**

**(Development Contribution)**

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**WAVERLEY COUNCIL  
Council Chambers  
Cnr Bondi Road & Paul Street  
BONDI JUNCTION NSW 2022  
DX 12006 BONDI JUNCTION  
Phone: 02 9083 8000  
Facsimile: 02 9387 1820**

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**PLANNING AGREEMENT NO. \_\_\_\_\_*****Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2021

**PARTIES**

**WAVERLEY COUNCIL** of Cnr Paul Street and Bondi Road, Bondi Junction NSW 2022  
ABN 12 502 583 608 ("**Council**")

**AND**

**ROIA DEVELOPMENT PTY LTD (ACN 646 765 648)** of Level 2, 115 Pitt Street, Sydney NSW  
2000

**AND**

**IOMT DEVELOPMENTS PTY LTD (ACN 646 590 221)** of Level 3, 8 – 10 King Street, Rockdale  
NSW 2216 ("**Developer**")

**BACKGROUND/RECITALS**

- A.** The Developer is the registered proprietor of the Land having purchased the Land with the benefit of the Development Consent.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 27 August 2021 the Development Application was made to Council to modify development consent DA-316/2015 to carry out the Development on the Land.
- D.** On 24 November 2021 an offer was made to Council in connection with the Development Application, to enter into this Agreement and to make the Development Contribution to be applied towards a public purpose in accordance with Council's Planning Agreement Policy.
- E.** The Development Consent was granted on 8 December 2021.
- F.** This Agreement is consistent with the Developer's offer referred to in Recital D.

- G. Planning agreements previously entered into in accordance with DA-216/2015/B and the monetary contributions pursuant to same paid on 11 November 2021 ("2021 Planning Agreement"). This Agreement does not impact or supersede the 2021 Planning Agreement.

## OPERATIVE PROVISIONS:

### 1 PLANNING AGREEMENT UNDER THE ACT

The parties agree that this Agreement is a planning agreement governed by Section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

### 2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the Development proposed in the Development Application, as may be modified.

### 3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as possible after the Development Consent is granted and in any event prior to the issue of any Construction Certificate for the Development that relates to works contained in DA-316/2015/D.

### 4 DEFINITIONS AND INTERPRETATION

#### 4.1 Definitions

In this Agreement unless the context otherwise requires:

**"Act"** means the *Environmental Planning and Assessment Act 1979* (NSW);

**"Agreement"** means this agreement;

**"Bank Guarantee"** means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Development Contribution amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

**"Business Day"** means a day that is not a Saturday, Sunday or public holiday, on which banks are open for general services in Sydney, New South Wales;

**"Caveat Form"** means an irrevocable authority to Waverley Council to register and maintain a caveat on the Land, in a form acceptable to Council and executed by the owner of the Land, or such other form of owner's consent to caveat as may be required by Council;

**"Certifying Authority"** means any accredited private certifier including where appropriate, a Principal Certifying Authority (PCA) appointed or to be appointed to

certify the Development or any aspect of it;

**“Council”** means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Land is located within;

**“Construction Certificate”** means any construction certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

**“Development”** means the development the subject of the Development Application described in item 4 of the Schedule;

**“Development Application”** means the development application referred to in item 3 of the Schedule;

**“Development Consent”** means the development consent granted in respect of the Development Application described in item 3 of the Schedule;

**“Development Contribution”** means the amount of money referred to in item 5 of the Schedule;

**“Development Contribution Date”** means the time the Development Contribution is to be paid as specified to in item 7 of the Schedule;

**“GST”** has the same meaning as in the GST Law;

**“GST Law”** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

**“Land”** means the land described in item 2 of the Schedule and any consolidation or subdivision thereof;

**“Occupation Certificate”** means any occupation certificate as referred to in s 6.4 of the Act in respect of the Development or the Development Consent;

**“Party”** means a party to this Agreement including their successors and assigns;

**“Public Purpose”** for the purpose of this Agreement means the public purpose described in item 6 of the Schedule;

**“Registration Application”** means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

**“Schedule”** means the schedule to this Agreement.

#### 4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a

Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;

- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

## **5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT**

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.
- 5.3 Notwithstanding any other provision herein, the Development Contribution herein, being

as set out in condition 1B(a)(ii) of the Development Consent is subject to increase in accordance with paragraph 7 of the offer made by the Developer referred to in Recital D.

- 5.4 The Developer acknowledges and agrees that the prior Planning Agreements pursuant to DA-316/2015 and DA-316/2015/B pursuant to which development contributions of \$143,605.68 and \$54,320, will not be impacted by the parties entering into this Planning Agreement.

## **6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION**

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

## **7 APPLICATION OF S7.11 AND S7.12 OF THE ACT TO THE DEVELOPMENT**

- 7.1 This Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the Development.
- 7.2 The Development Contribution provided by the Developer will not be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.

## **8 REGISTRATION OF THIS AGREEMENT**

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
  - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Within 14 days of entering into this Agreement, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
  - (b) provide the Council with a cheque in favour of NSW Land Registry Services, NSW for the registration fees for registration of this Agreement;
  - (c) provide the Council with a cheque in favour of the Council for its reasonable



costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and

- (d) take any other necessary action so as to ensure this Agreement is registered on the title to the Land within 14 days of entering into this Agreement.

- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution or surrender of the Development Consent occur upon the date of this Agreement and prior to issue of a Construction Certificate that relates to works contained in DA-316/2015/D, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.
- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

## **9 BANK GUARANTEE**

### **9.1 Provision of Bank Guarantee**

- (a) Subject to clause 8.8, upon entering into this Agreement, the Developer must deliver to the Council a Bank Guarantee, which must be:
  - (i) in a form and from an institution approved by the Council;
  - (ii) irrevocable and unconditional;
  - (iii) with no expiry date;
  - (iv) issued in favour of the Council;
  - (v) for an amount equivalent to the Development Contribution set out in Item 5 of the Schedule;
  - (vi) drafted to cover all of the Developer's obligations under this Agreement; and
  - (vii) on the terms otherwise satisfactory to the Council.

- (b) The Developer acknowledges that the Council enters into this Agreement in consideration of the Developer providing the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Development Contribution to Council in accordance with this Agreement.

## 9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
  - (i) fails to make a payment of any part of the Development Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
  - (ii) breaches any other term or condition of this Agreement,and fails to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer will be required to pay to the Council any outstanding balance of the Development Contribution and other amounts payable under this Agreement.

## 9.3 Return of Bank Guarantee

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer.

## 10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

## 11 DISPUTE RESOLUTION

### 11.1 Notice of dispute

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

### 11.2 Response to notice

Within ten business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

### 11.3 The nominated representative must:

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

### 11.4 Further notice if not settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

### 11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (ii) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must:
  - (a) Have reasonable qualifications and practical experience in the area of disputes; and
  - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;

- (vii) In relation to costs and expenses:
  - (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
  - (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

#### 11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
  - (a) Agreed upon and appointed jointly by the Council and the Developer; or
  - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

#### 11.7 Litigation

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

#### 11.8 Continue to Perform Obligations

Each Party must continue to perform its obligations under this Agreement, notwithstanding

the existence of a dispute.

## **12 ENFORCEMENT**

- 12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.
- 12.2 Until such time as the Development Contribution has been paid in full, any Construction Certificate for the development that relates to works contained in DA-316/2015/D must not be issued and the Developer must:
- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for a Construction Certificate for the development that relates to works contained in DA-316/2015/D at the same time that such application is made;
  - (b) at the time it lodges any application for a Construction Certificate for the development that relates to works contained in DA-316/2015/D notify the Certifying Authority in writing of the existence and terms of this Agreement;
  - (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue any Construction Certificate for the development that relates to works contained in DA-316/2015/D until Council provides written confirmation that the Development Contribution has been paid; and
  - (d) not rely on any Construction Certificate for the development that relates to works contained in DA-316/2015/D.
- 12.3 The Developer acknowledges and agrees that:
- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council;
  - (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
  - (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
  - (d) unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and

- (e) Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the caveat from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.

### **13 NOTICES**

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
  - (a) delivered or posted to that Party at its address set out below in Item 8 of the Schedule;
  - (b) faxed to that Party at its fax number set out below in Item 8 of the Schedule;
  - (c) emailed to that Party at its email address set out below in Item 8 of the Schedule.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
  - (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, 2 business days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

### **14 APPROVALS AND CONSENT**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

### **15 ASSIGNMENT AND DEALINGS**

Until the Development Contribution is paid in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so.

## **16 COSTS**

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

## **17 ENTIRE AGREEMENT**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

## **18 FURTHER ACTS**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

## **19 GOVERNING LAW AND JURISDICTION**

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

## **20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

## **21 NON FETTER**

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local

Government Area;

- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

## **22 REPRESENTATIONS AND WARRANTIES**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

## **23 SEVERABILITY**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

## **24 MODIFICATION**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

## **25 WAIVER**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach



or as an implied waiver of that obligation or breach in relation to any other occasion.

## **26 GOODS & SERVICES TAX**

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

## **27 EXECUTION IN TRIPLICATE**

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the Act. This Agreement will be dated on the day of execution by all Parties.

**SCHEDULE**

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	ROIA Development Pty Ltd (ACN 646 765 648) and IOMT Developments Pty Ltd (ACN 646 590 221)
2	Land	157 – 159 Military Road, Dover Heights (Lot 1 in DP 126719)
3	Development Application	DA-316/2015/D
4	Development (description)	Demolition of existing building, construction of mixed use building with basement car parking and strata subdivision as modified to alter internal layout, relocation of bicycle parking, modification of residential entry and various other external alterations
5	Development Contribution	\$192,855.40
6	Public Purpose	Towards the Waverley Affordable Housing Program (100%)
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Construction Certificate that relates to works contained in DA-316/2015/D
8	Developer Address	159 Military Road, Dover Heights NSW 2030
	Developer Fax	N/A
	Developer Email	<a href="mailto:martin@airthbuilding.com.au">martin@airthbuilding.com.au</a>
	Council Address	Corner Paul Street and Bondi Road, Bondi Junction NSW 2022

Council Fax

(02) 9387 1820

Council Email

[info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

DRAFT

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council  
affixed pursuant to a resolution of Waverley Council on**

---

**EMILY SCOTT**

General Manager

---

**CLR PAULA MASSELOS**

Mayor

**EXECUTED by**

**ROIA DEVELOPMENT PTY LTD**

**(ACN 646 765 648)**

In accordance with section 127 of the  
Corporations Act 2001

---

**MARTIN AIRTH**

Sole Director/Secretary

**EXECUTED** by

**IOMT DEVELOPMENTS PTY LTD**

**(ACN 646 590 221)**

In accordance with section 127 of the  
Corporations Act 2001

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**DANIEL KRIMOTAT**

Sole Director/Secretary

DRAFT

## Explanatory Note

### 157 – 159 Military Road, Dover Heights Development Application No. DA-316/2015/D

(Clause 25E of the Environmental Planning and Assessment Regulation 2000)

#### Planning Agreement

The purpose of this explanatory note is to provide a summary to support the notification of a draft Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

This explanatory note has been prepared jointly as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

This explanatory note is not to be used to assist in construing the Planning Agreement.

