



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

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 15 NOVEMBER 2022

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

Emily Scott
General Manager

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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.

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will 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 will 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.

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At the time of issuing the agenda, this report was not available. It will be issued to Councillors under separate cover and published online prior to the meeting.

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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:

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OBITUARIES
CM/3/22.11



W A V E R L E Y
COUNCIL

Subject: Obituaries
Author: Emily Scott, General Manager

Gisele Scales

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/5.1/22.11



Subject: Confirmation of Minutes - Council Meeting - 18 October 2022

TRIM No: SF21/6063

Author: Natalie Kirkup, Governance Officer

RECOMMENDATION:

That the minutes of the Council meeting held on 18 October 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 - 18 October 2022 .



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY 18 OCTOBER 2022**

Present:

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

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 7.02 pm, those present were as listed above.

Crs Burrill, Kay and Wy Kanak attended the meeting by audio-visual link.

At 8.02 pm, during item CM/7.11/22.10, Cr Burrill left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

There were no apologies.

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. D Berger (chief petitioner) – CM/7.5/22.10 – Petition – Avoca Street, Bondi – Resident Parking Scheme.

4.2. J Ruben – CM/7.5/22.10 – Petition – Avoca Street, Bondi – Resident Parking Scheme.

4.3. A Davy-Hou – CM/7.5/22.10 – Petition – Avoca Street, Bondi – Resident Parking Scheme.

4.4. L Holmes (chief petitioner) – CM/7.6/22.10 – Petition – Leichhardt Street, Bronte/Waverley – Safety Improvements.

4.5. A resident – CM/7.6/22.10 – Petition – Leichhardt Street, Bronte/Waverley – Safety Improvements.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Second: Cr Murray

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

- CM/5.1/22.10 Confirmation of Minutes – Council Meeting – 20 September 2022.
- CM/5.2/22.10 Adoption of Minutes – Waverley Traffic Committee Meeting – 29 September 2022.
- CM/7.1/22.10 Investment Portfolio Report – September 2022.
- CM/7.2/22.10 Annual Returns Disclosing Interests of Councillors and Designated Persons.
- CM/7.3/22.10 Petition – Gipps Street, Bronte – Resident Parking Scheme Objection.
- CM/7.6/22.10 Petition – Leichhardt Street, Bronte/Waverley – Safety Improvements.
- CM/7.7/22.10 Reconciliation Action Plan (RAP) Advisory Committee – Community Membership.
- CM/7.8/22.10 Small Grants Program 2022-23 – Round 1.
- CM/7.10/22.10 Sydney WorldPride 2023 Bondi Beach Party – Fee Waiver and Licence Agreement.
- CM/11.1/22.10 CONFIDENTIAL REPORT – Shop 1, 276-278 Bronte Road, Waverley – Lease.
- CM/11.2/22.10 CONFIDENTIAL REPORT – Bronte House Gardening and Horticultural Services Tender – Negotiation Phase Outcome.

5. Confirmation and Adoption of Minutes**CM/5.1/22.10 Confirmation of Minutes - Council Meeting - 20 September 2022 (SF21/6063)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Second: Cr Murray

That the minutes of the Council meeting held on 20 September 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/22.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 29 September 2022 (SF21/6066)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Second: Cr Murray

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 29 September 2022 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

CM/6.1/22.10 Uluru Statement from the Heart and a Voice to Parliament (A14/0173)

MOTION

Mover: Cr Masselos

The Council:

1. Supports the Uluru Statement from the Heart as per Action 4 under the 'Respect' pillar of Council's Innovate Reconciliation Action Plan 2019–2021.
2. Notes that:
 - (a) The Federal government will be conducting a referendum on the Uluru Statement from the Heart in the near future.
 - (b) There is a need to build community awareness of the Uluru Statement from the Heart and the upcoming referendum on the Aboriginal and Torres Strait Islander Voice to Parliament.
3. Requests officers to:
 - (a) Develop a community education strategy to provide the facts and to build community awareness about the Uluru Statement from the Heart and the Voice to Parliament.
 - (b) Consult with the RAP Advisory Committee, the La Perouse Local Aboriginal Land Council and the Gujaga Foundation in the design of the information and community education strategy.
 - (c) Seek collaboration with other relevant and interested community and civil society organisations that have already been undertaking similar education programs.
 - (d) Consult with Inner West Council on its civic education program on the Uluru Statement.
4. Officers prepare a report to the December 2022 Council meeting with recommendations from the actions taken in clause 3 of this resolution.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 3(a) AND 3(b) AND THE ADDITION OF NEW CLAUSES 3(e) AND 3(f).

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

UNANIMOUS DECISION

That Council:

1. Supports the Uluru Statement from the Heart as per Action 4 under the Respect pillar of Council's Innovate Reconciliation Action Plan 2019–2021.
2. Notes that:
 - (a) The Federal government will be conducting a referendum on the Uluru Statement from the Heart in the near future.
 - (b) There is a need to build community awareness of the Uluru Statement from the Heart and the upcoming referendum on the Aboriginal and Torres Strait Islander Voice to Parliament.

3. Requests officers to:
- (a) Develop a community education strategy to provide the facts and to build community awareness about the Uluru Statement from the Heart and the Voice to Parliament and the call for a Makarrata Commission.
 - (b) Consult with the RAP Advisory Committee, the La Perouse Local Aboriginal Land Council and the Gujaga Foundation and representatives of the traditional owners of the Sydney area with connection to Waverley in the design of the information and community education strategy.
 - (c) Seek collaboration with other relevant and interested community and civil society organisations that have already been undertaking similar education programs.
 - (d) Consult with Inner West Council on its civic education program on the Uluru Statement.
 - (e) Display the Uluru Statement in the atrium of the Bondi Pavilion.
 - (f) Investigate potential sources of funding for a local Waverley campaign.
4. Officers prepare a report to the December 2022 Council meeting with recommendations from the actions taken in clause 3 of this resolution.

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

7. Reports

CM/7.1/22.10 Investment Portfolio Report - September 2022 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

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

CM/7.2/22.10 Annual Returns Disclosing Interests of Councillors and Designated Persons (A21/0564)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council notes the returns of Councillors and designated persons disclosing interests for the period 1 July 2021 to 30 June 2022.

CM/7.3/22.10 Petition - Gipps Street, Bronte - Resident Parking Scheme Objection (A02/0750)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council considers the petition objecting to the proposed resident parking scheme in Gipps Street, Bronte, as part of its review of resident parking scheme Area C, which will be reported to the November 2022 Traffic Committee meeting.

CM/7.4/22.10 Petition - Clyde Street, North Bondi - Parking Restrictions Objection (DA-314/2021)**MOTION**

Mover: Cr Gray

Seconder: Cr Murray

That Council:

1. Refers the petition objecting to the new parking restrictions in Clyde Street, North Bondi, to the Director, Assets and Operations, for consideration.
2. Officers prepare a report to Council on the consideration of the petition.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Goltsman

That the motion be amended to read as follows:

That:

1. Council refers the petition objecting to the new parking restrictions in Clyde Street, North Bondi, to the Director, Assets and Operations, for consideration.
2. Council officers, with some immediacy, prepare a report to the Waverley Traffic Committee on the consideration of the petition, in particular:
 - (a) Time and length restricted parking in the new angled parking spaces at the east end of Clyde Street.
 - (b) Passing bays in Clyde Street east of Hardy Street.
3. The report be considered at the Traffic Committee meeting on 27 October 2022 or, if this is not feasible, at an electronic meeting of the Traffic Committee.
4. The Traffic Committee's recommendation be considered at the Council meeting on 15 November 2022.

THE AMENDMENT WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

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

UNANIMOUS DECISION

That:

1. Council refers the petition objecting to the new parking restrictions in Clyde Street, North Bondi, to the Director, Assets and Operations, for consideration.
2. Council officers, with some immediacy, prepare a report to the Waverley Traffic Committee on the consideration of the petition, in particular:
 - (a) Time and length restricted parking in the new angled parking spaces at the east end of Clyde Street.
 - (b) Passing bays in Clyde Street east of Hardy Street.
3. The report be considered at the Traffic Committee meeting on 27 October 2022 or, if this is not feasible, at an electronic meeting of the Traffic Committee.
4. The Traffic Committee's recommendation be considered at the Council meeting on 15 November 2022.

CM/7.5/22.10 Petition - Avoca Street, Bondi - Resident Parking Scheme (A02/0750)

MOTION

Mover: Cr Murray
Seconder: Cr Fabiano

That Council considers the petition requesting a resident parking scheme in Avoca Street, Bondi, as part of the wider resident parking scheme survey scheduled for February 2023.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 2.

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

UNANIMOUS DECISION

That Council:

1. Considers the petition requesting a resident parking scheme in Avoca Street, Bondi, as part of the wider resident parking scheme survey scheduled for February 2023.
2. Officers consider bringing forward the survey timing to the earliest feasible date.

D Berger (chief petitioner), J Ruben and A Davy-Hou addressed the meeting.

CM/7.6/22.10 Petition - Leichhardt Street, Bronte/Waverley - Safety Improvements (A03/0042-04)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Murray

That Council:

1. Refers the petition requesting safety improvements to Leichhardt Street, Bronte/Waverley, from Macpherson Street to Varna Street, to the Director, Assets and Operations, for consideration.
2. Officers prepare a report to Council on the consideration of the petition.

L Holmes (chief petitioner) and a resident addressed the meeting.

CM/7.7/22.10 Reconciliation Action Plan (RAP) Advisory Committee - Community Membership (A14/0173)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Murray

That Council appoints Damien Barnes to the Reconciliation Action Plan (RAP) Advisory Committee for a two-year term from October 2022 to October 2024.

CM/7.8/22.10 Small Grants Program 2022-23 - Round 1 (A22/0205)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Murray

That Council, under the Small Grants Program 2022–23 (Round 1), grants \$35,747 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

CM/7.9/22.10 Waverley Garden Awards 2022 (A05/1736)**MOTION**

Mover: Cr Masselos
Seconded: Cr Keenan

That Council appoints Crs Masselos and Fabiano to participate on the judging panel for the Waverley Garden Awards 2022.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1 AND THE ADDITION OF A NEW CLAUSE 2.

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

UNANIMOUS DECISION

That Council:

1. Appoints Crs Masselos, Fabiano and Kay to participate on the judging panel for the Waverley Garden Awards 2022.
2. Officers consider including balcony gardens in future Garden Awards.

CM/7.10/22.10 Sydney WorldPride 2023 Bondi Beach Party - Fee Waiver and Licence Agreement (A19/0568)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Approves the Sydney WorldPride 2023 Bondi Beach Party at Bondi Beach and Park on Saturday, 4 March 2023.
2. In accordance with section 610E of the *Local Government Act 1993*, waives \$77,000 (excluding GST) in event fees to support Sydney WorldPride in holding the event.
3. Authorises the General Manager or delegate to complete negotiations and execute a licence agreement with Sydney WorldPride.

CM/7.11/22.10 Centennial Parklands Community Trustee Board - Community Representative (A03/0943)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council nominates Cr Masselos as its community representative on the Centennial Parklands Community Trustee Board of the Greater Sydney Parklands Trust.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 2.

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

UNANIMOUS DECISION

That Council:

1. Nominates Cr Masselos as its community representative on the Centennial Parklands Community Trustee Board of the Greater Sydney Parklands Trust.
2. Nominates Crs Nemesh and Wy Kanak as alternative representatives on the condition that the Greater Sydney Parkland Trust is in agreement.

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

CM/7.12/22.10 Float to Survive (A21/0023)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Endorses a pilot of the 'Float to Survive' water safety campaign in collaboration with Randwick City Council.
2. Notes the \$8,000 budget is allocated from the existing operations budget.
3. Officers prepare a report to Council on the outcome of the pilot.

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

8. Notices of Motions**CM/8.1/22.10 West Oxford Street and Mill Hill Conservation Zone - Local Area Traffic Study (A14/0193)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that:
 - (a) The development at 194 Oxford Street and 2 Nelson Street, Bondi Junction, has now been approved for more than 90 units.
 - (b) There will be a commensurate increase in vehicles and consequently traffic as a result of this development.
 - (c) The intersection of York Road and Oxford Street is a very busy intersection in Bondi Junction, being one of the main entries into Waverley.
 - (d) Residents are anecdotally reporting an increase in traffic on their local streets given the perceived impact of the separated cycleway.
 - (e) The local area traffic study for Bondi Junction is scheduled for delivery in the 2023–24 financial year.
2. Seeks to:
 - (a) Extend the Bondi Junction Local Area Traffic study into the Mill Hill conservation zone to include the area bounded by Oxford Street, York Road, Birrell Street, Bronte Road and Grafton Street.
 - (b) Consider the impact of the new development on local traffic.
3. Receives a report that considers potential options to address identified local traffic issues.

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

CM/8.2/22.10 Bondi Pavilion - Bike Parking Options (A11/0267)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Nemesh

That Council:

1. Notes that officers are installing 20 bike hoops along Queen Elizabeth Drive, on either side of the central stairs to Bondi Beach, over the coming months.
2. Monitors the occupancy of the 20 bike hoops, which can facilitate up to 40 bikes over the upcoming summer months.
3. Investigates opportunities to incorporate additional bike parking as part of the renewal of the Park Drive and Beach Road exit at the rear of the Pavilion, which is due to be constructed in winter 2023.

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

CM/8.3/22.10 Strategic Communications to Inform the Community of Council Activities (A22/0187)

MOTION

Mover: Cr Keenan

Seconder: Cr Fabiano

That Council:

1. Investigates the reinstatement of *Waverley in Focus*, a quarterly newsletter distributed via letterbox drop to all Waverley households that updates residents on recent Council news and achievements, upcoming projects and consultations, and any relevant customer service information.
2. Assesses the feasibility of developing a six-month forward program of upcoming community consultations to be made available on Council's website.
3. Investigates the development of a Council meeting wrap-up summary on Council's website after each Council meeting with a short video that summarises the decisions of Council.
4. Officers prepare a report to Council on the cost implications of these initiatives, possible time frames for implementation and potential funding sources.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Goltsman

That Council defers this item until it has thoroughly identified its organisational marketing key messages, clearly defined goals and objectives and carefully planned activities across mixed marketing channels to meet those goals and objectives.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 1 AND 4.

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

UNANIMOUS DECISION

That Council:

1. Investigates the reinstatement of *Waverley in Focus*, a quarterly newsletter distributed via letterbox drop to all Waverley households that updates residents on recent Council news and achievements, upcoming projects and consultations, and any relevant customer service information, including a breakdown of how their rates have been spent.
2. Assesses the feasibility of developing a six-month forward program of upcoming community consultations to be made available on Council's website.
3. Investigates the development of a Council meeting wrap-up summary on Council's website after each Council meeting with a short video that summarises the decisions of Council.

Officers prepare a report to Council on the staffing and cost implications of these initiatives, possible time frames for implementation and potential funding sources.

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

CM/8.4/22.10 Bondi Road Beautification (A03/0586)

MOTION

Mover: Cr Fabiano

Seconder: Cr Murray

That Council:

1. Notes that from the corner of Penkivil Street to Wellington Street on Bondi Road, Bondi, there is a minimal amount of greenery.
2. Officers investigate and provide a report to Council on the feasibility of increasing the number of suitable trees and/or planter boxes along the route to provide shade and soften the surrounding areas from the hard surfaces.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 2 AND THE ADDITION OF A NEW CLAUSE 3.

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

UNANIMOUS DECISION

That Council:

1. Notes that from the corner of Penkivil Street to Wellington Street on Bondi Road, Bondi, there is a minimal amount of greenery.
2. Officers, as part of the Local Village Beautification program evaluation and report to Council scheduled for the December 2022 Council meeting, investigate increasing the number of suitable trees, tree planters, hanging baskets and/or planter boxes along the route to provide shade and soften the surrounding areas from the hard surfaces.

- Notes the General Manager's comment that tree planting is not easily facilitated in the Bondi Road corridor due to awnings, heavy bus movements within the zone and the need for sightlines not to be obstructed. However, officers will still aim to maximise the greening program in this section of Bondi Road.

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

**CM/8.5/22.10 RESCISSION MOTION - CM/7.10/22.09 - Waverley Park Play Space Concept Design
- Stage 2 Consultation Outcomes (A21/0103)**

MOTION

Mover: Cr Kay
Seconder: Cr Betts

That Council rescinds resolution CM/7.10/22.09 – Waverley Park Play Space Concept Design – Stage 2 Consultation Outcomes, passed at the Council meeting on 20 September 2022.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Kay

That Council:

- Approves the Waverley Park Play Space Concept Designs for Stage 1 (Central Play Space), Stage 2 (Adventure/Nature Play Space), and Stage 3 (Picnic and Intergenerational Fitness Area) of the project attached to the 20 September 2022 Council report (Attachment 3) to proceed to detailed design.
- Proceeds to tendering for Stage 1, Stage 2 and Stage 3 in a combined tender, allowing for Stage 3 to be a provisional component pending funding allocation.
- Notes that the current construction schedule will now result in the project being delivered over two financial years, with estimated construction for Stages 1 and 2 to commence in late February 2023 and be completed by August/September 2023.
- Officers identify options to source funds for Stage 3 of the Waverley Park Play Space project, so that all three stages can be completed consecutively, and present funding recommendations to Councillors at the earliest opportunity.

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.

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

CM/8.6/22.10 Citizenship Ceremonies (A22/0240)**MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Lewis

That Council defers this item to the November 2022 Council meeting.

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

CM/8.7/22.10 Affordable Housing - Purchase of Stock (A07/0597)**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan

Seconder: Cr Murray

That Council:

1. Develops criteria for the purchase of affordable housing to increase Council's affordable housing stock.
2. Investigates options to engage a buyer's agent to investigate and provide recommendations to Council of suitable properties for Council to purchase.
3. Continues to work to establish a partnership with a community housing provider to facilitate the provision of affordable housing.
4. Officers prepare a report on the above actions for the December 2022 meeting of the Finance, Operations and Community Services Committee.

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

9. Questions with Notice

There were no questions with notice.

10. Urgent Business**CM/10.1/22.10 Motion for the 2022 LGNSW Conference - National Sorry Day - Flags at Half-Mast (A13/0314)**

The Chair ruled that this matter was urgent.

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

That Council deals with this matter as an item of urgent business.

MOTION / DECISION

Mover: Cr Wy Kanak

Seconder: Cr Murray

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests all Councils to lower all flags to half-mast annually for National Sorry Day (26 May).’

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

11. Closed Session

CM/11.1/22.10 **CONFIDENTIAL REPORT - Shop 1, 276-278 Bronte Road, Waverley - Lease (A16/0481)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Grants a lease to Deidre De Bruyn (trading as Bronte GP) for Shop 1, 276–278 Bronte Road, Waverley, for one year with a one-year option, on the terms and conditions set out in the report.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.2/22.10 **CONFIDENTIAL REPORT - Bronte House Gardening and Horticultural Services Tender - Negotiation Phase Outcome (SF22/3267)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

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. Under clause 178(1)(a) of the *Local Government (General) Regulation 2021*, accepts Green Options Pty Ltd as the preferred tenderer for the supply of gardening and horticultural services at Bronte House for the sum of \$317,566.29 (excluding GST).
3. Authorises the General Manager or delegate to enter into a contract on behalf of Council with Green

Options Pty Ltd for a term of three years with two one-year options.

4. Notifies the unsuccessful participant of the decision.

12. Meeting Closure

THE MEETING CLOSED AT 9.08 PM.

.....
SIGNED AND CONFIRMED
MAYOR
15 NOVEMBER 2022

CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/22.11



Subject: Confirmation of Minutes - Extraordinary Council Meeting -
1 November 2022

TRIM No: SF21/6063

Author: Natalie Kirkup, Governance Officer

RECOMMENDATION:

That the minutes of the extraordinary Council meeting held on 1 November 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. Extraordinary Council Meeting Minutes - 1 November 2022 .



**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 1 NOVEMBER 2022**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor 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:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 9.22 pm, those present were as listed above.

Crs Kay, Keenan and Nemesh attended the meeting by audio-visual link.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

Apologies were received from Cr Leon Goltsman.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Closed Session

CM/4/22.11E **Closed Session**

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Murray

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/4.1/22.11E CONFIDENTIAL REPORT - Affordable Housing Purchase

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.

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 9.24 pm, Council moved into closed session.

CM/4.1/22.11E CONFIDENTIAL REPORT - Affordable Housing Purchase (A07/0597)

MOTION

Mover: Cr Masselos

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)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Purchases the property identified in section 4 of the report (the Property) as part of its affordable and social housing program, subject to:
 - (a) The due diligence reports being to the satisfaction of the General Manager.
 - (b) The maximum bid to purchase the Property being the amount set out in section 6 of the report.
3. Authorises the General Manager to appoint an agent to bid on the Property on Council's behalf at the auction up to and including the maximum bid.
4. Should it be successful at the auction, authorises the General Manager and the Mayor to execute, and affix Council's seal to, the contract for sale and any other documentation to finalise the matter.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Purchases the property identified in section 4 of the report (the Property) as part of its affordable and social housing program, subject to:
 - (a) The due diligence reports being to the satisfaction of the General Manager.

- (b) The maximum bid to purchase the Property being the amount agreed to at the Council meeting or a lower figure as determined by the General Manager.
- 3. Authorises the General Manager to appoint an agent to bid on the Property on Council’s behalf at the auction up to and including the maximum bid.
- 4. Should it be successful at the auction, authorises the General Manager and the Mayor to execute, and affix Council’s seal to, the contract for sale and any other documentation to finalise the matter.

5. Resuming in Open Session

CM/5/22.11E Resuming in Open Session

MOTION / DECISION

Mover: Cr Murray
Seconder: Cr Betts

That Council resumes in open session.

At 10.10 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.

6. Meeting Closure

THE MEETING CLOSED AT 10.10 PM.

.....
SIGNED AND CONFIRMED
MAYOR
15 NOVEMBER 2022

:

MAYORAL MINUTES CM/6/22.11



WAVERLEY
COUNCIL

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/7.1/22.11



Subject: Annual Report 2021-22

TRIM No: A21/0034

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

Director: Emily Scott, General Manager

RECOMMENDATION:

That Council notes the Annual Report 2021–22 attached to the report.

1. Executive Summary

The purpose of this report is to present Council’s Annual Report 2021–22 for submission to the Minister of Local Government by 30 November 2022.

The Annual Report comprises four parts. The first three parts are published in one volume. Part 4, the Audited Financial Statements, is published separately.

2. Introduction/Background

Section 428 of the *Local Government Act 1993* requires that, within five months after the end of each financial year, a council must prepare a report (its annual report) for that year. The annual report highlights achievements in implementing the delivery program and the effectiveness of the principal activities undertaken in achieving the objectives. An annual report must be prepared in accordance with the guidelines under section 406 (which outlines the requirements for Integrated Planning and Reporting) and must contain a copy of the council’s audited financial statements prepared in accordance with the Local Government Code of Council Accounting Practice and Financial Reporting published by the Office of Local Government.

A copy of Council’s annual report must be posted on Council’s website and provided to the Minister and such other persons and bodies as the regulations may require by 30 November each year.

3. Relevant Council Resolutions

Nil.

4. Discussion

The attached Annual Report 2021–22 provides an overview of Council’s performance over the past financial year. The Annual Report forms an important component of the Integrated Planning and Reporting (IP&R) Model as it ‘closes the loop’ in keeping the community informed of achievements in implementing the Delivery Program and Operational Plan.

The Annual Report is a key point of accountability between Council and its community. Its main focus is to report on progress of the Delivery Program and Operational Plan as these documents are within Council’s responsibility to deliver.

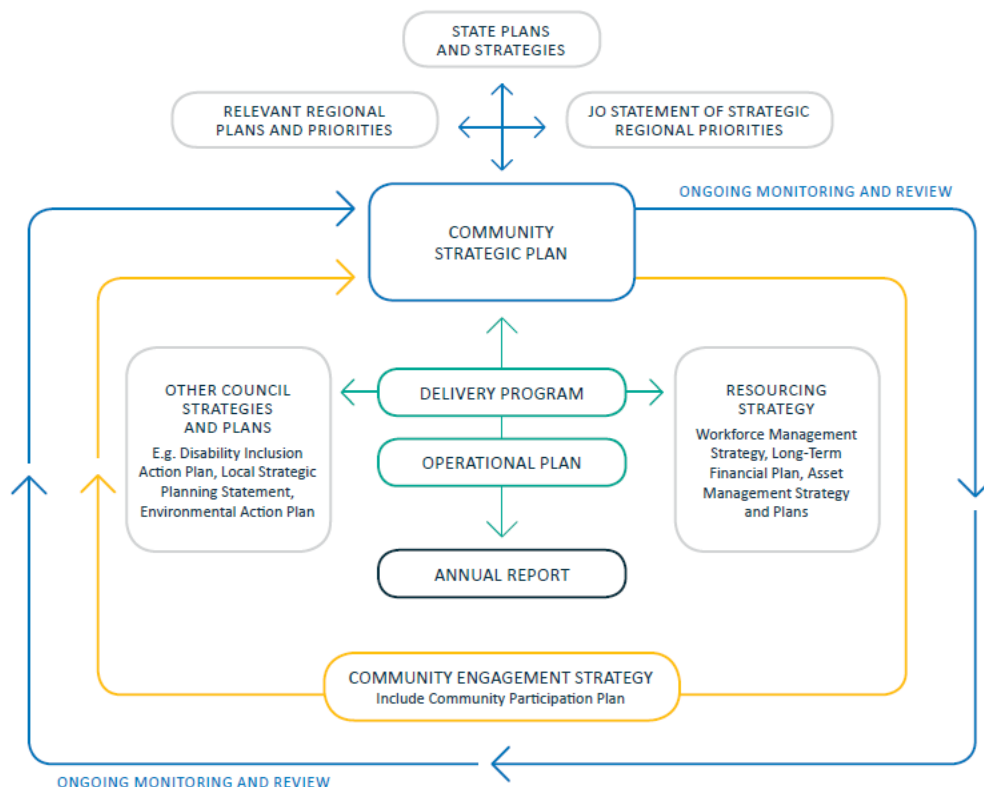


Figure 1. The Integrated planning and reporting framework.

The Annual Report 2021-22 is structured around 11 themes in the Community Strategic Plan 2018-2029. This is the last report based on the Community Strategic Plan 2018–2029, the Delivery Program 2018–22 and the Operational Plan 2021–22.

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% (seven) are in progress but are impacted by COVID-19, 4% (six) were delayed due to operational reasons and 1% (two) 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 Annual Report 2021–22 covers the period 1 July 2021 to 30 June 2022 and must be submitted to the Minister for Local Government by 30 November 2022.

6. Conclusion

The Annual Report 2021–22 provides a snapshot of Council’s performance against the deliverables detailed in the Delivery Program 2018–22. The Annual Report 2021-22 is prepared in compliance with section 428 of the *Local Government Act 1993* and Office of Local Government Circular No 22-28 (27 September 2022) on the Annual Report Checklist.

7. Attachments

1. Annual Report 2021-22 (under separate cover) .

**REPORT
CM/7.2/22.11****Subject:** Quarterly Budget Review (Q1) - September 2022**TRIM No:** A03/0346**Author:** Teena Su, Executive Manager, Finance**Director:** Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

1. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2022–23 operating and capital budgets in accordance with the attachments to the report.

1. 1. Executive Summary

The local economy has returned from the COVID-19 disruptions better than we initially anticipated. We benefit from an upward increase for several income lines. However, with high inflation (7.3% for the September quarter), supply chain disruptions are pushing up the Council's program and project costs. Council staff has reassessed these impacts on program projects and amended the 2022-23 budget where necessary.

Following the Q1 2022–23 budget review, the Council's revised budget forecast to generate a total income of \$162.52m and to spend \$172.58m, which resulted in the use of reserves totalling \$10.06m to deliver the planned expenditure program within a balanced budget for 2022–23 financial year.

The following amendments are proposed:

- Increased operating income by \$2.25m.
- Increased operating expenses by \$2.25m.
- Decreased capital income by \$1.35m and decreased capital expenses by \$1.57m.
- Decrease reserve requirement of \$0.22m.

The Q1 budget forecasts a balanced budget and maintains the operating performance ratio of 0% for the 2022-23 financial year.

2. Introduction/Background

As part of the Integrated Planning and Reporting Framework for NSW Local Government, the Office of Local Government has a set of minimum reporting requirements for councils. These reporting requirements have been put in place to assist councils to facilitate progress reporting against the original and revised annual budgets. Reporting is required at the end of each quarter.