#### 1 Parties

The parties to the Planning Agreement are Waverley Council (**Council**) and ROIA Development Pty Ltd (ACN 646 765 648) and IOMT Developments Pty Ltd (ACN 646 590 221) (**Developer**).

#### 2 Description of subject land

The land to which the Planning Agreement applies is the whole of the land being Lot 1 in DP 126719 known as 157 – 159 Military Road, Dover Heights (**Land**).

The Developer is the registered proprietor of the Land.

#### 3 Description of Development

The proposed development comprises demolition of existing building, construction of mixed use building with basement car parking and strata subdivision as modified to alter internal layout, relocation of bicycle parking, modification of residential entry and various other external alterations (**Development**).

#### 4 Background

On 27 August 2021, the Developer caused the development application to be lodged with Council to modify DA-316/2015, being DA-316/2021/D (**Development Application**). On 24 November 2021 an offer was made in connection with the Development Application to enter into a Planning Agreement with Council and to make a monetary contribution as the Development Application provided for additional floor

space, which exceeds floor space controls permitted for such buildings under Council's Planning Controls. Development Consent was granted by on 8 December 2021.

## **5 Summary of Objectives, Nature and Effect of the Planning Agreement**

The objective of the Planning Agreement is to secure a public benefit in connection with the Development Application so that the Development delivers a community benefit.

The Planning Agreement requires the Developer to pay to Council a monetary contribution in the amount of \$192,855.40 to be applied in full towards the Waverley Affordable Housing Program (100%). The monetary contribution is payable to Council prior to any Construction Certificate that relates to works contained in DA-316/2015/D.

The Planning Agreement is a binding relationship between Council and the Developer. The Planning Agreement requires the Developer to comply with certain requirements including registration of the Planning Agreement, provision of a Bank Guarantee and registration of a Caveat. The Planning Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

The Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the Development and the monetary contribution is not to be taken into consideration in determining any development contribution under Section 7.11 of the Act.

The effect of the Planning Agreement is a monetary contribution towards the Waverley Affordable Housing Program.

## **6 Assessment of the merits of the Planning Agreement**

### **(a) How the Planning Agreement promotes the public interest and the objects of the Act**

The Planning Agreement promotes the objects of the Act, in particular Section 1.3(d) of the Act, which is to promote the delivery and maintenance of affordable housing. The objects are satisfied as the Planning Agreement secures a monetary contribution towards the Waverley Affordable Housing Program.

Public interest is promoted by virtue of the Planning Agreement because it assists Council in the provision of affordable housing and housing for low income and disadvantaged people within the community.

In addition, it assists in facilitating a socially diverse and inclusive community and enabling diverse social and economic groups to have similar opportunities for accommodation in the Waverley Local Government Area.

**(b) The impact of the Planning Agreement on the public or any relevant section of the public**

The Planning Agreement will benefit the public and local community as it seeks to improve and maintain access to affordable housing in the Waverley Local Government Area and facilitates a diverse social mix.

There is considered to be no negative impact on the public arising from the Planning Agreement.

**(c) The planning purpose(s) served by the Planning Agreement**

The Planning Agreement facilitates the provision of (or the recoupment of the cost of providing) affordable housing and public amenities and the funding of recurrent expenditure relating to the provision of affordable housing and public amenities. The provision of affordable housing is a public purpose under Section 7.4(2) of the Act.

The Planning Agreement implements Council policy and legislative provisions around affordable housing.

The Planning Agreement provides a reasonable means of achieving the planning purpose set out above.

**(d) How the Planning Agreement promotes the guiding principles for Councils (previously referred to as Council's Charter) under section 8A of the Local Government Act 1993**

The Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council's decisions impact public areas. The Council is conscious of a need for affordable housing within the public areas in its local government area and how its decisions and policies impact seeking to fulfil these needs.

The Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.

In addition, as the Planning Agreement is a means by which the Council can implement its Affordable Housing Policy, in doing so, Council exercises community leadership in an area of concern to the wider community.

**(e) Whether the Planning Agreement conforms with the Council's Capital Works Program**

The Planning Agreement is not inconsistent with the Council's Capital Works Program.



- (f) **Whether the Planning Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued**

The following requirements of the Planning Agreement must be complied with before:

- (i) **A construction certificate is issued:** registration of the Planning Agreement, provision of a Bank Guarantee, registration of a Caveat and payment of the monetary contribution.
- (ii) **An occupation certificate is issued:** All requirements will have been with complied with under (i).
- (iii) **A subdivision certificate is issued:** Not applicable.

**REPORT**  
**CM/7.9/22.08**

**Subject:** Destination Hall Street - Street as Shared Space (SASS)

**TRIM No:** SF21/5511

**Author:** William Wijaya, Acting Public Place Coordinator

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

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**RECOMMENDATION:**

That Council:

1. Trials the Destination Hall Street project, as set out in the report, for six months.
2. Notes that the Waverley Traffic Committee supports the traffic changes associated with the project.
3. Officers prepare a report to Council following the end of the trial.

**1. Executive Summary**

This purpose of this report is to present a proposal for endorsement to commence the Streets as Shared Spaces (SASS) trial at Hall Street, Bondi Beach. The report details the proposal for a temporary one-way conversion of Hall Street, Bondi Beach between Gould Street and O'Brien Street/Glenayr Avenue to improve amenity and reduce conflicts between pedestrians and vehicles.

The Destination Hall Street proposal is an ideal opportunity to pilot initiatives based on the recently adopted Our Liveable Places Centres Strategy and support local businesses to operate safely during the upcoming peak season.

**2. Introduction/Background**

The proposed Destination Hall Street project has been approved for funding by NSW Government through the Street as Shared Space (SASS) program, which has allocated \$20 million to all NSW Councils to enhance streetscape, character, safety, and revitalised local businesses affected by the pandemic. Council was awarded the maximum funding allowance of \$500,000 in May 2022.

Funding received via the SASS program provides an opportunity for Council to implement the vision set by the community and adopted by Council in the Our Liveable Places Centres Strategy. This Strategy reflects the community's sentiment that Hall Street should be an 'iconic destination for locals and international travellers that is lively, green and sustainable with community feel of creativity and diversity.'

The strategic vision is supported through the Destination Hall Street project proposal by reclaiming road space for community space. Measures for the project will include:

- The temporary one-way westbound conversion of Hall Street, between Gould Street and O'Brien Street/Glenayr Avenue.
- Extending the alfresco seating area by placing parklets strategically.
- Increasing planting with pot planters with selective creative arts.

- Extending the walkable area and seating area, and creating interim plaza with planter boxes and lighting.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Waverley Traffic Committee 28 July 2022	TC/V.02/22.07	<p><i>The recommendation below will be considered by Council at its meeting on 16 August 2022.</i></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses the temporary one-way westbound conversion of Hall Street, Bondi Beach, between Gould Street and O'Brien Street/Glenayr Avenue, as shown in Attachment 1 of the report.</li> <li>2. Prepares and then submits a Traffic Management Plan of the proposed temporary one-way westbound conversion of Hall Street, Bondi Beach, between Gould Street and O'Brien Street/Glenayr Avenue to Transport for NSW for consideration and approval.</li> <li>3. Prepares and then submits the detailed design plan to Transport for NSW and NSW Police for review and approval prior to construction.</li> <li>4. Notes that Hall Street's on-street parking provision during the trial will not be reduced.</li> <li>5. Notes the improved efficiency to citybound vehicles, including buses, travelling south-west along Glenayr Avenue, due to the proposed 'Give Way' arrangement for Hall Street traffic at the Glenayr Avenue intersection.</li> <li>6. Monitors traffic speeds and volumes to identify effects on surrounding streets during the trial period.</li> <li>7. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes, with any substantive changes being emailed to all Councillors.</li> </ol>

### 4. Discussion

The Destination Hall Street project aligns with a range of current adopted strategies, as set out in Table 1 below.

Table 1. Alignment of project with strategies.

Strategy	Objective
<b>Our Liveable Places Centres Strategy 2020 - 2036</b>	Roll-out key public domain improvements to enhance walkability, access activity trials that test permanent changes that strengthen the amenity, accessibility and economic vitality of a high street and surrounding area on the ground plane.
<b>People, Movement and Places</b>	Promote a safe transport hierarchy, placing people and pedestrians first.
<b>Sustainable Visitation Strategy 2019 - 2024</b>	Enhance streetscapes to be more visually attractive to residents and visitors alike.
<b>Creative Lighting Strategy 2018- 2028</b>	Increase activity and enhance character at street level to enliven the urban experience.
<b>Cultural Diversity Strategy 2021 - 2031</b>	Provide, support and promote programs that encourage intercultural connections, build social cohesion and help maintain people's cultural heritage and identity.

In preparing this proposal, Council staff have carried out investigations to identify ways to improve amenities including reduction of conflicts between pedestrians and vehicles along Hall Street. The Destination Hall Street proposal has been developed to address these issues and includes the elements detailed below. A copy of the Bondi Beach Hub – Streets as Shared Spaces concept package is attached to this report for further reference.

### Traffic changes

An independent traffic consultant was engaged by Council to develop a traffic management plan (TMP) to assess the potential conversion of Hall Street to one-way westbound between Gould Street and Glenayr Avenue. The consultant also determined the impacts on the surrounding streets if a section of Hall Street was converted to one-way westbound. The outcome of this independent assessment was included in a proposal submitted and endorsed by the Waverley Traffic Committee on 28 July 2022.

The changes to traffic are expected to deliver the following benefits:

- Increase the walking, seating, and gathering area.
- Increase the number of parking spaces by converting existing parking area into angled parking.
- Preserve the number of loading zone, Pick-Up-Drop-Off (PUDO), and mail zone.
- Create a new space for cultural arts and interim performing space.

### Parklets and streetscapes design

Businesses with existing footpath permits will be able to relocate from footpath to the parklets. The parklets will be constructed of semi-permanent material and surrounded with plantings/barriers. The relocation of furniture from footpath to the kerb extension will improve pedestrian flow and the overall vista of Hall Street.

## **Operating hours**

The Destination Hall Street project includes working with 18 local business. For fairness, it is recommended to support all food and beverages businesses to have the option to operate the same hours during the trial. However, this will not include the option to extend the existing overall hours currently in place.

It is recommended that all 18 businesses have the option to operate from 6 am–10 pm. This will enable business economic improvements to be effectively measured against the activation initiative by trialling the safe alfresco recreational space during the peak season.

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

The total costs for the Destination Hall Street are estimated to total \$800,000. Funding totalling \$500,000 received via the NSW Government Street as Shared Space (SASS) program will be allocated to the project. The remaining costs of \$300,000 will be funded from the existing Six Ways Project.

### **Time frame**

The Destination Hall Street project will be a six-month trial running from October 2022 to March 2023. Feedback will be collated from residents and businesses separately.

### **Consultation**

#### *Consultation to date*

Since the project went live on 15 July 2022, Council officers have engaged with the community in a number of ways. On the first day, businesses along Hall Street were approached, all but two of which were excited for the project. Since then, officers have been working with businesses to expand their outdoor dining.

On 28 July, Council held an online information session attended by 21 community members. A recording of the session was uploaded online and has been accessed by over 173 individual viewers. There have been over 2,000 users on the Have Your Say page with 96 people completing a survey.