Collectively, these documents are known as the Quarterly Budget Review Statement (QBRs). Quarterly reports are required to be submitted at the end of each quarter to Council in accordance with the relevant legislation, section 203 of the *Local Government (General) Regulation 2021*, and that the responsible accounting officer of the Council prepares and submits to Council a Budget Review Statement that indicates the latest estimates of income and expenditure for the current financial year. The QBRs must include, or be accompanied by:

- A report as to whether or not the responsible accounting officer believes that the Statement indicates that the financial position of the Council is satisfactory, having regard to the original estimates of income and expenditure.
- If that position is unsatisfactory, recommendations for remedial action.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 August 2022	CM/7.2/22.08	That Council: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (a) Glenayr Avenue flood improvements – \$500,000. (b) Notts Avenue boardwalk remediation works – \$400,000 (c) North Bondi promenade remediation works – \$100,000.

4. Discussion

The September Quarterly Budget Review forecasts an increase in income by \$0.9m to \$162.52m. It comprises of \$2.25m increase in operating income and a \$1.35m reduction in capital income. It also forecasts a total increase of \$0.68m in expenses. This comprises of \$2.25m increase in operating expenses, \$0.05m increase from the capital works program and a \$1.62m reduction from other capital expenses. These have revised the expense program total to \$172.12m (\$172.58m including loan principal repayment) for FY 2022-23.

The following table provides a comparison of the Council's forecast position between the current budget and Q1 proposed budget and actuals (including commitments) for the first quarter to 30 September 2022.

Table 1. Comparison of current approved budget and Q1 proposed budget.

Table 1 - Q1 Proposed Budget - '000	Original Budget	Current Approved Budget	Q1 Amendment	Q1 Proposed Budget	Q1 change %	Actual (Incl. Commitments) 30 September 2022	Note
Estimated Income	158,062	161,622	899	162,521	0.56%	86,932	
Operating Income	140,828	140,828	2,250	143,078	1.60%	87,351	1
Capital Income	17,234	20,794	(1,351)	19,443	(6.50%)	(419)	2
Estimated Expenses	(163,548)	(171,899)	(677)	(172,576)	0.39%	(37,306)	
Operating Expense	(118,828)	(118,828)	(2,250)	(121,078)	1.89%	(29,149)	3
Capital Works Program	(37,918)	(45,542)	(49)	(45,591)	0.11%	(7,660)	4
Other Capital Expense	(6,343)	(7,069)	1,622	(5,447)	(22.94%)	(385)	5
Loan Repayment	(460)	(460)	0	(460)	-	(112)	
Net Income / (Expenses)	(5,486)	(10,277)	222	(10,055)	(2.16%)	49,626	
Reserve Funds	5,486	10,276	(222)	10,055	(2.16%)	(16,278)	6
Net Result - Surplus/(Deficit)	(0)	(0.0)	0.0	(0.0)	0.0%	33,348	

(Excluding depreciation expense)

Operating income

Operating income (excluding capital works income and proceeds from the sale of assets) increased by \$2.25m, mainly attributed to the following changes:

User charges increased by \$1.7m mainly due to:

- \$0.6m increase in DA income due to backlog processing. September YTD actual is tracking at 46% of the current approved budget.
- \$0.52m increase from hoarding and Construction fee. It is attributed to the Bondi Pavilion and Tamarama projects.
- \$0.47m increase from crane permit and road opening permit fees to reflect the actual trend.
- \$0.23m increase from cemeteries income based on the YTD trends.
- \$0.15m increase in commercial waste income due to September YTD actual tracking at 40% of the current approved budget.
- \$0.2m decrease in on-street meters parking.
- 0.04m decrease in planning proposal income.

Other revenue decreased by \$1.01m mainly due to:

- \$0.74m decrease in events revenue due to lower-than-expected result for Bondi Festival and cancellation of City2Surf Marquee program.
- \$0.18m reduction in commercial rental from other properties.
- \$0.04m decrease in workers compensation reimbursement.

Operating grants increased by \$1.1m mainly due to the \$1m NSW Severe Weather and Flood Grant

Investment income increased by \$0.43m due to higher-than-expected interest rates. September YTD actual is tracking at 55% of the current approved budget.

Capital income

Capital income reduced by \$1.35m:

- \$1.03m reduction in voluntary planning agreement contributions to be in line with the revised developments timeline.
- \$0.18m reduction from capital works grant mainly due to projects deferrals to future year.
- \$0.14m reduction in proceeds from asset sales – plant and equipment.

Operating expenses

Operating expenses (excluding capital expenditure) increased by \$2.25m, mainly attributed to:

Employment costs increased by \$0.45m due to external recruitment support for vacant senior positions and Bondi Pavilion staffing costs to coincide with the official opening.

Materials and contracts (excluding agency temporary hires) increased by \$1.56m, mainly due to:

- \$0.9m increase in consultant costs from reclassification of IT projects costs to operational expenses and infrastructure asset management.
- \$0.68m increase in contractors across different departments.
- \$0.3m increase in minor equipment purchases.
- \$0.22m increase in legal costs due to unexpected legal involvement.
- \$0.42m decrease in equipment rental mainly due to the cancellation of City2Surf Marquee program.
- \$0.2m decrease in pandemic budget as additional cleaning and ablution blocks no longer required.

Other expenses increased by \$0.24m, mainly due to:

- \$0.12m increase in waste disposal costs for commercial waste as business income recovering from COVID-19 restrictions mentioned in the above income section.
- \$0.12m increase in insurance excess as September YTD actual has already exceeded full year budget.

Capital Works Program (Attachments 2 and 3)

The Capital Works Program proposes amendments to 43 projects. These amendments will result in a net increase in program expenditure by \$0.05m to \$45.59m following a reassessment of the project work delivery schedule and other priorities. The Q1 amendments include an \$7.1m projects costs deferrals to the next financial year 2023–24.

The Q1 capital works program review resulted in an increase in revenue (\$0.82m), decreased use of reserves fund (\$0.77m), and an increase in the use of general fund (\$0.05m).

The table below provides a summary of expense changes to the capital works program:

Table 2. Expense changes to capital work program.

Capital Works Program - Q1 Amendments '000	No of Projects	Amount \$'000 (Increase)/Decrease
Project cost reduction/Not going ahead	12	958
Project cost defer to 2023/24	12	7,121
Project cost increase/Correction	17	(7,466)
New Project	1	(262)
Funds brought forward (LTFP)	1	(400)
Total	43	(49)

Significant changes to these projects include:

Building infrastructure

\$4.1m increase in Building Infrastructure projects mainly due to:

- \$2.7m increase in Bondi Pavilion Conservation and Restoration to \$21.51m. Main project completion achieved and building opened. Additional budget required for finalised latent condition, variations, and hoarding costs. Hoarding costs (\$0.20m) funded by increase of hoarding income mentioned in the above income section. Cost variations for the latent condition to be funded from the Investment Property reserve.
- \$1.5m increased in costs of Boot Factory Restoration and Mill Hill Upgrade due to weather and COVID-19 factors affected the planned delivery schedule. Cost variations is funded from the Investment Property reserve.
- \$0.97m increase in Tamarama Surf Life Saving Club – Building Upgrade in line with heads of agreement to complete construction. Hoarding costs also added. The Hoarding costs (\$0.32m) funded by increase of hoarding income mentioned in the above income section.
- \$1.5m of work deferred to next financial year 2023-24 for the 2A Edmund Street (social housing) redevelopment due to tender still in progress and commencement postponed to quarter 3 of FY 2022-23.

Living corridors/trees

\$0.05m decrease in living corridors/tree projects mainly due to:

- \$0.05m saving from planting street trees completion.

Public domain infrastructure:

\$3.44m decrease in public domain projects mainly due to:

- \$0.50m increase in safety by design in public places to cover Oxford Street Mall and Bondi Park design and bollards.
- \$2.74m is deferred in Cliff Walk remediation to 2023-24 to reflect the current budget with anticipated costs.
- \$0.80m is deferred in Waverley Park landscape lighting to 2023-24 as lighting work will be undertaken in parallel with later stages of playground upgrade in 2022-23.

Road infrastructure:

\$0.13m increase in road infrastructure projects mainly due to:

- \$0.28m increase in 2022-23 Glenayr Avenue footpath works, Blair Street to Warners Avenue, to cover latent conditions onsite, including disposal of unsuitable materials.
- \$0.27m increase in 2022-23 Tamarama Marine Drive kerb and gutter works, to cover latent conditions onsite, including disposal of unsuitable materials and structural repairs.
- \$0.26m increase in a new project 40 km/h speed zone review (signage) for signage installation of 40km/h project. It is a fully grant funded project.
- \$0.23m decrease in Streets as Shared Spaces (SASS) due to reduction in Council contribution to the SASS program.
- \$0.15m decrease in 2021-22 Miller Street kerb and gutter works, Castlefield Street to Imperial Avenue, due to design in this financial year and construction in 2023-24.

- \$0.12m decrease in 2021-22 Gould Lane kerb and gutter works, Roscoe Street to Hall Street, due to design in this financial year and construction in 2023-24.

Recreational and public spaces

\$0.65m decrease in recreational and public spaces projects mainly due to:

- \$0.45m decrease in Waverley Park Playground and Fitness Station Upgrade due to project completion being deferred to 2023-24 year.
- \$0.20m decrease in public art commissions due to completion being deferred to 2023-24 year.

Sustainability infrastructure

No change in sustainability infrastructure projects.

\$45.59m of Capital Works Program projects will be delivered in this financial year following the Q1 review. The following table shows how the revised Capital Works Program is funded.

Table 3. Funding of revised capital works program.

Capital Works Program - Funding Sources '000	Current Budget	Q1 Proposed Budget	Q1 Amendments-Increase/(Decrease)
Expenditure	45,542	45,591	49
<u>Funding Sources:</u>			
Grants and Contribution	14,328	15,145	818
External Restricted Reserves	6,243	6,963	720
Internal Restricted Reserves	20,773	19,279	(1,494)
General Fund	4,197	4,203	6
Total Funding Sources	45,542	45,591	49

Bondi Pavilion update

At its meeting in April 2022, Council approved additional budget for the Bondi Pavilion Conservation and Restoration project.

As the project has progressed, it has become evident that there is insufficient contingency to cover the extent of latent conditions, authority, and pandemic-related costs. The April 2022 Council report included approved variations and latent conditions and projected amount to complete. The variation negotiations are close to conclusion and the final position is detailed below:

Table 4. Bondi Pavilion additional costs.

Additional Costs Description	Approved Amount	Projected Amount	Final Amount	Background
Latent (Unforeseen) Conditions	\$4,696,963	\$2,552,684	\$7,092,104	Latent conditions including contaminated soil, hazardous materials, geotechnical underpinning and structural works.
Aboriginal Floor Mosaic	\$943,530	\$0	\$967,058	Changes to accommodate retaining of the mosaic in current location including soil stabilisation and specialist repair
Design Development	\$1,100,907	\$1,422,547	\$3,664,488	Various required changes throughout the construction process
Authority Approval - external	\$876,805	\$0	\$1,000,679	Ausgrid and Sydney Water costs.
Authority Approval - internal	\$2,630,690	\$0	\$3,704,470	Hoarding costs covered by income to better reflect capital costs (includes on costs).
Commercial Tenancy Costs	\$463,000	\$0	\$541,482	To cover costs of Surfsh tenancy resequencing and splitting northern tenancy
Pandemic Costs	\$749,998	\$400,000	\$1,143,216	Contractual costs due to PHO, workforce and supply chain issues
Additional Consultant Costs	\$468,663	\$0	\$559,289	Due to more complex project conditions and delays
Additional prelim cost due to programme extension for variation and latent condition			\$753,890	Additional prelim cost as the programme was extended due to the excessive amount of variations and latent conditions
Early works design and project on costs			\$541,772	This includes early works design and other related on costs.
SUBTOTAL	\$11,930,556	\$4,375,230	\$19,968,448	
PROJECT CONTINGENCY	\$5,250,000		\$5,250,000	
Opex Income (Hoarding)	\$2,630,953		\$3,561,615	
Budget adjustment April 2021/22			\$8,424,833	
BUDGET SHORTFALL	\$4,049,603	\$4,375,230	\$2,732,000	

In the Q1 review, an additional \$2.73m is required for the completion of the project.

All contract variations are managed strictly in accordance with the construction contract. An external quantity surveyor assesses all variations on Council's behalf and assists in the administration of the contract. Legal advice is also sought as required for more complex variations.

Other capital expense

Other capital expenses decreased by \$1.62m mainly attributed to the following:

- \$1.14m moving from capital expense to operating expense for IT system upgrade costs, mainly for the ICT modernisation program.
- \$0.5m reduction mainly from fleet replacement program, refer to details below. The Q1 review proposed to defer 12 fleet items to next financial year 2023–24.

Table 5. Fleet replacement program.

2022/23 Budget Plant Replacement Program	2022/23 Current Approved Budget		Q1 Amendments		2022/23 Q1 Projected Budget	
	Qty	\$	Qty	\$	Qty	\$
Passenger Vehicle	20	771,031	(9)	(367,605)	11	403,426
Light Commercial Vehicle	25	897,255	(1)	(31,560)	24	865,695
Truck Fleet	5	1,160,048		-	5	1,160,048
Specialised Equipment	20	2,226,433	(2)	(100,184)	18	2,126,249
Total	70	5,054,767	(12)	(499,349)	58	4,555,418

Reserves

As a result of the proposed Q1 income and expenditure budget amendments, a decrease of \$0.22m reserve funds requirement, a total of \$10.06 reserve money has been applied for the revised 2022-23 budget.

The reserves balance is projected to be \$106.23m as at 30 June 2023.

Financial performance measures

The following financial performance measures indicate that Council meets all seven of the OLG performance measures from Q1 proposed budget.

Table 6. Financial performance measures.

	Forecasted indicator		Benchmark
Key Performance Indicators:	30-Jun-23		
1. Operating Performance Ratio This ratio measures Council’s achievement of containing operating expenditure within operating revenue.	0.00%	✓	>0.00%
2. Own source operating revenue ratio This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.	84.52%	✓	>60.00%
3. Unrestricted current ratio To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council	2.36	✓	>1.50x
4. Debt service cover ratio This ratio measures the availability of operating cash to service debt including interest, principal and lease payments	45.21	✓	>2.00x
5. Rates, annual charges, interest and extra charge outstanding percentage To assess the impact of uncollected rates and annual charges on Council’s liquidity and the adequacy of recovery efforts	4.00%	✓	<5.00%
6. Buildings and Infrastructure renewals ratio To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating	201.83%	✓	>=100.00%
Note. Asset fair valuation adjustment and net gain on asset disposal are excluded in the above calculations.			