The social media campaign has been engaged with by over 2000 people, between comments, likes, clicks and shares across Instagram, Facebook and Twitter. Officers sent more than 3,000 letters to residents and 150+ scanned the QR code to access the Have Your Say. The Precinct Committees were notified by email.

Of the 96 survey responses, 60% agree or strongly agree that the community will benefit from a temporary pedestrian focused space on Hall Street and 67% agree or strongly agree that people would visit Hall Street more often or stay longer if there was a well-designed space. 64% support the plan to create a community focused space on Hall Street. 52% of people said they thought it was important to not have a loss of parking, 48% ranged between neutral to not important at all. From the survey commentary those who identified as residents on surrounding streets raised concerns about the traffic impacts, however businesses, people who live on Hall Street and the broader community were supportive of the project.

Traffic and its impacts on the surrounding streets particularly Lamrock, O'Brien and Roscoe were the main concerns raised throughout the initial consultation.

#### *Upcoming consultation*

Over the six-month trial, the project team will do the following community consultation among other promotional activities:

- Monthly on-site Have Your Say Days.

- Monthly discussions with businesses (or as requested).
- A survey on Have Your Say for people to provide feedback or commentary on their ongoing experiences.
- Intercept surveys for people using the space.
- Precinct meeting attendance and updates.

Council officers will also continue to collaborate with Bondi and District Chamber of Commerce and Transport for NSW during the trial to ensure the activation is programmed to optimise economic support and ensure all road adjustments are safe and sustainable with minimal traffic disruption.

## **6. Conclusion**

Destination Hall Street is funded opportunity to trial key initiatives requested by the Community in the Our Liveable Places Centres Strategy. This project is also an ideal way to promote safe community engagement throughout the upcoming peak season, in addition to supporting local businesses post COVID lockdowns.

The recommendation of this report is to endorse the trial of Destination Hall Street for a six-month period and for Council officers to report back to Council with recommendations on whether to continue the program or revert streetscape to its prior condition.

## **7. Attachments**

1. Bondi Beach Hub - Concept package [↓](#) .



# BONDI BEACH HUB STREETS AS SHARED SPACES

PREPARED FOR WAVERLY COUNCIL



# Bondi Beach Hub

## Landscape Concept Package

by  
**CONTEXT Landscape Architecture**

for  
**Waverley Council**

© 2022

Context and our design team collaborators acknowledge the Traditional Custodians of the land, and recognise Elders past and present.

Through authentic engagement with Aboriginal people and the landscapes within which we work, we strive to deepen our understanding of Country and our relationship with its People.

### Document Control

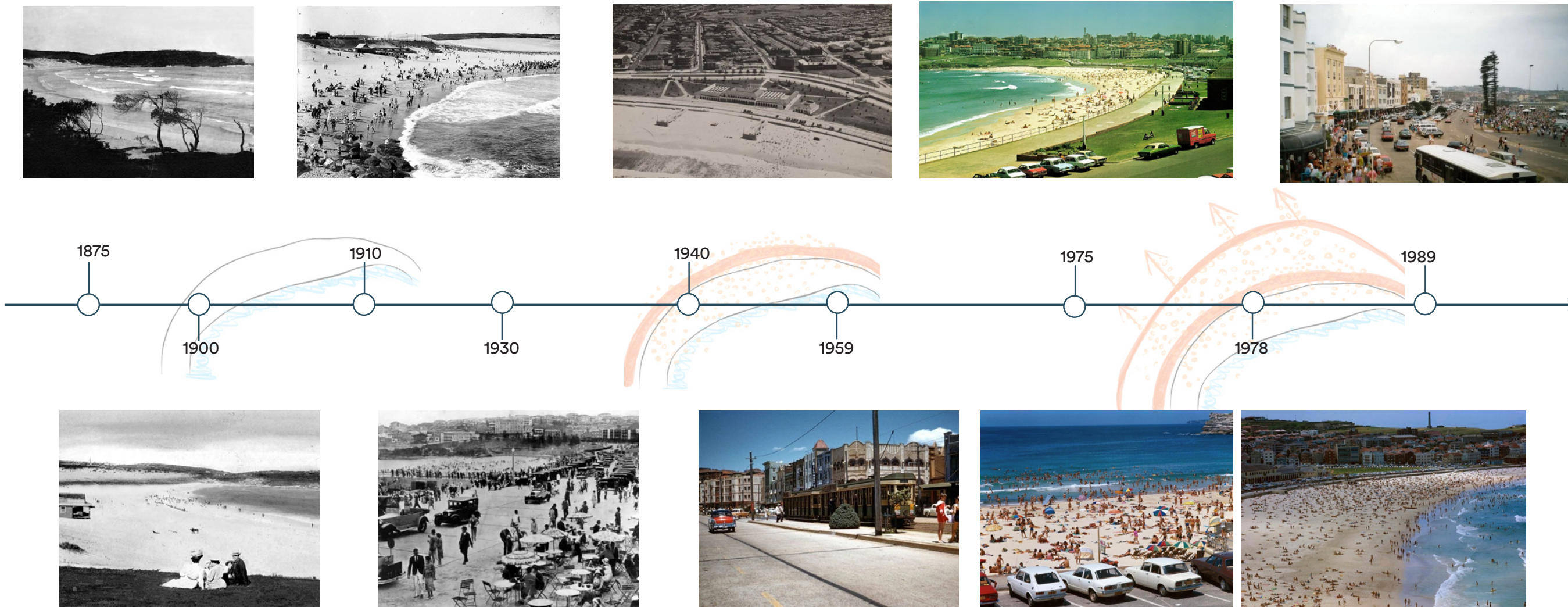
Rev	Date	Description	By	Approved
A	01.07.22	Draft for review	EL	CW
B	08.07.22	Concept Package	EL	CW
C	18.07.22	Concept Package	EL	CW

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<b>Site Analysis</b>	<b>06</b>
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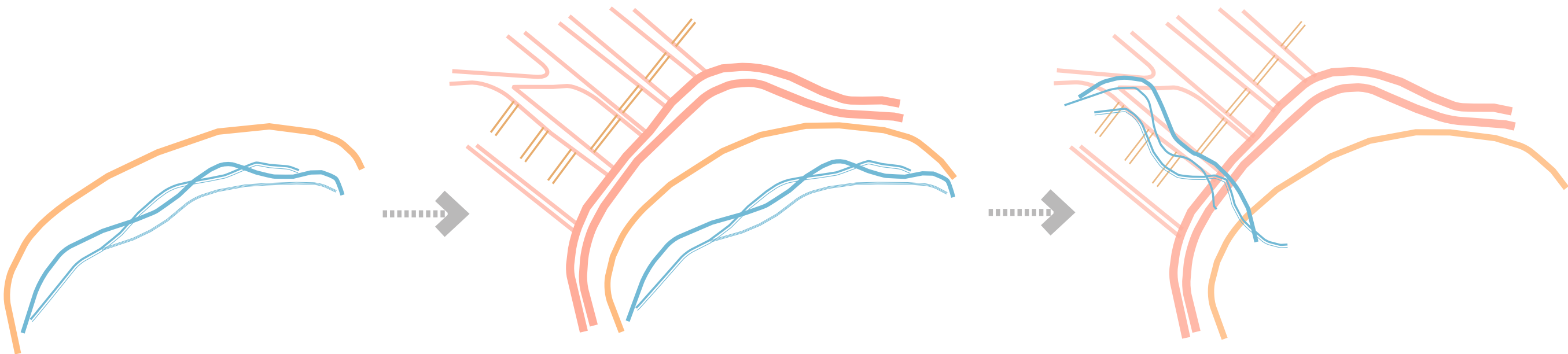
# Social Timeline of Bondi as a Place for People



# Vision - Re-imagining Hall Street

Capitalising on the local area's assets and taking inspiration from the tidal movement of the iconic Bondi Beach, Hall street will be re imagined as a place for people, culture and liberated movement. Just as the ocean tide ebbs and flows, so does the social tide of Hall Street. The existing retail, cafes and bars are activated during both the day and in the evening providing the framework for the creation of dynamic and adaptable spaces. These spaces will foster community use and create a vibrant destination to support and stimulate the local economy.

Hall street will become a place for people by prioritising pedestrian movement and creating spaces for the social tide to bring a new wave of vigour and vivacity to Hall Street.





# Character Analysis - Understanding Place



Beach



Architecture



Places



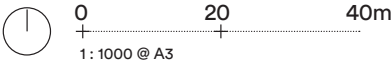
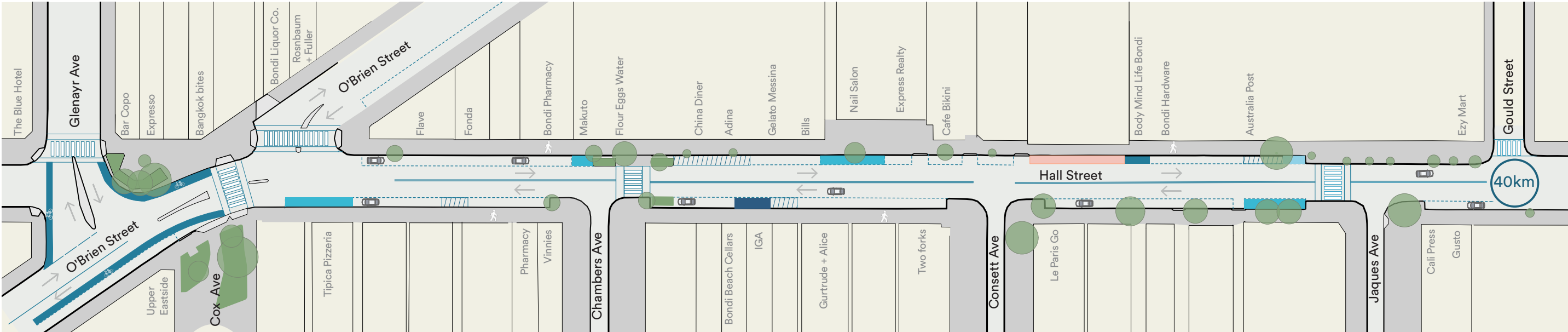
Landscape