Income and expense performance as at 30 September 2022

Figures 1 and 2 below illustrate the income and expense performance for the first three months of the year ending 30 September 2022 compared to the Q1 proposed budget for the year ending 30 June 2023.

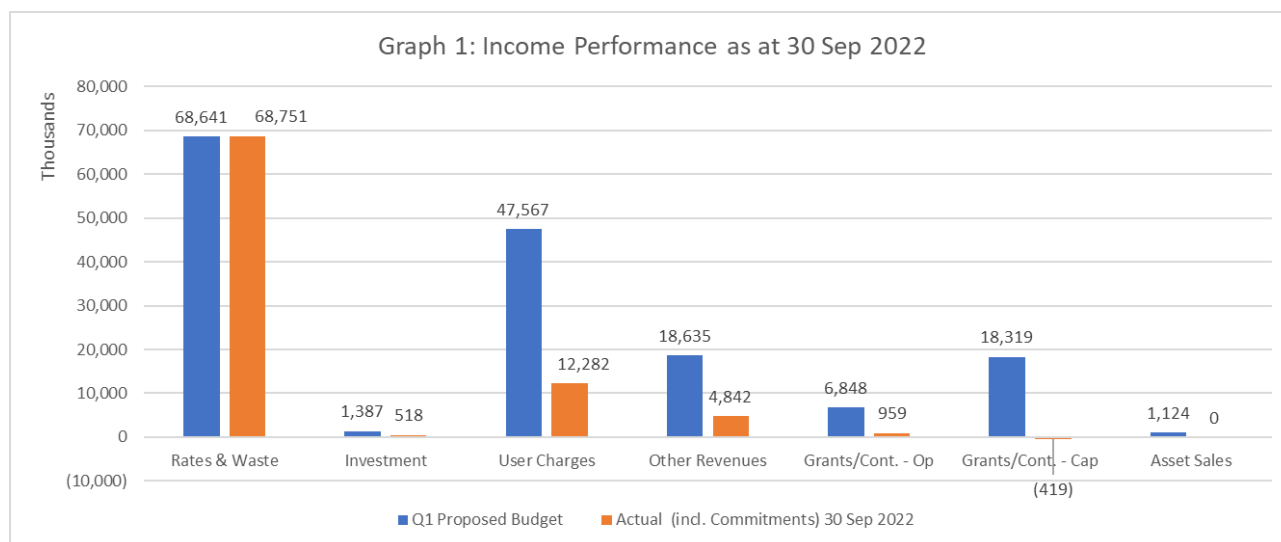


Figure 1. Income performance.

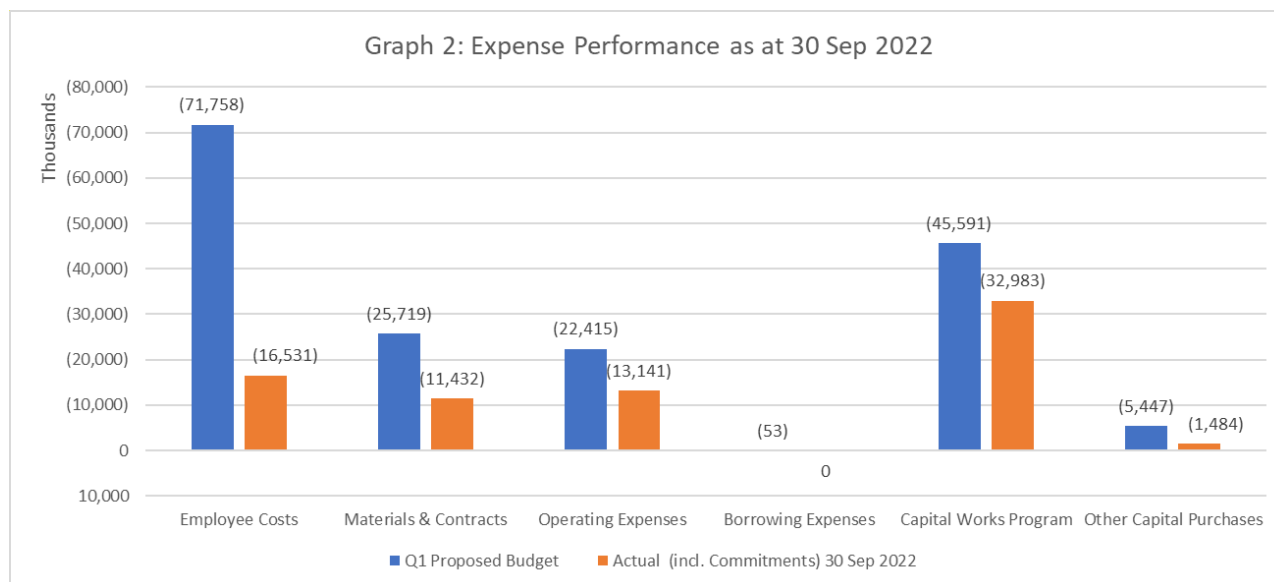


Figure 2. Expense performance.

See Attachment 3 for Directorates' Q1 budget performance as at 30 September 2022.

5. Financial impact statement/Time frame/Consultation

Council is required under section 203 of the *Local Government (General) Regulation 2021* to, not later than two months after the end of each quarter, prepare and submit a reviewed budget statement showing, by reference to the estimate of income and expenditure which is set out in the operational plan, a revised estimate of the income and expenditure.

6. Conclusion

Council's Executive Manager, Finance, as the responsible accounting officer, advises that Council's overall projected financial position is satisfactory.

7. Attachments

1. Q1 - Quarterly Budget Review Statements [↓](#)
2. Q1 - Revised Capital Works Program Expenditure [↓](#)
3. Q1 - Revised Capital Works Program Funding Sources [↓](#)
4. Q1 - Budget Statement - Council and by Directorate [↓](#) .

REPORT CM/7.3/22.11



Subject: Audited Financial Statements 2021-22

TRIM No: A21/0527

Author: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

1. In accordance with section 419 of the *Local Government Act 1993*, notes the auditor's report on the 2021–22 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) included in the attachment to the report.
2. Refers any public submissions on the 2021–22 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to the auditor.
3. Notes the presentation to Council of the audited 2021–22 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report.

1. Executive Summary

Council's Annual Financial Statements for the year ended 30 June 2022, comprising the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules, have been completed and audited. The Financial Statements and auditor's report (attached to the report) are formally presented to the public through this report.

The financial statements show a net operating result of a \$18.0m surplus including the impacts of COVID-19. Council's net assets are valued at \$1.34b. Council has a cash and cash investment balance of \$127.0m for year ended 30 June 2022.

2. Introduction/Background

The draft Financial Statements 2021-22 were completed and presented to Council at its meeting on 20 September 2022 for referral to Council's auditor, the NSW Auditor General. The audit has now been completed.

The 2021-22 Financial Statements have been prepared in accordance with the applicable Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board, the *Local Government Act 1993* ('the Act') and Regulation, and the Local Government Code of Accounting Practice and Financial Reporting 2021-22 (the Code). Attached to this report are the audited Annual Financial Statements, incorporating the following:

- General Purpose Income Statement.
- General Purpose Statement of Comprehensive Income.
- General Purpose Statement of Financial Position.

- General Purpose Statement of Changes in Equity.
- General Purpose Statement of Cash Flows.
- Special Purpose Income Statement for Council's Other Business Activities.
- Special Purpose Statement of Financial Position for Council's Other Business Activities.
- Special Schedules.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 September 2022	CM/7.2/22.09	<p>That:</p> <ol style="list-style-type: none"> 1. Council, in relation to the financial statements required by section 413(2)(c) of the <i>Local Government Act 1993</i>, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ending 30 June 2022 attached to the report: <ol style="list-style-type: none"> (a) Have been properly drawn up in accordance with the the <i>Local Government Act 1993</i>, the <i>Local Government (General) Regulation 2021</i>, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting. (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records. 2. Council is unaware of any matter that would render the financial statements false or misleading in anyway. 3. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign: <ol style="list-style-type: none"> (a) The Statement by Councillors and management for the General Purpose Financial Statements and Special Purpose Financial Statements on page 7 of the Annual Financial Statements attached to the report. (b) The Statement by Councillors and management for the Special Purpose Financial Statements on page 3 of the Special Purpose Financial Statements attached to the report. (c) The financial statements attached to the report. 4. Sends the signed financial statements to Council's auditor for final clearance. 5. Forwards a copy of the audited financial statements to the Office of Local Government.

		6. Council gives public notice of the audited financial statements and presents them at a Council meeting, in accordance with sections 418 and 419 of the <i>Local Government Act 1993</i> .
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4. Discussion

Following the Council meeting on 20 September 2022, the auditor completed the audit of the 2021-22 Financial Statements and has now provided its report, which is contained in the audited Financial Statements attached to this report.

During the audit process, there were a number of changes to the draft Financial Statements. Two of the main adjustments changed the operating result and net assets position as follows:

- The Local Roads and Community Infrastructure program (LRCI) grant phase 3 (\$556k) received in FY 2021-22 cannot be recognised as income. It needs to be accounted as a liability in FY 2021-22 because this grant is for a project to be commenced in FY 2022-23 and can only recognise as income when the associated project expense incurs.
- Infrastructure asset value increased by \$22.67m to reflect the 30 June 2022 CPI indexation movement. The draft financial statements presented to Council on 20 September 2022 used an independent valuer report done in February 2022 calculated at \$19.45m. The revised indexation revaluation applied to the Council's infrastructure assets (roads, footpaths, kerbs and gutters, stormwater, other structures, and open space recreational assets). Total CPI indexation valuation increased these assets by \$42.12m, referred to page 44 of the attached Financial Statements.

Other changes were related to the disclosure notes and presentation matters.

The results for the 2021-22 financial year show a net operating result of a \$18.0m surplus (Table 1).

A summary of the income statement, balance sheet, cash and cash investments balance compared to the draft Financial Statements are shown in the following Tables 1 and 2:

Table 1. Summary of income statement.

Income Statement - \$million	2021-22	Draft 2021-22	Change	Reason for change
Total income from continuing operations	\$161.7m	\$162.2m	-\$0.6m	Correction of a LRCI grant recognition accordance to AABS 1058 – revenue recognise overtime and not on receipt.
Total expenses from continuing operations	\$143.7m	\$143.7m	Nil	
Operating surplus/(deficit)	\$18.0m	\$18.6m	-\$0.6m	Correction of a LRCI grant recognition accordance to AABS 1058 – revenue recognise overtime and not on receipt.

Table 2. Summary of balance sheet and cashflow statement.

Balance Sheet and Cashflow Statement - \$million	2021-22	Draft 2021-22	Change	Reason for change
Total assets	\$1,392.6m	\$1,370.5m	\$22.1m	Correction of the indexation assessment revaluation for the infrastructure assets to reflect the 30 June 2022 CPI increases.
Total liabilities	\$56.7m	\$56.7m	Nil	
Net assets	\$1,336.0m	\$1,313.9m	\$22.1m	Correction of the indexation assessment revaluation for the infrastructure assets to reflect the 30 June 2022 CPI increases.
Cash and Cash Investments	\$127.0m	\$127.0m	Nil.	

The other major factor impacting on the Council's finances and the financial statements is the COVID-19 pandemic. For the financial year ending 30 June 2022, the impact of COVID-19 has resulted in Council experiencing a negative operating performance ratio of 2.58%, a 0.85% improvement from the previous year.

The following table 3 compares Council's FY 2021-22 performance to the industry benchmark.

Table 3. 2021-22 performance.

Indicator	Quantitative Measure	Waverley 2021-22		Industry Benchmark	Waverley 2020-21
Operating Performance Measures					
Operating Performance Ratio	Measures a Council's ability to contain operating expenditure within operating revenue	(2.58%)	✘	> 0.00%	(3.43%)
Own Source Operating Revenue Ratio	Measures the level of a Council's fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions	78.25%	✔	> 60.00%	80.61%
Unrestricted Current Ratio	The Unrestricted Current Ratio is specific to local government and is designed to represent a Council's ability to meet debt payments as they fall due	5.42x	✔	> 1.50x	5.51x
Debt Service Cover Ratio	This ratio measures the availability of operating cash to service debt including interest, principal and lease payments	20.30x	✔	> 2.00x	18.18x
Cash Expense Cover Ratio	This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow	8.89 mths	✔	> 3.00 mths	12.40 mths
Rates, annual	This ratio assesses the impact of	4.75%	✔	< 5.00%	4.24%

charges, interest and extra charges outstanding percentage	uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts				
Infrastructure Asset Measures					
Asset maintenance ratio	Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.	97.34%	✘	>=100.00%	104.59%
Building & Infrastructure Asset Renewals Ratio	This ratio compares the proportion spent on infrastructure asset renewals and the asset's deterioration measured by its accounting depreciation. Asset renewal represents the replacement or refurbishment of existing assets to an equivalent capacity or performance as opposed to the acquisition of new assets or the refurbishment of old assets that increase capacity or performance.	290.14%	✔	>=100.00%	268.81%
Infrastructure Backlog Ratio	This ratio shows what proportion the backlog is against total value of a Council's infrastructure	1.61%	✔	< 2.00%	1.09%

A representative of Council's auditors attended the meeting and presented their report on the audit progress. The auditor's report (on page 85 of the attachment) provides detailed comments in relation to the Council's financial position.

5. Financial impact statement/Time frame/Consultation

The 2021-22 financial year was another extraordinary year, principally due to the continued COVID-19 pandemic restrictions. It impacted on Council's operations and financial performance ratio. Council's revenues were adversely impacted, and Council also faced a higher than anticipated COVID-19 response costs. Council reported a net operating result of a \$18.0m surplus.

A public notice of the date of the Council meeting for presentation of the audited Financial Statements was placed in the *Wentworth Courier*, with the notice also advising that the Financial Statements and the auditor's report available for viewing on Council's website.

Submissions on the auditor's report and the audited Financial Statements close on 24 November 2022, seven days after this Council meeting in accordance with the *Local Government Act 1993*. Any submissions will be referred to the auditor in accordance with the Act.