CONTEXT



Site Analysis - Traffic and parking



Legend

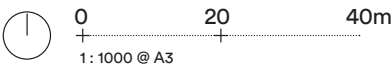
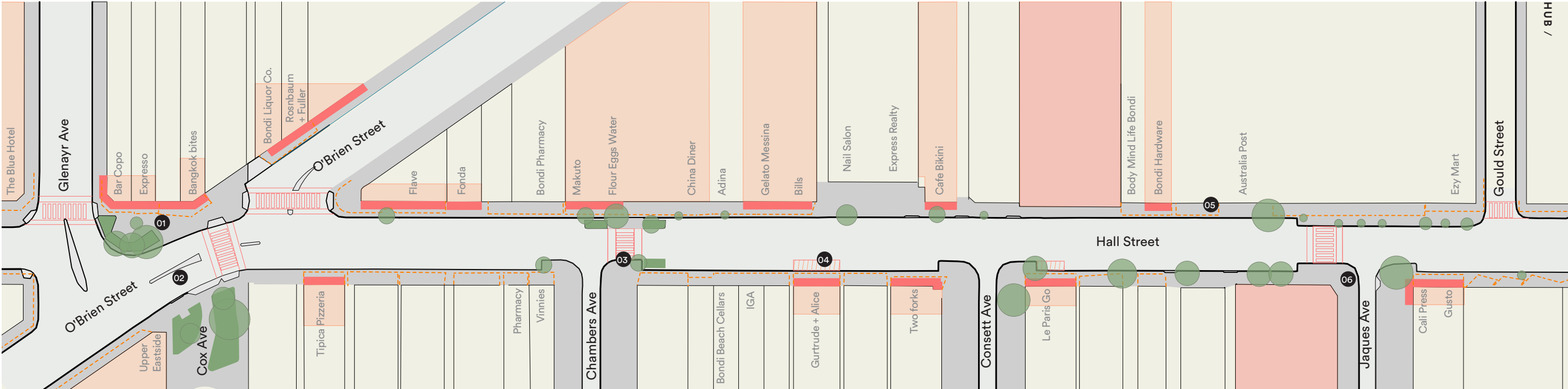
- Raised pedestrian crossing
- Loading zone
- Motorbike parking
- Construction zone
- 15 minute parking
- Truck zone
- Bike lane
- On street parallel parking
- Speed limit

Optimal parking capacity

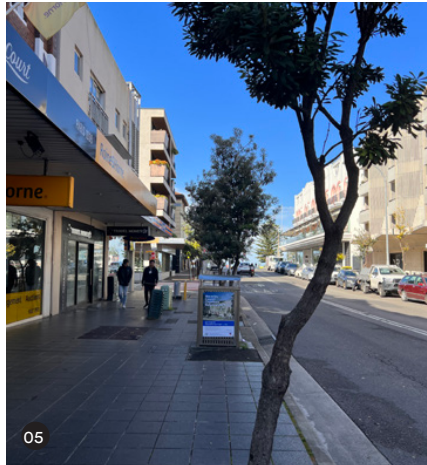
Hall Street - approximately 46 spaces  
O'brien Street - approximately 5 spaces

Note: The number of spaces has been calculated using a desktop analysis and is based on the assumption that all cars are parked parallel to the kerb at the standard 6m length.

Site Analysis - Existing Pedestrian Environment



- Legend**
- Construction site
  - Awning
  - Existing food and beverage
  - Existing parklet
  - Existing outdoor dining
  - Existing pedestrian pathway



CONTEXT



# Overarching Design Principles

1



## Identity

How does it look?

- Establish a vibrant aesthetic that aligns with Bondi's character
- Create a hub that enhances the culture of Bondi
- Beautify the streetscape with planting and vibrant colours

2



## Activation

What do you do there?

- Create social places for gathering that foster a sense of community
- Provide areas for temporary events
- Provide outdoor dining opportunities
- Light up the streetscape to allow for night activation

3



## Functionality

How does it work?

- Create functional and adaptive interventions that are fit for purpose
- Ensure pedestrian movement and safety is prioritised
- Use traffic calming measures such as plant, heavy planters and bollards to alter the street layout

# Urban Street Design Guide Principles

The following principle's have been extracted from the Urban Street Design Guide and customised to suit the project objectives.



## Interim Public Plaza

- Transform underutilised areas of Hall Street to create an enhanced public domain.
- Opportunity for art installations, performances and markets to improve the quality and identification of public space, while engaging the local community and business owners.



## Kerb Extension

- Increase the separation of the road and pedestrian path to increase the public domain.
- Opportunity for planting, seating or hosting vendors to further activate the street.



## Parklets

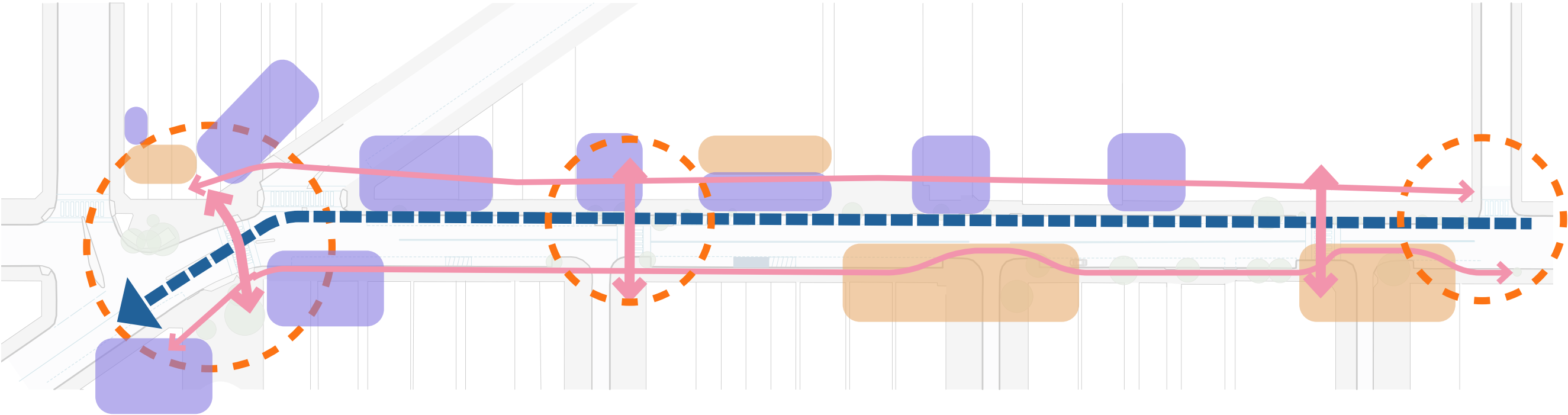
- Parklets are public seating platforms that convert parking spaces into vibrant community spaces.
- Opportunity to create a distinctive character and identity by incorporating colour, seating, planting, and/or bike racks to accommodate unmet demand for public space on Hall Street.








## Chicane

- Chicanes increase the amount of public space that can be activated using benches, planting and lighting.
- There is an opportunity to incorporate chicanes in select areas of Hall Street to increase the pedestrian area to allow for outdoor dining, seating and planting.

Design Opportunities



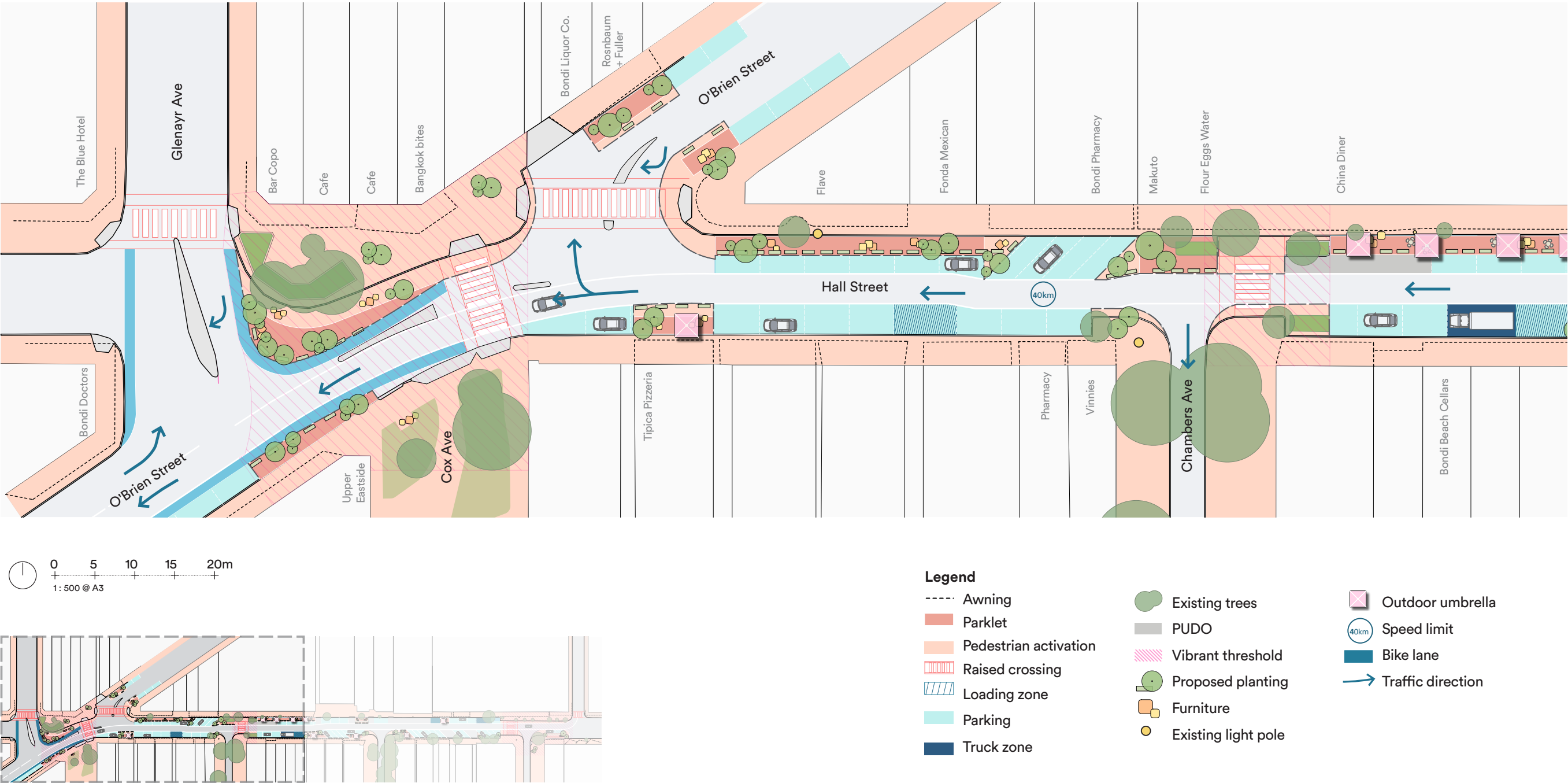
**LEGEND**

-  Night activation - outdoor dining
-  Day activation - outdoor dining
-  One way traffic
-  Pedestrian movement
-  Threshold