6. Conclusion

The attached Financial Statements have been completed. A copy of the Audited Financial Statements was sent to the Office of Local Government on 31 October 2022.

7. Attachments

1. Audited Annual Financial Statements 2022 (under separate cover) .

REPORT CM/7.4/22.11



Subject: Investment Portfolio Report - October 2022

TRIM No: A03/2211

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

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

- Notes the Investment Summary Report for October 2022 attached to the report.
- Notes that the Executive Manager, Finance, 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 October 2022, Council's investment portfolio generated \$253,797 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 80.76% (\$771,910) of the current approved budget forecast of \$955,782. The year-to-date income represents 55.64% of the Q1 proposed budget of \$1,387,341.

2. Introduction/Background

Section 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	2022–23 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Budget (%)	Tracking Q1 proposed Budget (%)
July	955,782	101,473	101,473	10.62%	7.31%
August	955,782	125,200	226,673	23.72%	16.34%

September	955,782	291,440	518,113	54.21%	37.35%
October	955,782	253,797	771,910	80.76%	55.64%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 18 October 2022	CM/7.1/22.10	That Council: <ol style="list-style-type: none"> 1. Receives and notes the Investment Summary Report for September 2022 attached to the report. 2. Notes that the Executive Manager, Finance, 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

4. Discussion

As at 31 October 2022, Council's cash investment portfolio for the financial year, generated interest earnings of \$771,910 representing 80.76% of the current approved budget of \$955,782.

Council's investment portfolio posted a marked-to-market return of 5.84% pa for the month of October against the bank bill index benchmark return of 2.89% pa.

Without marked-to-market influences, Council's investment portfolio yielded 2.81% 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 0.28% return, versus the bank bill index benchmark of 0.76%.

During October, Council had no term deposit maturities but had \$2.4m in a Teachers Mutual Bank floating rate note mature. No new investments were made during the month.

As at 31 October 2022, Council's investment portfolio has a current market value of \$132,513,736, which represents a gain of \$99,964 on the \$132,413,772 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	\$14,302,547	\$14,302,547
Floating Rate Note	\$30,850,000	\$30,502,714
Managed Funds	\$13,261,225	\$13,261,225
Term Deposit	\$74,000,000	\$74,447,250
Total	\$132,413,772	\$132,513,736

The portfolio represents cash and investment holdings from the external and internal special restricted reserves, and unrestricted funds. The table below provides a summary by holding (reserve) type.

Table 3. Portfolio value – Summary by investment (reserve) type.

Reserves	Face value
External Restriction Reserves	\$ 52,431,559
Internal Restriction Reserves	\$ 76,135,282
Unrestricted funds	\$ 3,846,931
Total	\$ 132,413,772

Analysis

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

The table below compares Council's portfolio return to the bank bill index benchmark.

Table 4. Portfolio return.

Month	Portfolio return %	Ausbond BB index %	Variance %
July-22	5.31	1.45	3.86
Aug-22	1.71	1.84	-0.13
Sep-22	-0.72	1.79	-2.51
Oct-22	5.84	2.89	2.95
Average % return over the last 12 months	0.28	0.76	-0.48

Council has a well-diversified portfolio invested predominantly among a range of term deposits and senior ranked floating rate notes from highly rated Australian bank issuers. Council also has exposure to growth classes, including listed property and international and domestic shares, via NSW TCorpIM's Long Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection and holding the securities for the recommended time horizons of their asset classes.

As at the end of October 2022, 74% of Council's portfolio was invested in non-fossil-fuel-lending authorised deposit-taking institutions (ADIs) and socially responsible investments, while fossil-fuel-lending ADIs (including the daily operation fund) accounted for 16% of the portfolio. The remaining 10% is invested with TCorp.

Over the period of 53 months, from June 2018 to October 2022, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 16%, as shown in Figure 1 below.

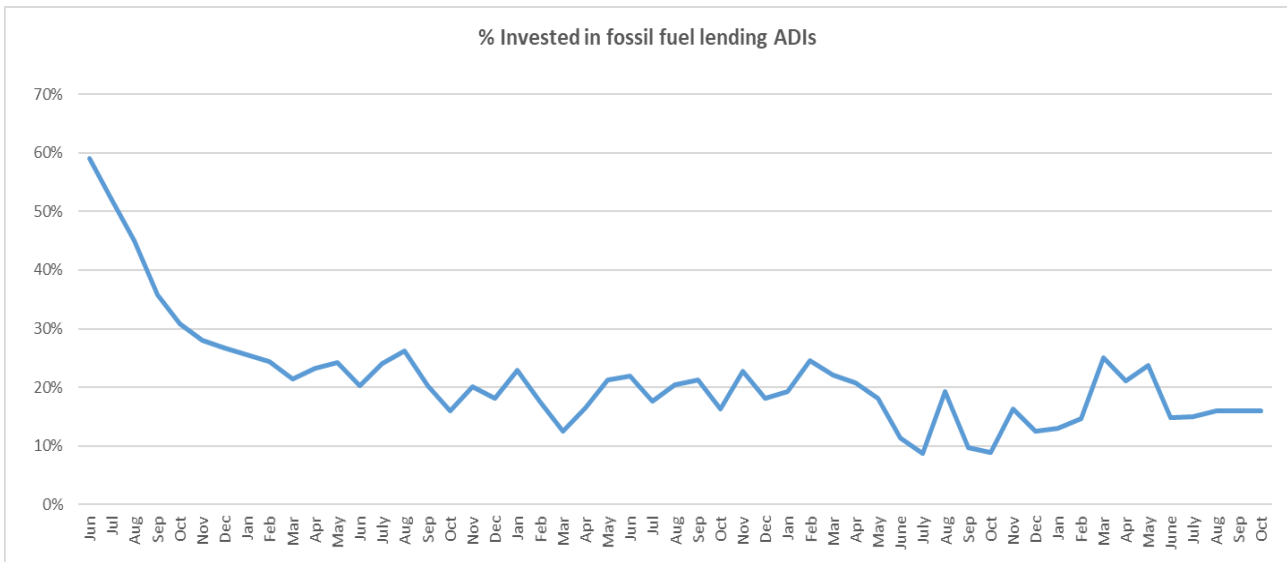


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the Commonwealth Bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 82.85% of Council’s investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 5.93% of the portfolio. The remaining 11.23% is invested with TCorp as displayed in Figure 2 below.

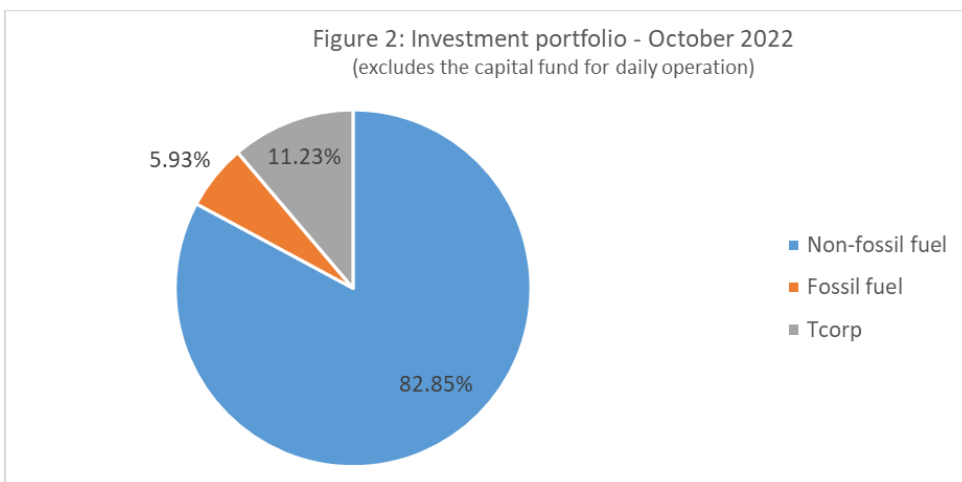


Figure 2. Investment portfolio.

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 \$771,910 for the year to date, representing 80.76% of the approved budget forecast of \$955,782. It represents 55.64% of the Q1 proposed budget of \$1,387,341.

7. Attachments

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

REPORT
CM/7.5/22.11

Subject: Schedule of Meeting Dates for Council and its Standing Committees 2023

TRIM No: A04/1869

Author: Natalie Kirkup, Governance Officer

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council adopts the schedule of meeting dates for Council and its Standing Committees 2023 attached to the report.

1. Executive Summary

The proposed schedule of meeting dates for Council and its Standing Committees (the Finance, Operations and Community Services Committee and the Strategic Planning and Development Committee) for 2023 is attached to the report for Council's consideration.

The dates proposed in the schedule take into account public holidays and holy days throughout the year.

It is recommended that Council adopts the schedule attached to the report.

2. Introduction/Background

Section 365 of the *Local Government Act 1993* requires the elected Council to meet at least 10 times each year, each time in a different month.

Council has a standard meeting schedule. With the exception of January, when there are normally no meetings, Council's Finance, Operations and Community Services Committee and the Strategic Planning and Development Committee generally meet on the first Tuesday of each month, and Council generally meets on the third Tuesday of each month.

Due to the timing of conferences, public holidays and holy days falling on or near Council or Committee meeting days, it is proposed that changes be made to the standard meeting schedule in 2023. These changes are detailed in section 4 of this report.

Local Government NSW (LGNSW) has advised that its 2023 Local Government Conference is tentatively scheduled from Sunday, 12 November, to Tuesday, 14 November 2023. These dates do not affect the proposed meeting schedule.

3. Relevant Council Resolutions

Nil.

4. Discussion

The proposed changes to the standard meeting schedule are outlined below. As far as possible, the dates have been set to ensure a two-week period between the Standing Committee meetings and the Council meeting. The proposed schedule complies with section 365 of the *Local Government Act 1993* referred to above.

1. The June Council meeting is proposed to be postponed by one week from Tuesday, 20 June, to Tuesday, 27 June. This is due to the Australian Local Government Association National General Assembly 2023 being held from Sunday, 18 June, to Wednesday, 21 June.
2. The September Council meeting is proposed to be brought forward to Tuesday, 12 September. Rosh Hashana is Friday, 15 September, to Sunday, 17 September. The proposed move is to allow staff and Councillors adequate time to review the Council agenda before the meeting is held.
3. It is proposed not to hold the Standing Committee meetings in October. Monday, 2 October, is Labour Day, Sukkot is from Friday, 29 September, to Friday, 6 October (with work restrictions on Saturday, 30 October and Sunday, 1 October) and Shemini Atzeret and Simchat Torah take place between Friday, 6 October, and Sunday, 8 October.

5. Financial impact statement/Time frame/Consultation

There are no unbudgeted costs to Council in holding the Council and Committee meetings proposed in this report.

6. Conclusion

This report presents the proposed schedule of dates in 2023 for meetings of Council, the Finance, Operations and Community Services Committee and the Strategic Planning and Development Committee. It is recommended that Council adopts the schedule.

7. Attachments

1. 2023 Schedule of Meeting Dates - Council and Standing Committees [↓](#) .

REPORT
CM/7.6/22.11

Subject: Acting General Manager

TRIM No: SF21/6084

Author: Natalie Kirkup, Governance Officer

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That:

1. Council notes that at its meeting on 1 June 2021, Council delegated to the General Manager, Emily Scott, the functions in accordance with the instrument of delegation to the General Manager also dated 1 June 2021.
2. Sharon Cassidy be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
3. Should Sharon Cassidy be unable or unwilling to act as General Manager at any time, Tara Czinner be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
4. Should Sharon Cassidy and Tara Czinner be unable or unwilling to act as General Manager at any time, Fletcher Rayner be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
5. Should Sharon Cassidy, Tara Czinner and Fletcher Rayner be unable or unwilling to act as General Manager at any time, Ben Thompson be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
6. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by Council.

1. Executive Summary

As a result of recent staff changes to Council's Executive, it is necessary to review the arrangements that occur in relation to the exercise of delegations granted to the General Manager, Emily Scott, on occasions when she is absent from work on leave or business. It is recommended that all Directors have the opportunity to act as General Manager when the General Manager is absent from work.

2. Introduction/Background

At its extraordinary meeting on 1 June 2021, Council resolved to delegate/sub-delegate to the General Manager, Emily Scott, the functions in accordance with the instrument of delegation to the General Manager also dated 1 June 2021.

At its meeting on 20 September 2022, Council resolved to appoint Sharon Cassidy (Director, Assets and Operations) to act as the General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of Council. This report recommends that Tara Czinner (Director, Corporate Services), Fletcher Rayner (Director, Planning, Sustainability and Compliance) and Ben Thompson (Director, Community, Culture and Customer Experience) be appointed as alternative acting General Manager to enable all Directors to have the opportunity to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 September 2022	CM/7.1/22.09	That Council: <ol style="list-style-type: none"> 1. Notes that at its meeting on 1 June 2021, Council delegated to the General Manager, Emily Scott, the functions in accordance with the instrument of delegation to the General Manager also dated 1 June 2021. 2. Appoints Sharon Cassidy to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of Council. 3. Notes that when acting as General Manager pursuant to this resolution, Sharon Cassidy has all the functions, delegations and sub-delegations given to the General Manager by Council.
Council 12 April 2022	CM/7.5/22.04	That Council makes no changes to its delegations to: <ol style="list-style-type: none"> 1. The General Manager attached to the report (Attachment 1). 2. The Finance, Operations and Community Services Committee attached to the report (Attachment 2). 3. The Strategic Planning and Development Committee attached to the report (Attachment 3).
Extraordinary Council 1 June 2021	CM/4.1/21.06	That: <ol style="list-style-type: none"> 1. Council delegates/sub-delegates to the General Manager the functions in accordance with the

		<p>Instrument of Delegation to the General Manager attached to the report, subject to the following amendments:</p> <p>(a) The limitation in Part A of Schedule 1 relating to the <i>Local Government Act 1993</i>, s 377(1)(i), being amended to read as follows: 'Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:</p> <ul style="list-style-type: none"> ☐ \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Council or Committee meeting of the following year); and ☐ \$500,000 for the rest of the year. <p>This function cannot be sub-delegated by the General Manager.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.'</p> <p>(b) The limitation in Part B of Schedule 1 relating to procurement exemptions being amended to read as follows:</p> <p>'Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.'</p> <p>2. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.</p> <p>3. John Clark be appointed to act as the General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</p> <p>4. Should John Clark be unable or unwilling to act as</p>
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		<p>General Manager at any time, Karen Mobbs be appointed to act as the General Manager if the General manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</p> <p>5. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by Council.</p> <p>6. The General Manager reports to Councillors monthly by email on tenders accepted under delegation and any procurement exemptions approved.</p>
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4. Discussion

On occasions when the General Manager, Emily Scott, is sick or otherwise absent from work on leave or business, the *Local Government Act 1993* requires that an officer of Council undertake that role in an acting capacity.

Sharon Cassidy was appointed as Director, Assets and Operations, in August 2022.

Tara Czinner commenced as Director Corporate Services, on 19 September 2022.

Fletcher Rayner commenced as Director, Planning, Sustainability and Compliance, on 26 September 2022.

Ben Thompson commenced as Director, Community, Culture and Customer Experience on 17 October 2022.

When acting as General Manager, Sharon Cassidy, Tara Czinner, Fletcher Rayner and Ben Thompson will have all the functions, delegations and sub-delegations given to the General Manager by Council. No changes to the existing delegations are being proposed.

5. Financial impact statement/Time frame/Consultation

There are no financial implications resulting from this report.

6. Conclusion

It is recommended that Council appoints the Directors to act as General Manager when the General Manager is sick or otherwise absent from work on leave or business.

7. Attachments

Nil.

REPORT
CM/7.7/22.11**Subject:** Returns Disclosing Interests of Designated Persons**TRIM No:** A21/0564**Author:** Natalie Kirkup, Governance Officer**Director:** Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council notes the returns of designated persons disclosing interests, as set out in the report.

1. Executive Summary

This report informs Council of the lodgement of returns disclosing the interests of designated persons and satisfies the requirement to table returns at a Council meeting under part 4 of the Code of Conduct for Council Staff.

2. Introduction/Background

Part 4 of the Code of Conduct for Council Staff requires designated persons to lodge an annual return with the General Manager disclosing their interests within 30 days after becoming a designated person, after 30 June each year or becoming aware of an interest they are required to disclose under schedule 1 of the Code of Conduct for Council Staff that has not previously been disclosed.

The General Manager is required to keep a register of returns and table the returns at the first Council meeting after the last day that the return is required to be lodged.

3. Relevant Council Resolutions

Nil.

4. Discussion

Following the appointment and commencement of candidates to the below roles, which have been identified by the General Manager as positions of a designated person, each officer is required to lodge a return disclosing interests in accordance with clause 4.18 of the Code of Conduct for Council Staff within 30 days of becoming a designated person:

- Director, Corporate Services
- Director, Planning, Sustainability and Compliance
- Director, Community, Culture and Customer Experience.

Each Director as noted above, has lodged a return with the General Manager. This report addresses the requirement of the Code of Conduct for Council Staff to table the returns of designated persons at a Council meeting.

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

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

Consultation

Not applicable.

Time frame

The returns must be lodged with the General Manager and tabled at the first Council meeting after the last day that the return is required to be lodged.

6. Conclusion

The Code of Conduct for Council Staff requires designated persons to lodge a return disclosing their interests within 30 days of becoming a designated person. The returns must then be tabled at the first Council meeting after the last day that the return is required to be lodged. This report addresses the requirements of the Code of Conduct.

7. Attachments

Nil.

REPORT

CM/7.8/22.11



Subject: Annual Code of Conduct Complaints Statistics

TRIM No: SF17/2821

Author: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council notes the statistics on code of conduct complaints about Councillors and the General Manager for 2021–22 attached to the report.

1. Executive Summary

This report addresses the requirement of Council’s complaints co-ordinator to report annually to Council on statistics regarding code of conduct complaints made about Councillors and the General Manager.

2. Introduction/Background

Clause 11.1 of the Procedures for the Administration of the Code of Conduct (‘Procedures’) requires the complaints co-ordinator to report annually to Council on code of conduct complaints made about Councillors and the General Manager. This must be done within three months of the end of September of each year. The report also has to be provided to the Office of Local Government (OLG) within the same time frame (clause 11.2).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 23 November 2021	CM/7.5/21.11	That Council receives and notes the statistics on code of conduct complaints about Councillors and the General Manager for 2020–21 attached to the report.

4. Discussion

The reporting period is 1 September 2021 to 31 August 2022. The statistics are attached to the report, using the collection form provided by OLG.

Within the reporting period, two complaints were received and finalised as follows:

- The first complaint was resolved by the General Manager by alternative means, in accordance with cl 5.24 of the Procedures.
- The second complaint was referred to a conduct reviewer for preliminary assessment. The conduct reviewer decided to take no action, in accordance with clause 6.13(a) of the Procedures.

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

The cost of dealing with the code of conduct complaints received in the reporting period was \$1,645 (including GST). This figure only represents invoices received from the external conduct reviewer. It does not include staff costs. While staff costs should be included, it is not possible to give an accurate figure.

Time frame

The reporting period is 1 September 2021 to 31 August 2022. The statistics must be reported to Council and OLG by 31 December 2022. They will be sent to OLG by 30 November 2022.

Consultation

Nil.

6. Conclusion

This report satisfies the complaints co-coordinator's obligation to report to Council on code of conduct statistics.

7. Attachments

1. Annual Code of Conduct Complaint Statistics - 1 September 2021-31 August 2022 [↓](#) .

**REPORT
CM/7.9/22.11**

Subject: Audit, Risk and Improvement Committee Meeting
Minutes - 28 July 2022

TRIM No: SF21/6069

Author: Al Johnston, Governance Officer

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 28 July 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 meeting held on 28 July 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 meeting held on 28 July 2022 have been confirmed by the Committee and are attached to this report for Council's noting.

7. Attachments

1. ARIC - 28 July 2022 - Minutes [↓](#) .

REPORT

CM/7.10/22.11



Subject: Petition - Charing Cross Streetscape Upgrade Project

TRIM No: A18/0541

Author: Natalie Kirkup, Governance Officer
Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Refers the petition requesting Council to stop the Charing Cross Streetscape Upgrade Project to the Director, Assets and Operations, for consideration.
2. Officers prepare a report to Council on the consideration of the petition.

1. Executive Summary

Council has received a petition containing 50 signatures of residents of Bronte Road and Albion Street requesting that Council stop the Charing Cross Streetscape Upgrade project.

It is recommended that the petition be forwarded to the Director, Assets and Operations, for consideration and that a report be prepared for Council on the outcome.

2. Introduction/Background

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, business people or in some other capacity. Petitions must concern matters that Council is authorised to determine.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 May 2022	CM/7.12/22.05	<p>That Council:</p> <ol style="list-style-type: none"> 1. Progresses Option 3 for the Charing Street Streetscape Upgrade to detailed design, noting the following key items will be addressed in development of the design as appropriate: <ol style="list-style-type: none"> (a) Selection of tree species to vary and consider the heritage status of building façades. (b) Completion of a posted awning review to inform locations of trees and street furniture items in detailed design.

		<p>(c) Undertake an options analysis on materiality interpretations to acknowledge the original kerb alignment within the widened footpath.</p> <p>(d) Undertake an options analysis on appropriate lighting, hanging baskets and street furniture in the detailed design.</p> <p>2. Engages with members of the community during detailed design development, including those from the Charing Cross Precinct that have shown significant interest in the project.</p> <p>3. Receives a further report indicating final draft design for consideration and endorsement.</p>
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4. Discussion

The petition states:

Stop the Streetscape Project until:

1. *A full economic risk analysis is carried out by the relevant experts and the full report is released to (the) public.*
2. *An assessment of similar makeovers as the proposed Charing Cross Streetscape Project in similar shopping strips in NSW is undertaken by relevant experts and that the reports are released in full to the public.*
3. *Pave and repair footpaths to a safe level immediately.*

Regarding clause 1 of the petition, as the detailed design process progresses, there will be a Review of Environmental Factors (REF) document prepared in tandem with all other detailed design documentation. This document will analyse all aspects of the project works and the respective impacts of the surrounding environment. One component of this document explores the economic impact of the works, and what are the likely outcomes are because of the project, both during, and post-construction. This document will then be displayed, approved, and endorsed in accordance with the NSW and Local Government requirements relating to REFs.

Regarding clause 2, the REF document will assess all impacts of the project works, which will provide an insight into the likely impacts of the works on Charing Cross. These insights are developed by drawing on previous examples of similar streetscape works. This will be prepared, displayed, approved, and endorsed in accordance with NSW and local government requirements relating to REFs.

Regarding clause 3, Council officers will identify and rectify any safety issues with the footpaths of Charing Cross that require immediate attention. These works will be undertaken at the first opportunity.

The petition complies with Council's Petition Policy.

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council in receiving the petition.

6. Conclusion

It is recommended that the petition be forwarded to the Director, Assets and Operations, for consideration and that a report be prepared for Council on the outcome.

7. Attachments

Nil.

REPORT
CM/7.11/22.11

Subject: Latin American Festival 2024-2026 - Approval and Financial Assistance

TRIM No: A22/0248

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

Director: Ben Thompson, Director, Community, Culture and Customer Experience

RECOMMENDATION:

That Council:

1. Approves the inclusion of the Latin American Festival in its program of High Impact 2 events for 2024, 2025 and 2026.
2. In accordance with section 356 of the *Local Government Act*, grants \$71,090 in financial assistance over three years to Canvas Events Pty Ltd to support the cost of the Latin American Festival in 2024, 2025 and 2026.
3. Authorises the General Manager or delegate to execute a three-year memorandum of understanding with Canvas Events Pty Ltd to deliver the Latin American Festival in 2024, 2025 and 2026.

1. Executive Summary

At its meeting on 6 September 2022, Council resolved to publicly exhibit for 28 days Council's proposal to grant \$71,090 to Canvas Events Pty Ltd to support the cost of the Latin American Festival at Bondi Pavilion in 2024, 2025 and 2026.

The public notification period concluded on 12 October 2022, with no submissions received.

2. Introduction/Background

The Latin American Festival has operated from the Bondi Pavilion since 1979 and was most recently operated by the not-for-profit Bondi Association for Arts and Music (BAAM). Council has previously provided support for the event in the form of fee waivers of venue hire fees and cash support.

New Latin American Festival organisers Canvas Events Pty Ltd proposes a three-year partnership with Council to deliver the long-standing and popular community-driven arts and culture event in its traditional home of Bondi Pavilion.

As Canvas Events is a for-profit entity, Council is required to publicly exhibit its proposal to grant financial assistance under section 356(2) of the *Local Government Act 1993*. Council resolved to do this at its Finance, Operations and Community Services Committee on 6 September 2022. No submissions were made within the public notification period.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 6 September 2022	FC/5.6/22.09	<p>That Council:</p> <ol style="list-style-type: none"> 1. In accordance with section 356(2) of the Local Government Act 1993, publicly exhibits for a minimum of 28 days the proposal to grant \$71,090 in financial assistance over three years to Canvas Events Pty Ltd to support the cost of the Latin American Festival at Bondi Pavilion in 2024, 2025 and 2026. 2. Officers prepare a report to Council following the exhibition period.
Council 17 May 2022	CM/7.6/22.05	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves the following program of High Impact 2 events scheduled for the period 1 July 2022 to 30 June 2023: <ol style="list-style-type: none"> (a) Bondi Festival (including extended tenure of Ferris wheel). (b) City2Surf and Council Marquee Program. (c) Festival of the Winds. (d) The Drop Live. (e) Sculpture by the Sea. (f) Head On Photo Festival. (g) Diner en Blanc. (h) Dudley Page New Year's Eve. (i) Summer of Surf Series. (j) Nutri Grain Ironperson Series (subject to confirmation). (k) Outdoor Cinema (venue to be confirmed). (l) Latin American Festival. (m) Sydney WorldPride Bondi Beach Party (2023 only). (n) Ocean Lovers Festival. (o) North Bondi RSL ANZAC Day Dawn Service

		<p>Ceremony.</p> <p>2. Notes the following High Impact 1 and Medium Impact events that are included in the annual calendar of events:</p> <p>(a) Flickerfest (previously High Impact 2, now High Impact 1).</p> <p>(b) Bondi Blitz (previously High Impact 2, now Medium Impact 1).</p> <p>(c) Carols by the Sea (previously High Impact 2, now Medium Impact 1).</p> <p>(d) Bondi to Bronte Swim (previously High Impact 2, now Medium Impact 1).</p> <p>(e) Global Table (previously High Impact 2, now Medium Impact 1).</p> <p>3. Notes that all scheduled High Impact events outlined in Attachment 1 of the report are required to submit a COVID-19 Safety Plan and comply with Council's Events Policy and Event Management Guidelines.</p> <p>4. Authorises the General Manager, or delegated representative, to finalise and execute licence agreements with event organisers as necessary and as noted in the 2022–23 program.</p>
Council 20 February 2018	CM/7.11/18.02	That Council grants up to \$17,000 in financial assistance, under section 356 of the <i>Local Government Act 1993</i> , to the Bondi Association for Arts and Music to help cover the costs of running the 2018 Latin American Festival.

4. Discussion

The Finance, Operations and Community Services Committee report on 6 September proposed that Council enter into a three- year memorandum of understanding (MOU) with Canvas Events, for the delivery of the 2024, 2025 and 2026 Latin American Festival events at Bondi Pavilion.

Canvas Events and Waverley Council anticipate that a new non-profit entity will be incorporated by 2027 to manage the event on an ongoing, sustainable basis, eliminating the need for further Council support of this scale.

A three-year memorandum of understanding (MOU) will provide certainty for Canvas Events to build the ongoing support required for the event to be self-supporting at the conclusion of the three-year partnership with Council.

Having completed the required public notification period of this intention, and having received no submissions in that time, Council is asked to approve financial support for the event, commit to the event's

inclusion in Council's approved program of High Impact 2 events and to delegate to the General Manager the execution of an MOU with Canvas Events that specifies the financial support Council will provide. This will allow long-lead planning for the event's return to Bondi Pavilion in 2024 to proceed with certainty.

5. Financial impact statement/Time frame/Consultation

Financial impact

The financial assistance consists of not charging for venue hire and parking fees, as well as in-kind support by way of cleaning and ticketing services, as set out in the table below.

As previously communicated to Council, total Council support proposed over three years is \$71,190.

Table 1. Financial assistance by year.