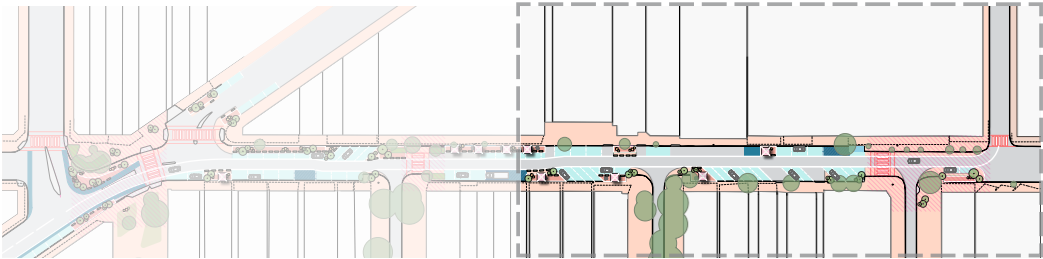
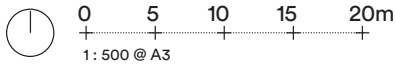
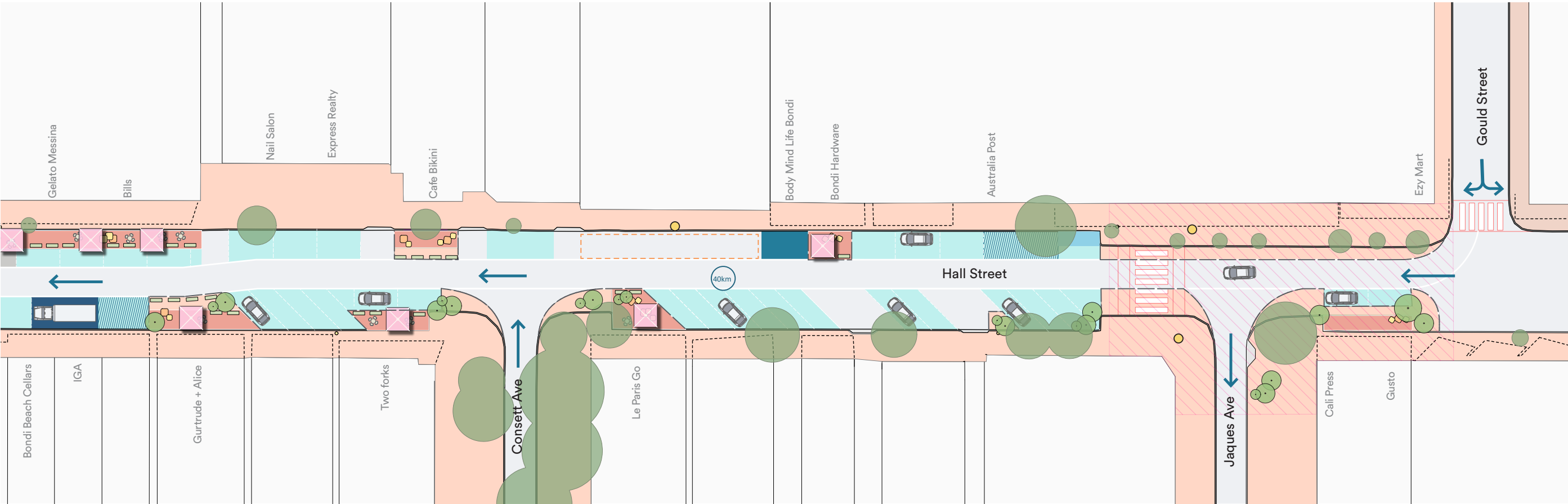
CONTEXT



Concept Plan



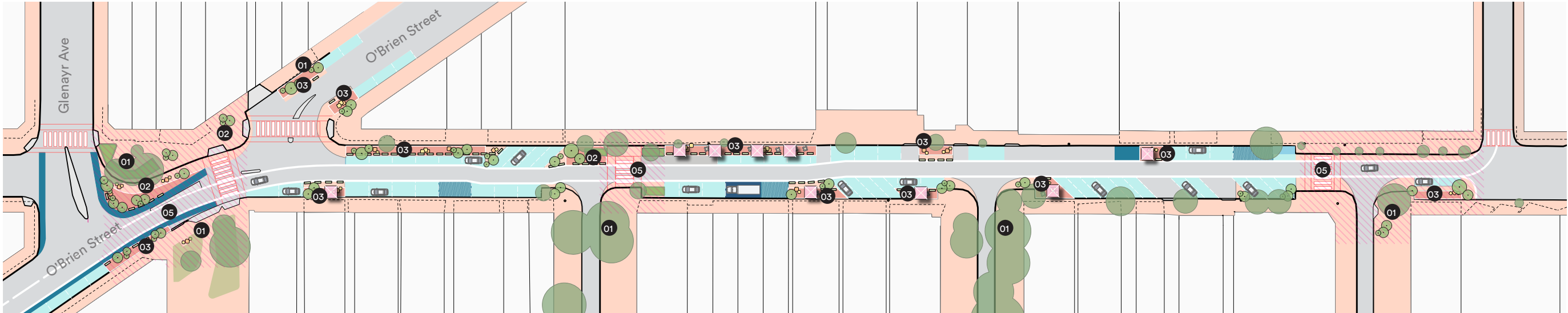
Concept Plan



Legend

- Awning
  - Parklet
  - Pedestrian activation
  - Raised crossing
  - Loading zone
  - Parking
  - Truck zone
  - Existing trees
  - PUDO
  - Vibrant threshold
  - Proposed planting
  - Furniture
  - Existing light pole
  - Outdoor umbrella
  - Speed limit
  - Bike lane
  - Traffic direction
  - Construction zone
- Note: Total car spaces = approximately 46 on Hall street and 5 on O'brien street

Precedent Imagery



Lighting and night activation



Flexible social spaces



Outdoor dining



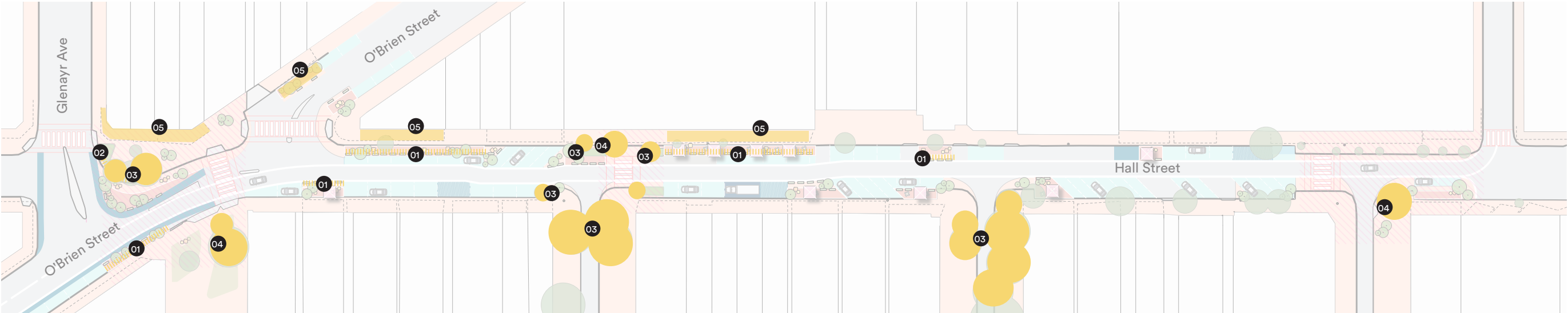
Parklets and planting



Vibrant thresholds



# Precedent Imagery - Lighting Opportunities



- Legend**
- Tree lighting
  - Lighting on structures and furniture
  - Lighting on awnings



LED lighting on furniture



LED lighting on structures



Fairy lighting on existing trees

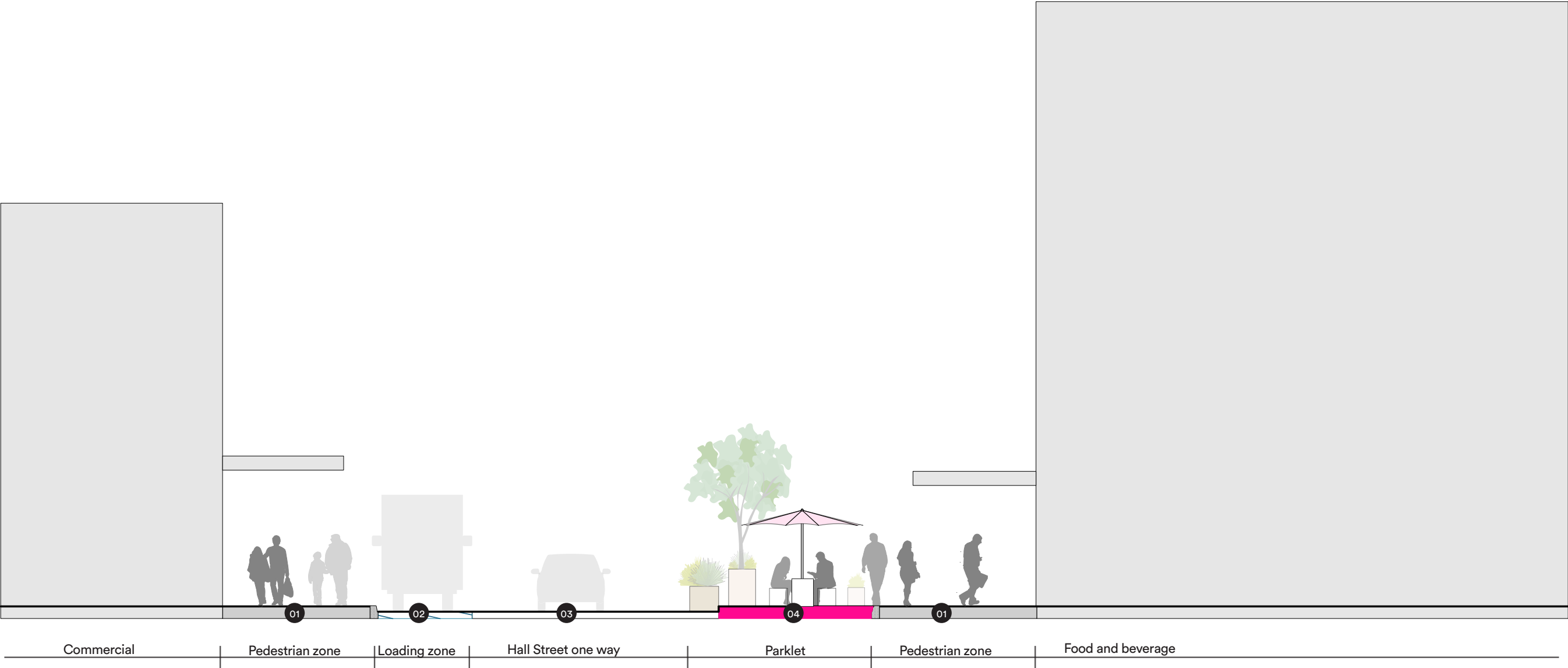


Up lighting on existing trees

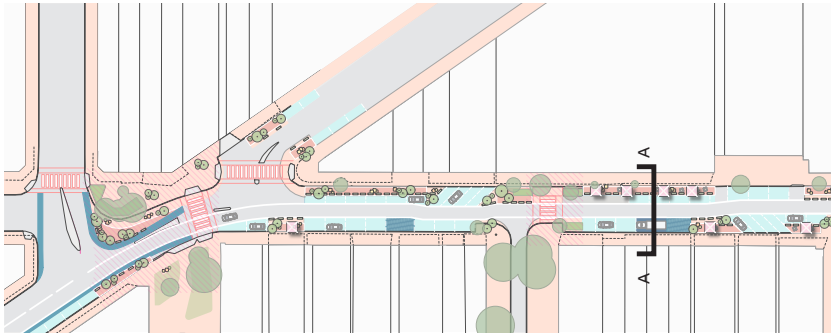


Catenary lighting (collaborate with business owners for use of awnings)