Year 1	\$23,000	Venue hire fees, parking, ticketing and cleaning
Year 2	\$23,690	Venue hire fees
Year 3	\$24,500	Venue hire fees

The cost for 2023 is broken down as follows:

- \$7,500 venue hire (one day – community hire rate).
- \$6,000 ticketing services.
- \$7,000 parking spaces (one day).
- \$2,500 cleaning/waste.
- Total: \$23,000 for 2023.

The cost for 2024 is \$23,690 (adding approximately 3% pa).

The cost for 2025 is \$24,500.

From year 4, Council's contribution will reduce to zero, so the event becomes a net contributor to Bondi Pavilion venue economic performance.

Time frame

Priority actions for Canvas Events include the execution of the memorandum of understanding as well as a venue hire agreement and confirmed dates for the 2024 event.

A draft memorandum of understanding is in development. Since Council has received no objections or submissions of any kind to its public notification, and subject to Council approval, Officers and Canvas Events Pty Ltd will now finalise the memorandum of understanding, aiming to execute this by the end of 2022. This will allow Canvas Events to engage with major event suppliers, design the 2024 event marketing plan and schedule, and seek further investment.

Consultation

Ongoing meetings between Council officers and former BAAM executives have taken place to date, as well as initial discussions with Canvas Events. Internal consultation across Council work programs and the Bondi Pavilion Venue Management team has also assessed the viability of Council's support for the event.

6. Conclusion

Council received no submissions in response to the public exhibition of its proposal to grant \$71,090 to Canvas Events Pty Ltd to support the cost of the Latin American Festival at Bondi Pavilion in 2024, 2025 and 2026 received no submissions.

Council is now asked to approve financial support for the event as outlined in this report, commit to the event's inclusion in Council's approved program of High Impact 2 events and to delegate to the General Manager the execution of into a three-year Memorandum of Understanding with Canvas Events Pty Ltd for the delivery of Latin American Festival at Bondi Pavilion in 2024, 2025 and 2026 that includes the commitment of that financial support.

7. Attachments

Nil.

REPORT
CM/7.12/22.11

Subject: Tender Evaluation - 2A Edmund Street, Queens Park - Construction Services

TRIM No: A22/0107

Author: Dean Huang, Project Officer, Major Projects

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. In accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*, declines to accept the tender for construction services for 2A Edmund Street, Queens Park.
2. In accordance with section 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 construction services.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.
4. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.
5. In accordance with section 178(4) of the *Local Government (General) Regulation 2021*, notes that the reason for not pursuing sections 178(3)(b)–(d) of the *Local Government (General) Regulation 2021* is that Council has tested the market with an open tender and there is not a suitable pool of tenderers for the works.

1. Executive Summary

Following the close of the request for tender (RFT) for construction services for 2A Edmund Street, Queens Park, one submission was received. The purpose of this report is to seek Council's approval to decline to accept this tender and to enter negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract for the project.

2. Description of Service or Product being Tendered

2A Edmund Street is a social housing apartment block owned by Council. The building consists of two levels containing six units (three two-bedroom units per level) and is occupied by elderly long-term residents. The building is part of Council's Older Persons Housing Program, which aims to enable older renters who have long term connections to Waverley and a very low income, to 'age in place' in their local community.

SJB Architects (SJB) was commissioned to undertake a feasibility study for a few options including minor renovation, alterations and additions and new build options. Option 3 (two-storey new build using existing building envelope) was endorsed by Council as the most feasible option as it will provide a building with a

lifespan of 50 years, relatively similar costs to the refurbishment options, an accessible building (compliant with the *Disability Discrimination Act*) and several accessible apartments.

In September 2020, Council endorsed the decision to proceed with a detailed design and the submission of a development application (DA) for Option 3. The DA was submitted in December 2020 and was approved in October 2021.

The RFT was issued to seek submissions from appropriately qualified and experienced head contractor to undertake the construction work.

3. Scope of Tender

The head contractor for the works will be responsible for engaging all necessary subcontractors to meet the project principles and scope of works.

The scope of works involves:

- Demolish the existing brick building.
- Build new two-storey building.
- New driveway and crossing.
- Landscaping.

4. Reason for Tender

There was no suitable panel in place for delivery of these works, hence a tender was required

5. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 September 2020	CM/7.15/20.09	<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorses the concept design Option 3 (five apartments with Juliette balconies) for the 2A Edmund Street social housing project attached to the report (Attachment 1). 2. Proceeds to detailed design and the submission of a development application for Option 3 subject to: <ol style="list-style-type: none"> (a) Reconsidering window design to provide better amenity to residents, especially in the bedrooms facing the rear of the property. (b) Removing the laundry tubs and extending bench space in the kitchens and adding an island/table where appropriate. (c) Reconsidering the drying of laundry, as dryers will not be provided. (d) Reconsidering adding balconies to all units to provide private open space. 3. Notes engagement completed on the project to date and

		proceeds to public consultation as part of the development application process.
Strategic Planning and Development Committee 3 December 2019	PD/5.5/19.12	That: 1. Council demolishes and builds a new two-storey social housing building at 2A Edmund Street, Queens Park (Option 3 in the feasibility study attached to this report). 2. The Committee recommends to Council that, in order to fund the project, it brings forward the following amounts from the Long Term Financial Plan 2020/21–2030/31: (a) \$350,000 in design funding to the 2020/21 financial year. (b) \$1.85 million in construction funding to the 2021/22 financial year.

6. Discussion

Invitation to tender

A Tender Evaluation Panel (TEP) was established to evaluate the tenders. The Panel consisted of:

- Ava Acharya – Project Manager, Major Projects.
- Rob Sabato – Acting Executive Manager, Major Projects.
- Dean Huang – Project Manager, Major Projects.

The procurement process was witnessed by Council’s Procurement Officer, Dominic Vallese.

An RFT Evaluation and Probity Plan was developed and approved by the Evaluation Panel on 13 September 2022.

Tenders for 2A Edmund St Social Housing Project were called on 21 September 2022. Tenders closed on 19 October 2022 at 2.00 pm.

Tenders received

The following tender was received:

- Trescon Pty Ltd.

The tender met the mandatory requirements (conforming tender) and proceeded to a detailed evaluation. The conforming tenders are listed below:

Tender evaluation

The Evaluation Panel agreed on the following advertised selection criteria:

- Proposed program.
- Works understanding/methodology.

- Demonstrated capability and capacity of construction team.
- Demonstration and evidence of environmental and socially sustainable practices.

Tenders were given a score on each of the evaluation criteria and ranked in accordance with their scores.

Evaluation Panel's recommendation

The Tender Evaluation Panel evaluated the tender on 27 October 2022 and noted below:

- No detailed methodology was demonstrated.
- No local government experience was demonstrated.
- The programme submitted did not sound realistic for the scale of the project.
- The submission did not demonstrate an understanding or provide detail for environmental and socially sustainable practices.

In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, the TEP recommends that Council declines to accept this tender and negotiates with any person (whether or not the person was a tenderer) with a view to entering into a contract for the construction services.

In accordance with section 178(4) of the *Local Government (General) Regulation 2021*, the reasons for not pursuing sections 178(3)(b)–(d) of the *Local Government (General) Regulation 2021* are that Council has already tested the market with an open tender. Pursuing another open tender, or an expression of interest (EOI) followed by selective tender, is not an advisable option and there is not a suitable pool of tenderers for this tender.

The negotiation protocol is as follows:

1. Issue a letter to preferred consultants inviting each to participate in a negotiation process in relation to providing a submission for works.
2. Issue documentation to each preferred consultant who submits a signed acceptance form to enable them to provide a submission.
3. Afford each preferred consultant a limited time frame to return a response to Council.
4. Council will conduct an evaluation on the written tender responses.
5. Council, at its discretion, can then elect to proceed further with one or more of the preferred consultant by either:
 - (a) Conducting negotiation meetings with the preferred consultant.
 - (b) Issuing a further written draft of the contract documentation to the preferred consultant.

7. Financial impact statement/Time frame/Consultation

Financial impact statement

The current quantity surveyor cost estimate is included in 2022–2023 capital works budget for the delivery of the 2A Edmund St Social Housing Project.

Time frame

It is anticipated that the consultant appointed after negotiations will commence construction works in late March 2022.

8. Conclusion

The Tender Evaluation Panel recommends that Council authorises the General Manager to enter into negotiations with any person/s with a view to entering into a contract in relation to the subject matter of the tender.

9. Attachments

Nil.

NOTICE OF MOTION CM/8.1/22.11



Subject: 53 Francis Street, Bondi Beach - Complying Development and Private Certification

TRIM No: CD-85/2022

Submitted by: Councillor Wy Kanak

MOTION:

That Council

1. Notes that community members emailed Council in June 2022 complaining about a complying development certificate (CDC) issued by a privately appointed registered certifier for 53 Francis Street, Bondi Beach.
2. Notes the issues raised by Mr Lee Wright in representations to the Bondi Precinct and Councillors about the CDC and private certifier process at 53 Francis Street.
3. Notes the Precinct motions in relation to the stop work order at 53 Francis Street.
4. Places the information provided by Mr Wright, the community and the Precinct in dealing with 53 Francis Street on file for future reference.
5. Notes the recent Local Government NSW (LGNSW) 2022 conference resolution posed by Council's motion to LGNSW on the topic of complying development and private certification.
6. Updates its website to provide information on the complying development certificate process, including links to the NSW Fair Trading website on how to make complaints about registered certifiers.

Background

The issuing of a complying development certificate and associated private certification of 53 Francis Street, Bondi Beach, has been a source of aggravation to the community since it first started. It continues to tax the patience and resources of the neighbourhood and Council.

General Manager's comment

On 27 May 2022, a complying development certificate was issued by Alma Building Approvals. Following the receipt of complaints from neighbouring residents, Council officers provided details of the principal certifier.

In response to further representations from neighbours, Council officers requested that the principal certifier undertake an investigation. This investigation resulted in the principal certifier issuing a written direction notice (12 August 2022) that required the owners to cease work and lodge a development application to Council.

On 28 September 2022, a Council Building Compliance Officer attended the site and was advised by the site supervisor that a new principal certifier had been appointed, with sign erected. As Council had not received this notice, Council staff contacted the new principal certifier on 5 October 2022 about the previous unauthorised work and requested a copy of the notice to appoint a replacement principal certifier form be submitted. This was eventually received on 21 October 2022.

Following further resident complaints, Council Building Compliance Officers attended the site on 18 October 2022 and observed further work that did not match the CDC plans. As a result, a verbal stop work order was given during the inspection, followed by serving of a formal development control order to stop work, which was issued to the owners and principal certifier on 19 October 2022. A further amended stop work order was issued on 21 October.

In accordance with the development control order, the owners have until 18 November 2022 to respond.

Fletcher Rayner
Director, Planning, Sustainability and Compliance

NOTICE OF MOTION CM/8.2/22.11



Subject: Council Meetings - Addresses by Members of the Public

TRIM No: A22/0057

Submitted by: Councillor Burrill

MOTION:

That Council:

1. Investigates allowing:
 - (a) Members of the public to address Council and Committee meetings by audio-visual link.
 - (b) Councillors to ask questions of members of the public at the end of their address.
2. Officers prepare a report to Council on the outcome of the investigation.

Background

Other councils, such as Randwick City Council, now allow members of the public to address council meetings by audio-visual link. This is an initiative that Waverley should explore, as it provides more opportunity and flexibility for residents to participate in meetings.

Allowing Councillors to ask questions of speakers will enable Councillors to better understand the issues raised and to seek clarity.

General Manager's comment

Currently, members of the public wishing to address Council or Committee meetings must attend the meeting and speak in person. If they are unable to attend, they may email their concerns directly to Councillors.

During the COVID-19 pandemic, Council allowed members of the public to submit a recorded video submission, which was played at the meeting, or a written submission, which was read out at the meeting by staff. Addresses by audio-visual link were not permitted due to technical and administrative concerns. However, Councillors and staff can now attend meetings by audio-visual link, and the Model Code of Meeting Practice includes supplementary provisions on allowing public addresses by audio-visual link—although these were not included in Council's Code when it was reviewed earlier this year.

The Code of Meeting Practice does not prohibit Councillors from asking questions of members of the public. However, it is not usual practice at Waverley, and the supplementary provisions in the Model Code of Meeting Practice that facilitated it were not included in Council's Code. Permitting questions by Councillors could assist Councillors in their decision-making.

The advantages and disadvantages of both initiatives, as well as possible parameters, will be explored as part of the investigation, if resolved by Council.

Tara Czinner
Director, Corporate Services

NOTICE OF MOTION CM/8.3/22.11



Subject: Bronte Pool - Pump House Upgrade and Pump Replacement

TRIM No: SF21/750

Submitted by: Councillor Burrill
Councillor Kay
Councillor Goltsman

MOTION:

That Council:

1. Notes that Option 2 (new pump house and stairs) was endorsed as the preferred option for the Bronte Pool pump house at the Finance, Operations and Community Services Committee on 1 November.
2. Notes that the report did not include the design concepts for Options 1 and 3 that were presented at a Councillor briefing on 7 June 2022.
3. Includes Options 1 and 3 as part of the consultation package to inform the community of the options considered and analysis undertaken.

Background

This notice of motion was signed by Crs Burrill, Kay and Goltsman in accordance with clause 17.7 of the Code of Meeting Practice.

Councillors were presented with three options at the Councillor briefing on 7 June 2022. In order to fully inform the community, all three options should be included as part of the consultation, including the analysis undertaken to arrive at the preferred option.

General Manager's comment

If resolved by Council, officers will provide the concept designs for Option 1 and 3 as part of the consultation package for background information.

Sharon Cassidy
Director, Assets and Operations

**NOTICE OF MOTION
CM/8.4/22.11****Subject:** Tree at 15 Consett Avenue, Bondi Beach**TRIM No:** DA-552/2021**Submitted by:** Councillor Wy Kanak

MOTION:

That:

1. The tree management and forestry consultancy group TreeIQ report on the significant tree nomination of the *Quercus ilex* (evergreen oak) at 15 Consett Avenue, Bondi Beach, be reported to the December Finance, Operations and Community Services Committee meeting.
2. No further Council administration dealing with this TreeIQ report allowing further impacts to that tree be sanctioned by Council until the report mentioned in clause 1 is brought before the December Finance, Operations and Community Services Committee meeting.

Background

There is a high public interest in this tree as evidenced in the Channel 9 media report and community representations.

General Manager's comment

Should the motion be supported, Council officers can provide an update report attaching the consultant's report for the December Finance, Operations and Community Services Meeting.

Tree protection remains on the subject tree through the DA process and in accordance with AS 4970 – Protection of Trees on Development Sites.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.5/22.11



Subject: Charing Cross - Posted Awning Strategy and Heritage Works

TRIM No: A22/0513

Submitted by: Councillor Keenan
Councillor Fabiano

MOTION:

That Council:

1. Notes that the Posted Awning Strategy is available, but there is no project to deliver the physical works. This is not something that has been planned or budgeted at this time.
2. Officers prepare a report to Council outlining the next steps for the Posted Awning Strategy, including options funding and timelines and how the project could be incorporated into the next round of Development Control Plan updates.
3. Officers prepare a report to Council recommending options for restoration works to heritage buildings in the shopping strip to inform debate over progressing heritage restoration plans for Charing Cross.

Background

A priority objective of the Charing Cross Streetscape Upgrade is to 'enhance heritage and local character.'

However, the proposed 'smart poles' (or multi-function poles) require 32 green electrical 'towers' to be installed on the pedestrian footpath outside shops on the continuous accessible path of travel (important for vision impaired).

Further, wiring from those boxes is likely to be in conduits attached to building facades, including heritage items. These are undesirable outcomes of the proposed Streetscape Upgrade.

General Manager's comment

Although the Charing Cross Discussion Paper – Exploration of Colonnaded Awnings (the Posted Awnings Strategy) has been prepared, it has not been reported to Council for public notification. Staff anticipate the study would be reported to Council in early 2023 with the detail design for the Charing Cross Streetscape Upgrade prior to tender.

The posted awning strategy identifies where veranda posts were once located in Charing Cross and criteria for possible reinstatement. There is no funding for veranda posts or associated works as part of the Charing Cross Streetscape project, but it is being used to inform placement of trees, light poles and other streetscape elements.

If such a strategy were to be considered by Council and incorporated into the Waverley Development Control Plan, the cost of awning post reinstatement would be borne by the applicant and required or negotiated as part of a future development application.

Regarding restoration works to heritage buildings, Council is not responsible for works on private land, nor scoping work that would normally form part of a heritage impact statement submitted with a development application.

Sharon Cassidy
Director, Assets and Operations

Fletcher Rayner
Director, Planning, Sustainability and Compliance

NOTICE OF MOTION CM/8.6/22.11



Subject: External Events Program - Review

TRIM No: A22/0117

Submitted by: Councillor Wy Kanak
Councillor Keenan

MOTION:

That Council:

1. Undertakes a review of its external/non-Council-run high-impact events to understand the:
 - (a) Community benefits/costs.
 - (b) Desired and actual economic outcomes.
 - (c) Environmental impacts.
 - (d) Public domain impacts (including beach and parks).
 - (e) Total cost to Council.
2. Officers prepare a report to Council with details of the review to inform discussion on current approach and policy.

Background

Council runs an intensive program of high impact, non-Council events with a particular concentration of events in the summer months in our high demand public spaces.

A review of these external/non-Council-run events is required to assess the cumulative impacts and benefits for the Waverley local government area. This review should include an assessment of the community benefits and costs, the economic and environmental impacts, total cost to Council, as well as the impact on the public domain.

General Manager's comment

Bondi Beach (where high impact events take place) is a hallmark international location, and Council receives event proposals from external parties which officers assess against the Events Policy, approved by Council in August 2020. The Events Policy is read and applied in conjunction with the Event Management and Delivery Requirements and Event Waste Management Guidelines.

The policy provides principles, strategies, actions and controls for delivering events on Council land and in Council-owned or managed buildings to ensure that events meet best practice safety, security, environmental and social sustainability standards. It classifies events in terms of their impact on the community and environment.

The policy was designed to minimise any negative impacts of events on the non-event community and the environment and ensure that events achieve applicable goals as detailed in the Community Strategic Plan.

Officers can conduct a review of approved high impact events, providing a summary of impacts, benefits and cost to Council, and provide a report to Council on this review as per the motion.

Ben Thompson

Director, Community, Culture and Customer Experience

NOTICE OF MOTION CM/8.7/22.11



Subject: Charing Cross Streetscape Upgrade - Economic Impact and Footpath Repairs

TRIM No: A18/0541

Submitted by: Councillor Fabiano

MOTION:

That Council:

1. Notes the global economic downturn and the impact of COVID-19 and resulting skills and material shortages. Along with weather delays, these factors are likely to extend construction duration and increase costs of Council construction projects.
2. Notes concerns from within the Charing Cross business community (including a petition) about the impact of the proposed improvement works on their economic viability following ongoing recovery from the pandemic.
3. Ensures that the economic impact assessment for the proposed streetscape upgrade plans being undertaken as part of the Review of Environmental Factors takes into account:
 - (a) The effect on Charing Cross businesses of construction, including a likely extended construction period.
 - (b) The effects of the operation of the new streetscape design on the existing business models in the shopping strip, including the impact of proposed widened footpaths and removal of the slip road.
4. Ensures that the construction budget includes adequate contingency plan for delays during construction.
5. Officers provide advice to Councillors on Council's obligations and options relating to compensation and/or financial support for loss of trade for businesses.
6. Determines the appropriate start date for these large engineering works, taking into consideration whether the global economy has entered a recovery using key economic indicators.
7. Undertakes immediate small works to repair existing footpaths in Charing Cross to a safe condition.

Background

Charing Cross business owners have tabled a petition on the proposed Charing Cross Streetscape Upgrade plans. This asks for a full economic risk analysis of the proposed works before any construction starts. (Sent to all councillors.).

The businesses in Charing Cross have worked hard to survive the COVID-19 pandemic and trade is recovering well. Expecting these businesses to survive another major disruption caused by prolonged

construction operation is unreasonable, particularly in the context of a potential pandemic resurgence and global economic downturn. Good governance requires reassessment of the project design and timing, noting the wider economic changes since the project's inception.

A local business consultant and shop owner in the strip has prepared an analysis of the diversity in the business mix in Charing Cross. The analysis identifies reasons why the Charing Cross heritage shopping strip has been successful both following Westfield's arrival in 2003 and after the pandemic (to be sent to all Councillors).

Charing Cross shopping strip is a commercial and service centre. Cafes comprise less than 6% of the services offered. Most business models in Charing Cross would gain questionable benefit from wider footpaths. Council should reassess the benefits to all businesses from widened footpaths.

Accident statistics from Transport for NSW indicate that Bronte Road is an extremely safe street. Road narrowing appears unnecessary, as does removal of the left turn slip lane at the Robin Hood Hotel (to be sent to all Councillors).

The Mayor held a 'Meet the Mayor' meeting on Bronte Road on 26 October 2022 at 10.30, along with Chair of the Chamber of Commerce, with some of the business owners who were able to attend.

A priority objective of the Charing Cross Streetscape Upgrade is to 'enhance heritage and local character.'

Proposed 'smart poles' (or multi-function poles) require 32 green electrical 'towers' to be installed on the pedestrian footpath outside shops on the continuous accessible path of travel (important for vision impaired). Further, wiring from those boxes is likely to be in conduits attached to building facades, including heritage items. These are undesirable outcomes of the proposed Streetscape Upgrade.

General Manager's comment

Council's consultant has undertaken the conceptual design for Charing Cross, of which Option 3 was adopted by Council in response to resolution CM/7.12/22.05 in May 2022. Since the adoption of this resolution, the consultant has been exploring detailed design options for feedback by Precinct Committee Representatives in response to clause two of CM/7.12/22.05.

As the detailed design process progresses, there will be a Review of Environmental Factors (REF) document prepared in tandem with all other detailed design documentation. This document will analyse all aspects of the project works and the respective impacts of the surrounding environment. One component of this document explores the economic impact of the works, and what are the likely outcomes are because of the project, both during, and post-construction. This document will then be displayed, approved, and endorsed in accordance with the NSW and Local Government requirements relating to REFs.

Furthermore, given the Review of Environmental Factors document will assess all impacts of the project works, an insight into the likely impacts of the works on Charing Cross will be provided. These insights are developed by drawing on previous examples of similar streetscape works. This will be prepared, displayed, approved, and endorsed in accordance with NSW and local government requirements relating to REFs.

Regarding compensation and/or financial support to businesses, Council is responsible for most of the roading infrastructure within the local government area. From time to time, Council is required to undertake maintenance and upgrade works on the road corridor. The impacts from this are a normal part of the cycle of network infrastructure. Council is unable to provide for compensation where it is undertaking upgrade or maintenance works, as all roads need works at some stage. Compensation would provide a significant additional layer of cost that would fall on ratepayers.

Council welcomes suggestions from business owners that have practical site management measures or support measures that Council and contractors can take 'on the ground' and wishes to work closely with them to try and support the daily operations during the construction period in the best way possible.

Council officers will identify and rectify any safety issues with the footpaths of Charing Cross that require immediate attention. These works will be undertaken at the first opportunity.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.8/22.11



Subject: Onslow Street Reserve, Rose Bay - Upgrade

TRIM No: A20/0540

Submitted by: Councillor Nemesh
Councillor Betts

MOTION:

That Council:

1. Notes the recent upgrades to Onslow Street Reserve and installs an additional table and bench within the Reserve, with the exact location to be determined in consultation with residents of Onslow Street.
2. Reinstates a bench within the Onslow Street Roundabout Reserve.
3. Officers inform the Rose Bay Precinct of the Council resolution.

Background

Residents within Onslow Street have requested the installation of an additional table and bench within the Onslow Street Reserve. In addition, a bench was previously located within the roundabout reserve at the intersection of Onslow Street and Onslow Place. Residents have requested that a bench be reinstated.

General Manager's comment

Additional picnic table in Onslow Street Reserve

Council has recently undertaken extensive community consultation on Onslow Street Reserve reporting the findings of these consultations to Council and received Council approval to implement the plan that has been constructed.

As reported to Council, seating in the reserve was an issue of concern relating to generating anti-social behaviour and residential amenity concerns for adjoining neighbours. The configuration of seating and picnic tables in the reserve was deliberately designed to alleviate these issues.

Should Council support this motion, it is recommended that the residents be consulted to establish if the request is fully supported by a majority of the impacted residents.

Onslow Street Roundabout bench request

It appears the seat was removed from the reserve over seven years ago sometime between 2014 and 2015. Council had not received a strong representation from the community or adjoining residents to have this seat replaced.

Officers recommend that this request been managed through the formal customer request process for asset maintenance and renewal. The merit of the works can then be assessed and customers informed of decisions and outcomes. Officers will log the request through Council's customer relationship management system (Merit) to be actioned.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.9/22.11



Subject: Diamond Bay Reserve - Improvements

TRIM No: A03/0946

Submitted by: Councillor Nemesh
Councillor Betts

MOTION:

That Council:

1. Installs a bin cover over the exposed bin at Diamond Bay Reserve.
2. Investigates refurbishment or replacement of the current seating located at Diamond Bay Reserve, which is in poor condition.
3. Relocates the bush care signage located in the park to adjacent to the current seating.
4. Officers prepare a report to Council by February 2023.
5. Officers inform the Diamond Bay Vauclose precinct of this resolution.

Background

These are minor cosmetic improvements to the reserve including updating the bench seating which is in poor condition as well as relocating signage on a sandstone plinth to a more suitable location being adjacent to the bench seat.

General Manager's comment

These minor cosmetic improvements to the reserve constitute maintenance and minor capital works requests that are normally addressed through our asset management processes including renewal cycles, ongoing repairs and replacement of dilapidated assets at the end of life. Officers will log the request through Council's customer relationship management system (Merit), to be undertaken based on priority and safety concerns and utilising available resourcing and within Council's budgetary constraints.

A report to Council on this matter is not recommended however an email update can be provided to Ward Councillors.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.10/22.11



Subject: Diamond Bay - One-Way Traffic

TRIM No: A03/0042-04

Submitted by: Councillor Betts
Councillor Lewis

MOTION:

That Council investigates introducing a one-way traffic route for Diamond Bay Road, Craig Avenue and Isabel Avenue, Vacluse, by:

1. Surveying residents.
2. Officers preparing a report for Council.

Background

Council previously investigated and survey residents about introducing a one-way traffic route in Diamond Bay. The survey results showed that generally the residents in Diamond Bay voted for the one way and residents in Isabel Avenue voted against it. It was therefore not introduced as there was not a majority of residents that supported it.

Since then, many high-rise developments have been built and there has been a large growth in traffic. It is extremely difficult for two cars to pass each other as there is critical needed parking on both sides of the roads.

Residents have been asked for a one-way loop to be reconsidered for the past two years at least. The Vacluse Precinct has asked that Council re-investigate options to improve the traffic flow.

General Manager's comment

The Waverley Traffic Committee considered a petition containing 39 signatures from residents of Diamond Bay Road, Craig Avenue and Isabel Avenue, Vacluse, requesting consideration be given to installing passing bays in Diamond Bay Road, Craig Avenue and Isabel Avenue, or installing a one-way loop system in Diamond Bay Road, Craig Avenue and Isabel Avenue at Traffic Committee meeting in January 2014

The committee recommended that Council proceed with the community consultation for a clockwise one-way road system in Diamond Bay Road, Craig Avenue and Isabel Avenue, Vacluse. Council subsequently adopted this recommendation at the February 2015 Council meeting.

Residents were divided at the time about the implications of a one-way system.

Council received a second petition in September 2014 opposing a one-way system. The petition contained 102 signatures.

It was around this time that the proposal was not progressed.

Council staff can undertake an update survey. Timing would be early 2024 given our current commitments to other traffic studies and surveys unless this is prioritised.

Sharon Cassidy
Director, Assets and Operations

URGENT BUSINESS
CM/10/22.11**W A V E R L E Y**
COUNCIL

Subject: Urgent Business

Author: Emily Scott, General Manager

In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

CLOSED SESSION CM/11/22.11



Subject: Moving into Closed Session
Author: Emily Scott, General Manager

WAVERLEY
COUNCIL

RECOMMENDATION:

That:

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

CM/11.1/22.11 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.2/22.11 CONFIDENTIAL REPORT - Rowe Street Project - Update

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to 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/12/22.11**



W A V E R L E Y
COUNCIL

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

RECOMMENDATION:

That Council resumes in open session.

Introduction/Background

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