Section AA - Indicative Concept



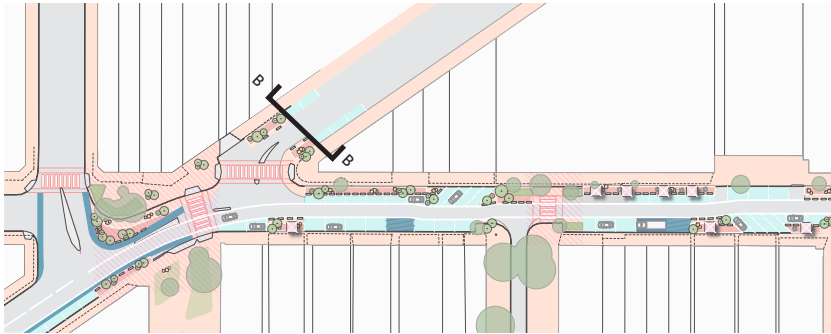
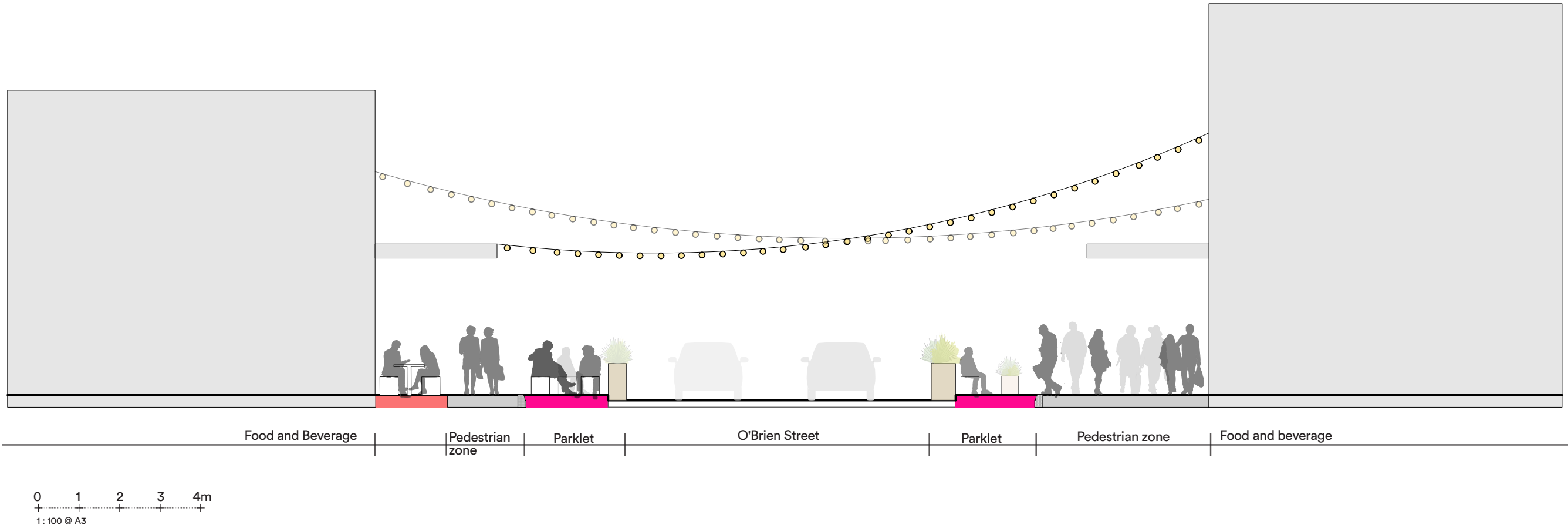
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Key Plan

CONTEXT

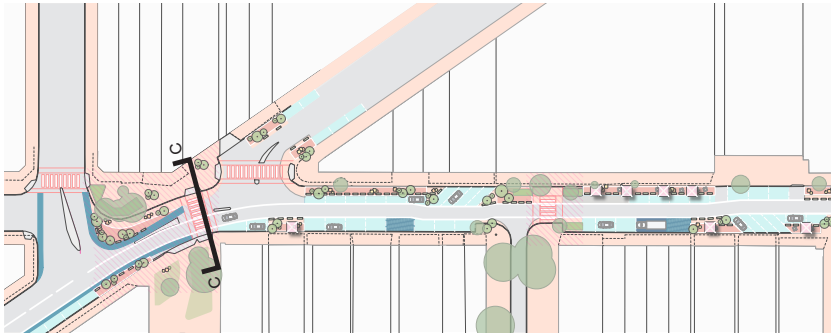
# Section BB - Indicative Concept



Key Plan

CONTEXT

Section CC - Indicative Concept



Key Plan

CONTEXT



**REPORT**  
**CM/7.10/22.08**

**Subject:** NSW Police Vehicle Sponsorship Program

**TRIM No:** A12/0805

**Author:** Shane Smith, Executive Manager, Waste, Cleansing and Fleet

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

**RECOMMENDATION:**

That Council:

1. Extends the vehicle sponsorship agreement with the NSW Police Eastern Suburbs Local Area Command Crime Management Unit for two years until 16 October 2024
2. Authorises the General Manager or delegated representative to complete negotiations and execute all necessary documentation to finalise the matter.

**1. Executive Summary**

The purpose of this report is to seek Council's approval to extend its sponsorship of existing Toyota RAV4 hybrid wagon to the Eastern Suburbs Police, as requested by the Local Area Command Crime Management Unit.

Council has been involved with sponsorship of a vehicle to the Eastern Suburbs Crime Management Unit since 2012. The current three-year sponsorship agreement was signed by the General Manager on 16 October 2019.

**2. Introduction/Background**

Council resolved to participate in the NSW Police Vehicle Sponsorship Program in July 2012. On 6 December 2012, a deed for the loan of a vehicle between Council and the NSW Police Eastern Suburbs Local Area Command was signed for a new Toyota Camry Hybrid vehicle. This vehicle had police markings and the Waverley logo with 'Proudly supported by Waverley Council' along the doors.

**3. Relevant Council Resolutions**

Meeting and date	Item No.	Resolution
Council 16 July 2019	CM7.4/19.07	<p>That Council:</p> <ol style="list-style-type: none"><li>1. Sponsors a vehicle for the NSW Police Eastern Suburbs Local Area Command Crime Management Unit for a period of three years.</li><li>2. Considers an electric vehicle to be also suitable alongside hybrid and non-hybrid vehicles for sponsorship purposes.</li><li>3. Authorises the General Manager to sign an appropriate</li></ol>



		sponsorship agreement with NSW Police to cover the supply and sponsorship of the vehicle.
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#### 4. Discussion

Council resolved to continue participation with the NSW Police Vehicle Sponsorship Program in October 2019. On 16 October 2019, a sponsorship deed for the loan of a vehicle between Council and the NSW Police Eastern Suburbs Local Area Command (LAC) was signed for a new Toyota RAV4 Hybrid Wagon (Figure 1). This vehicle has police markings and the Waverley logo along the doors.



*Figure 1. The current sponsored vehicle.*

Police advise that the sponsorship has been of significant value. The Sergeant of the LAC, Rohan Hull-Moody, recently made it known that the Command is very appreciative of the ongoing support provided by Council through the provision of the Toyota RAV4 and the current sponsorship arrangement.

Given that the agreement is due for revisiting in October this year, they are eager to extend the sponsorship arrangement for a further two years, which will take the vehicle to its changeover period for Council.

The vehicle has proven to be an invaluable resource to their Crime Prevention Unit (CPU). The vehicle is used by the Crime Prevention Officer, Senior Constable Woodard, to attend community engagement events in the Command, along with other CPU staff. The Community engagements have previously included events such as school fetes and school visits by Council's Youth Officer, along with high visibility Policing in areas such as Bondi Beach and Bondi Junction.

As they continue to navigate their way through issues associated with the pandemic, they are in the process of planning future community engagements in the Command, that will include events such as Council markets and street fairs.

The vehicle is utilised by staff to attend meetings and school visits and other CPU commitments. The RAV4 is ideally suited for this, the Police are able to place promotional material for community engagement into the boot space of the vehicle.

Upon the vehicle reaching its change over date, they would appreciate a further opportunity to continue their arrangement with Council and understand that this would likely involve consideration regarding an electric vehicle.

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

The motor vehicle running costs and depreciation have been included in the 2023–23 financial year as \$4,220.00 plus depreciation and excluding fuel usage covered by NSW Police, as per the agreement. The table below shows the cost over the last three years.

*Table 1. Motor vehicle running expenses.*

Natural Account	2019/20 Total Actuals	2020/21 Total Actuals	2021/22 YTD Actuals
<b>79065. TOYOTA RAV4.GX 2WD CU33YF</b>			
4405. Maintenance External		(270)	(429)
4411. Depreciation Plant	(8,970)	(9,979)	(5,030)
4413. Plant Registration	(1,143)	(767)	(786)
4414. Insurance & CTP	(581)	(410)	(1,591)
	(10,694)	(11,426)	(7,837)

## 6. Conclusion

Council's approval is sought to extend the current vehicle sponsorship agreement for a further two years until 16 October 2024.

## 7. Attachments

Nil.

## NOTICE OF MOTION CM/8.1/22.08



**Subject:** Thomas Hogan Reserve - Drainage

**TRIM No:** A03/1399

**Submitted by:** Councillor Fabiano

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### MOTION:

That Council:

1. Notes local residents' concerns about the poor drainage in Thomas Hogan Reserve, with muddy conditions and flooding of the paths resulting in the inability to use the park for extended periods after rain.
2. Requests a report including indicative costing and schedule, and possible funding sources for drainage improvements works.

### Background

Thomas Hogan Reserve is recognised as being a unique pocket of lush open space with mature trees that encloses the steep sheltered gully and provide a significant habitat, playground, community hall and meeting space for the local community. Hence the concerned interest by local residents to ensure this important place is improved by Council providing appropriate drainage.

### General Manager's comment

Council recognises the importance of Thomas Hogan Reserve to the community for social and recreation activities and the role it plays as a natural gully ecosystem in the Bondi basin.

Being a natural gully landscape means it is capturing water from all the surrounding areas, this includes overland flow and subsurface ground water flow, which is then concentrated within the natural basin area within the lower portions of the park.

Excessive rain has led to the ground in many of our parks remaining saturated for months. In natural gully and basin areas like Thomas Hogan, the ground saturation is amplified by subsurface water flows continuing to naturally percolate through the gully system keeping the ground waterlogged for a very long extended period of time.

The reserve is situated within the Penkivil catchment which ultimately discharges to Bondi Beach. Due to the flood issues downstream of the reserve, Thomas Hogan's ability to capture and slowly discharge water into the downstream system is a critically important flood mitigation function.

Council officers can prepare a report on the actions in the Thomas Hogan Reserve Plan of Management, the works done in the 2020 Hall and Park upgrades as well as a previously completed Water Quality Improvement Feasibility Study. The report can also detail how this relates to the upcoming Floodplain Risk Management Plan process (which is the next step to be undertaken following the Waverley Flood Study) as well as identifying any short-term improvements that could be made.

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

## NOTICE OF MOTION CM/8.2/22.08



**Subject:** Royal Sydney Golf Club - Tree Removal

**TRIM No:** A17/0168

**Submitted by:** Councillor Lewis  
Councillor Gray

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### MOTION:

That Council:

1. Notes that:

- (a) The Royal Sydney Golf Club (RSGC) is intending to remove 595 trees on its land as part of a proposed redevelopment.
- (b) The RSGC borders the boundary of Waverley Council along Old South Head Road and is a significant habitat corridor that is mapped in the Waverley Development Control Plan.
- (c) Council has flood issues immediately adjacent to the RSGC in streets running off Old South Head Road between Beach Road to the south and The Avenue to the north.
- (d) The recent ongoing La Nina that produced significant increases in rainfall and flooding with four floods in 18 months, including in the Waverley local government area (LGA).
- (e) Waverley's Flood Management Study 2021 states that all flood waters of the main flood prone areas and streets in Waverley drain into the RSGC (section 7.9.1).
- (f) The role mature trees play in helping mitigate flooding, in providing important habitat for fauna and flora, and contributing to the alleviation of the heat island effects.

2. Requests that:

- (a) The Mayor write to the RSGC as a matter of urgency to undertake an urgent hydrological study and flood risk assessment prior to finalisation of any development application to determine the ramifications and impacts of the removal of these 595 trees upon flooding in the Waverley LGA.
- (b) Council officers undertake an urgent investigation into the ramifications of the removal of 595 trees from the RSGC in the Waverley LGA on:
  - (i) Flooding.
  - (ii) Biodiversity and habitat.
  - (iii) Environmental cooling.
  - (iv) Other relevant factors deemed appropriate.

- (c) The report be submitted to the September 2022 Council meeting for approval and submission to the Land and Environment Court.

### **Background**

The Royal Sydney Golf Club has applied to Woollahra council to cut down 595 mature trees as part of its \$17 million redevelopment plans to widen fairways by 60%. Although Woollahra Council has demanded the golf club rewild a quarter of its 57 hectares (i.e. 14 hectares), the initial removal of trees will cause a 23% loss of canopy equivalent to chopping down an entire urban forest. New plantings would restore the canopy within a decade and grow 6 to 19 per cent more between 2040 and 2045. However, given the obvious impacts of climate change and increased urbanisation we are now experiencing, we cannot wait for a further 23 years for canopy and habitat to be restored in part.

We note that many club members are opposed to this plan with some members saying the club was the 'lungs of Woollahra' and the impact on the 50 different species of Australian fauna that make these trees their home. The loss of these trees in the short term has serious consequences upon our biodiversity, habitat and net zero emissions targets.

### **General Manager's comment**

Representations can be made to Woollahra Council, the Royal Sydney Golf Club (RSGC) and/or the Land and Environment Court regarding the completion of a hydrological study on the impacts of this proposal on the Waverley LGA and other ramifications of this proposal such as the removal of trees, flooding, biodiversity and habitat and cooling.

The Waverley Flood Study has previously identified that the RSGC currently services a 'hot spot' stormwater catchment. Any modification to this stormwater system may lead to adverse flooding issues in North Bondi should the current downstream drainage capacity be compromised. A flood risk assessment should also be requested to assess the potential impact on stormwater quality and water sensitive urban design as a result of the proposal removal of natural vegetation to ensure that no adverse backflow flooding effects will occur.

It should be noted that hearings in the Land and Environment Court have already occurred and that Council resourcing to complete a detailed investigation and report on this in a very short time frame is limited.

Pending the outcome of the matter in the Land and Environment Court, Council can engage a consultant to carry out an independent flooding assessment and hydraulic modelling to identify and confirm any potential flooding effects due to reduced peak runoff rates and decreased stormwater infiltration.

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

## NOTICE OF MOTION CM/8.3/22.08



**Subject:** Royal Sydney Golf Club - Tree Removal and Flood Risk

**TRIM No:** A17/0168

**Submitted by:** Councillor Wy Kanak  
Councillor Fabiano

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### MOTION:

That Council:

1. Notes that the Waverley Flood Study was adopted in April 2021 and that the Waverley Development Control Plan 2012 (Amendment No. 10) on flood-related planning matters was recently on public exhibition.
2. Requests officers, as a matter of urgency, to investigate and report on the increased flood risk to Rose Bay within the Waverley local government area (LGA) that could result due to the Royal Sydney Golf Club's action in the Land and Environment Court (case 2022/9577) that seeks to remove 595 trees from the golf club site adjoining the Waverley LGA.

### Background

The Royal Sydney Golf Club has proposed a \$17 million course upgrade which was lodged with Woollahra Council in late 2019. The upgrade would involve the removal of 595 mature trees from the site. There has been strong opposition to the Royal Sydney Golf plans, with over 1,000 residents signing a petition against the loss of trees and local habitat for wildlife

Woollahra Council's Planning Panel most recently knocked back the development in March after receiving 358 submissions, finding the removal of 595 established trees as part of the project was not justified.

However, in May 2022 the Club launched a legal challenge against Woollahra Council.

Concern was expressed by local Waverley residents that if the removal of mature trees, which reduce flooding during heavy storms, took place, low-lying areas in Bondi and Rose Bay would be threatened with increased flood risk. Any replacement trees would take a considerable time to regrow.

### General Manager's comment

The Waverley Flood Study has previously identified that the Royal Sydney Golf Club (RSGC) currently services a 'hot spot' stormwater catchment. Any modification to this stormwater system may lead to adverse flooding issues in North Bondi should the current downstream drainage capacity be compromised. A flood risk assessment should be undertaken to assess the potential impact on stormwater quality and water sensitive urban design as a result of the proposal removal of natural vegetation to ensure that no adverse backflow flooding effects will occur.

It should be noted that hearings in the Land and Environment Court have already occurred. Representations could be made to Woollahra Council, the Royal Sydney Golf Club and /or the Land and Environment Court regarding the completion of this study.

Pending the outcome of the matter in the Land and Environment Court, Council can engage a consultant to carry out an independent flooding assessment and hydraulic modelling to identify and confirm any potential flooding effects due to reduced peak runoff rates and decreased stormwater infiltration if not undertaken by RSGC.

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



## NOTICE OF MOTION CM/8.4/22.08



**Subject:** Indigenous Ranger Program

**TRIM No:** A02/0424

**Submitted by:** Councillor Wy Kanak

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### MOTION:

That Council:

1. Investigates applying aspects of the Indigenous Ranger Strategy to the Waverley local government area.
2. Officers prepare a report that examines applying for Indigenous Ranger funding that can support an urban version of the Indigenous Ranger Program to increase the First Nations employment opportunities in Waverley and recognise, in connection with discussions raised in the context of the Reconciliation Action Plan Panel members, that the Aboriginal custodianship of Waverley endures with the actions of our resident First Nations peoples and descendant custodians.
3. Officers, in the context of the Indigenous Ranger Program, explore an inclusion in Waverley's employment, access, workforce and related Indigenous strategies that recognises and facilitates a real and operational expression of Council's recognition that:

'Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.'

### Background

Recent local and federal elections have caused electors and constituents to ask candidates and elected representatives about exploring the application of the Indigenous Ranger Program.

### General Manager's comment

Indigenous ranger projects were first funded in 2007 through the former federal Working on Country program. The program has created more than 2,100 full-time, part-time and casual jobs in land and sea management around the country, providing meaningful employment, training and career pathways for Aboriginal and Torres Strait Islander Australians.

Indigenous ranger projects support Indigenous people to combine traditional knowledge with conservation training to protect and manage their land, sea and culture. This includes activities such as bushfire mitigation, protection of threatened species, and biosecurity compliance. Indigenous ranger groups also develop partnerships with research, education, philanthropic and commercial organisations to share skills and knowledge, engage with schools, and generate additional income and jobs in the environmental, biosecurity, heritage and other sectors.

The work of Indigenous rangers is highly valued by Indigenous communities across Australia, for achieving both environmental and employment outcomes, alongside wider social, cultural and economic benefits. An

independent evaluation of the Indigenous Rangers and [Indigenous Protected Areas programs](#) in 2016 found that rangers had experienced increased confidence and skills through their training and work on country.

As of 9 April 2021, there were 129 Indigenous Ranger Groups and 898.7 FTE Indigenous ranger and co-ordinator positions. The closest group to Waverley is the [Gamay Rangers](#) operating through the La Perouse Local Aboriginal Land Council

An Indigenous Ranger Sector Strategy (IRSS) is being developed to guide the future growth and empowerment of community-based Indigenous ranger organisations across Australia. The development and delivery of the Strategy will be a collaborative effort by Indigenous Australians, governments, and the private sector.

The National Indigenous Australians Agency (NIAA) has released the [Indigenous Ranger Sector Strategy - Consultation Draft](#) and has obtained stakeholder input to the proposed approach.

Indigenous ranger organisations have raised a number of aspirations and challenges for how they operate and can grow to meet demand in the future. The Consultation Draft has been informed by, and seeks to respond to, feedback received from the ranger organisations currently funded by the Australian Government's Indigenous Rangers Program, information about other Indigenous land and water developments and discussions with Australian, state and territory government agencies.

The Strategy is intended to support an integrated, national approach between Indigenous, government and private sector stakeholders to address the challenges and aspirations of rangers over the next six years and into the future. The vision is to develop a vital Indigenous ranger sector empowered to manage Country sustainably, strengthen culture, provide economic and career opportunities for Indigenous people and communities and have a recognised role and voice in land and water management. The Strategy aims to support the wider aspirations of rangers and ranger organisations that go beyond fund.

There is no new funding available through the National Indigenous Australians Agency (NIAA) currently for the ranger program, and when funding is available it will be promoted through Grants Connect. The NIAA has a commitment to fund Aboriginal Controlled Organisations where possible. With this in mind, Waverley may consider discussing opportunities with the La Perouse Local Aboriginal Land Council for the Gamay Rangers in the Waverley local government area.

**Meredith Graham**  
**Acting Director, Community, Culture and Customer Experience**

## NOTICE OF MOTION CM/8.5/22.08



**Subject:** 32-34 and 36-38 Hall Street, Bondi Beach - Development Application

**TRIM No:** DA-271/2022

**Submitted by:** Councillor Gray

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### MOTION:

That Council:

1. Notes that a development application, DA-271/2022, has been lodged for the demolition of the existing residential units and retail shops at 32–34 and 36–38 Hall Street, Bondi Beach, and the construction of a new four-storey shop-top housing building containing 16 units with two levels of basement parking containing 17 car spaces.
2. Further notes that the proposed development exceeds the height control development standard under the *Waverley Local Environmental Plan 2012* (LEP) and there have been a large number of objections lodged from local residents about this proposal. These objections include that the proposed development will:
  - (a) Exceed the maximum allowable height development standard in the LEP.
  - (b) Have insufficient setbacks from the neighbouring property at 15 Consett Avenue, Bondi Beach.
  - (c) Impact on the amenity of neighbouring properties on Consett Avenue, Bondi Beach.
  - (d) Result in increased commercial area in Consett Avenue, Bondi Beach.
  - (e) Negatively impact on the local trees lining Consett Avenue, Bondi Beach.
3. Provides a copy of this notice of motion to the Waverley Local Planning Panel, upon referral of the development application to the panel, noting the concerns of local residents referred to in clause 2.

### Background

DA-271/2022 has been submitted for a large development spanning across several lots of land in Hall Street, with substantial basement excavation required for an underground carpark. There has been substantial local resident opposition to this development on a variety of grounds including:

- The development exceeds the maximum height under LEP.
- Insufficient setback from neighbouring property at 15 Consett Avenue Street, Bondi Beach.
- Impact of amenity of neighbouring properties on Consett Avenue, Bondi Beach.
- Impact of commercial creep into Consett Avenue, Bondi Beach.
- Negative impact on local trees lining Consett Avenue, Bondi Beach.

Council should support local residents by communicating these concerns to the Waverley Local Planning Panel.

**General Manager's comment**

The development application will be assessed by Council's planning officers and all objections will be considered in the assessment process. This application will be referred to the Waverley Local Planning Panel for determination and all objectors will be notified of the meeting.

**Sam McGuinness**

**Acting Director, Planning, Sustainability and Compliance**

## NOTICE OF MOTION CM/8.6/22.08



**Subject:** Motion for the 2022 LGNSW Conference - Climate Change Impacts and Resilience

**TRIM No:** A13/0314

**Submitted by:** Councillor Masselos

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### MOTION:

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests urgent access and availability of funding to assist councils to prepare and respond to extreme climate events and infrastructure damage, outside of natural disaster declarations, and that State Government agencies are held accountable to commitments to mitigate the impacts of climate-related disruptions on local communities across the state.’

### Background

LGNSW has previously noted the increasing intensity and frequency of extreme weather events as a consequence of global climate change. Recent record-breaking rainfall and flooding events across the NSW East Coast, highlight that climate related risks and vulnerabilities are escalating and accumulating. Local councils are at the forefront of responding to climate impacts on communities, and are bearing the cost burden to repeatedly rectify damages to local roads, coastal infrastructure, stormwater drainage and other Council owned infrastructure and assets, with some councils already experiencing damage and loss beyond their ability to manage.

Given climate impacts are considered a foreseeable, Councils should not have to compete with each other for the financial capacity to anticipate and rectify essential community infrastructure and services. Despite extensive scientific projections, resources and even an [Adaptation Strategy](#), the State Government has failed to create funding streams or legislation to help local Councils’ restore and build climate resilience, outside of established response and recovery approaches.

Investing \$1 in resilience has been shown in some instances to reap savings of \$4–11 in recovery (CSIRO 2020). NSW Treasury has already estimated that \$15.8–17.2 billion in total economic costs will be incurred every year on average by 2060–61 from disasters triggered by extreme weather events. A fund of just 1% of these costs, could help to account for annual avoided costs of between \$158 and \$172 million by 2060–61.

Councils need a pool of non-contestable funding to address the rapidly increasing damage costs and safety issues arising from changing climate conditions and extreme weather events. In addition, strengthened support, information sharing and accountability from NSW critical infrastructure agencies such as water and electricity utilities and Transport for NSW, is urgently required to identify manage and respond to interdependent risks and failures across NSW Infrastructure. It is only by working together with our colleagues in State agencies that we can support and protect our communities in the dynamic risk environment that is already a reality in NSW.

**General Manager's comment**

This motion strongly aligns with Council's endorsed net zero emissions target, endorsement of a resilience framework, and declaration of a climate emergency. Officers support the lodgement of the motion to the 2022 LGNSW Conference for debate.

**Emily Scott**  
**General Manager**

## NOTICE OF MOTION

### CM/8.7/22.08



**Subject:** Motion for the 2022 LGNSW Conference - Better Waste and Recycling Fund

**TRIM No:** A13/0314

**Submitted by:** Councillor Masselos

#### MOTION:

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests the NSW Government to urgently reinstate the non-contestable waste and recycling grant program funding under the Better Waste and Recycling Fund, so that councils have secure funding for waste and recycling education programs to drive waste minimisation, cleaner waste streams and more efficient resource recovery.’

#### Background

LGNSW has previously called for the NSW Government to improve its investment of the Waste Levy in local recycling solutions through the Save Our Recycling Campaign. The table below details the total waste levies paid by Randwick, Waverley and Woollahra councils, in addition to the grants previously received by each council under the NSW Environment Protection Authority’s (EPA) Better Waste and Recycling fund.

Waste Levy Paid	Period	Randwick	Waverley	Woollahra	TOTAL
	<b>2017-18</b>	\$2,053,757	\$1,544,334	\$1,456,689	<b>\$5,054,780</b>
	<b>2018-19</b>	\$1,690,757	\$1,528,381	\$1,480,280	<b>\$4,699,418</b>
	<b>2019-20</b>	\$1,856,762	\$1,591,954	\$1,462,333	<b>\$4,911,049</b>
	<b>2020-21</b>	\$1,786,996	\$1,621,333	\$1,501,689	<b>\$4,910,018</b>
	<b>2021-22</b>	\$1,551,200	\$1,452,873	\$1,491,179	<b>\$4,495,252</b>
	<b>TOTAL</b>	<b>\$8,939,472</b>	<b>\$7,738,875</b>	<b>\$7,392,170</b>	<b>\$24,070,517</b>
Grant Funding Received	Period	Randwick	Waverley	Woollahra	TOTAL
	<b>2017-18</b>	\$165,000	\$106,624	\$95,283	<b>\$366,907</b>
	<b>2018-19</b>	\$165,000	\$179,250	\$94,440	<b>\$438,690</b>
	<b>2019-20</b>	\$165,000	\$106,624	\$135,203	<b>\$406,827</b>
	<b>2020-21</b>	\$165,000	\$220,078	\$120,010	<b>\$505,088</b>
	<b>2021-22</b>	\$165,000	\$140,455	\$178,895	<b>\$484,350</b>
	<b>TOTAL</b>	<b>\$825,000</b>	<b>\$753,031</b>	<b>\$623,831</b>	<b>\$2,201,862</b>

From 1 July 2022, the NSW EPA’s Better Waste and Recycling non-contestable grants will be discontinued. This NSW Government funding via the NSW EPA enables councils to implement strategic, waste education

programs consistent with the NSW Government waste strategy, to improve recycling rates and promote waste minimisation. The discontinuation of this funding has significantly reduced local councils' ability to resource and undertake these critical waste and recycling programs.

**General Manager's comment**

This motion strongly aligns with Council's Environmental Action Plan and Sustainable Waste Strategy. Officers support the lodgement of the motion to the 2022 LGNSW Conference for debate.

**Emily Scott**  
**General Manager**



## NOTICE OF MOTION CM/8.8/22.08



**Subject:** Motion for the 2022 LGNSW Conference - Private Certification

**TRIM No:** A13/0314

**Submitted by:** Councillor Keenan  
Councillor Fabiano

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### MOTION:

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests the NSW Government to take steps towards abolishing or substantially reforming the private certification system so that:

1. Compliance powers are returned to councils for developments up to \$50 million.
2. Pending the above, clear mechanisms be established for reporting poor performance to the Private Certification Board for disciplinary action’.

### Background

See [fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-renovate/finding-and-appointing-a-certifier](https://fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-renovate/finding-and-appointing-a-certifier)

### General Manager’s comment

The role of private certifiers in the NSW Planning system is determined by the NSW Government. It should be noted that if all planning activities in the Waverley local government undertaken by private certifiers for developments under \$50 million were undertaken by Council officers, currently there are not the resources and expertise available to implement this. A transitional period would be required for Council to deliver this change.

**Sam McGuinness**

**Acting Director, Planning, Sustainability and Compliance**

## NOTICE OF MOTION CM/8.9/22.08



**Subject:** Motion for the 2022 LGNSW Conference - Categorisation of Crown Land

**TRIM No:** A13/0314

**Submitted by:** Councillor Wy Kanak

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### MOTION:

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests councils to categorise all Crown land in relation to section 105 of the *Local Government (General) Regulation 2021* (guidelines for categorisation of land) as an area of cultural significance.’

### Background

First Nations connection to all land is recognised in section 2 of NSW Constitution. That spiritual relationship should be recognised in Council Crown land plans and categorisations.

### General Manager’s comment

Crown land is governed by the *Crown Land Management Act 2016* (CLM Act). The CLM Act provides a framework for the NSW Government, local councils and community members to work together to care for, control and manage Crown reserves. It ensures that Crown reserves are responsibly managed and that natural resources such as water, flora and fauna and scenic qualities are conserved, while still encouraging public use and enjoyment of the land.

The CLM Act authorises local councils appointed to manage dedicated or reserved Crown land as if it were public land under the *Local Government Act 1993* (LG Act).

The CLM Act requires councils in their capacity as Crown Land Managers to assign an initial category to all Crown land under their management and give notice to the Minister administering the CLM Act of the categories. The categories of community land prescribed in section 36 of the LG Act are:

- Natural area.
- Sportsground.
- Park.
- Area of cultural significance.
- General community use.

Initial categorisation of land is a process where the land is mapped out according to how it is currently used; i.e. a sports field would be mapped as ‘sports ground’, landscaped park areas used for more informal recreation would be categorised as ‘park’ and vegetated areas that have biodiversity value are categorised as ‘natural area – bushland’.

In October 2020 and July 2022, Council endorsed land categorisation for the Crown lands across the Waverley local government area. It is noted that no areas were categorised as an 'area of cultural significance.'

Section 36D of the LG Act defines an 'area of cultural significance' as 'community land that is the subject of a resolution by the council that declares that, because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance.' An area of cultural significance is required to have 'a plan of management adopted in respect of an area of land, all or part of which is land to which this section applies, is to apply to that land only, and not to other areas.' This would require a plan of management for each area of land defined as an area of cultural significance.

Ongoing management of land categorised as an area of cultural significance would require 'the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material and the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state.' This would have significant impact on existing playgrounds, landscaped areas, sports fields etc.

As this is an administrative process under the LG Act, Council officers do not support categorising all community land as an area of cultural significance due to the need to prepare a prohibitively large number of plans of management for each area of land/reserve and the extensive limitations this would place on how the land is used and maintained.

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

**URGENT BUSINESS**  
**CM/10/22.08****W A V E R L E Y**  
COUNCIL**Subject:** Urgent Business**Author:** Emily Scott, General Manager

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In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

**CLOSED SESSION**  
**CM/11/22.08**

**Subject:** Moving into Closed Session

**Author:** Emily Scott, General Manager

**RECOMMENDATION:**

That:

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

CM/11.1/22.08 CONFIDENTIAL REPORT - COVID-19 Impacts on Projects - Boot Factory Adaptive Reuse and Mill Hill Building Upgrade

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

CM/11.2/22.08 CONFIDENTIAL REPORT - Bronte House - Gardening and Horticultural Services - Tender Evaluation and Options

This matter is considered to be confidential in accordance with Section 10A(2)(g) of the *Local Government Act*, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.3/22.08 CONFIDENTIAL REPORT - Bondi Pavilion Public Security Lockers - Licence

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) of the *Local Government Act*, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.4/22.08 CONFIDENTIAL REPORT - Bus Shelter in Bronte Road, Bondi Junction - Procurement Exemption

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) of the *Local Government Act*, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential

nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.5/22.08      CONFIDENTIAL REPORT – Senior Staff Appointments

This matter is considered to be confidential in accordance with Section 10A(2)(a) of the *Local Government Act*, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals other than councillors.

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 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION CM/12/22.08**

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



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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

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