



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

COUNCIL MEETING

A meeting of W A V E R L E Y C O U N C I L will be held at Waverley Council Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, TUESDAY 16 APRIL 2024

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

Emily Scott
General Manager

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Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under Council's code of conduct to disclose and appropriately manage conflicts of interest.

Live Streaming of Meetings

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

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

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.

1. Apologies/Leaves of Absence

Cr Tony Kay has requested a leave of absence from this meeting and the Council meeting on 21 May 2024.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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There are no questions with notice.

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OBITUARIES CM/3/24.04

Subject: Obituaries
Author: Emily Scott, General Manager



The Mayor will ask Councillors for any obituaries.

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

CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/24.04



Subject: Confirmation of Minutes - Council Meeting - 19 March 2024

TRIM No: A23/0761

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Council meeting held on 19 March 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

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

Attachments

1. Council Meeting Minutes - 19 March 2024 .



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 19 MARCH 2024**

Present:

Councillor Paula Masselos (Mayor) (Chair)	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 Elaine Keenan	Lawson 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 7.00 pm, those present were as listed above.

Crs Burrill, Gray and Wy Kanak 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

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Kay declared a pecuniary interest in item CM/7.3/24.03 – Planning Agreement – 154 Ramsgate Avenue, North Bondi and informed the meeting that his mother-in-law owns property in the unit block directly across the road from the subject property, and that he will leave the meeting for the consideration and vote on this item.

3. Obituaries

Jack Fitzgibbon

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 Lesmond – CM/8.1/24.03 – RESCISSION MOTION – PD/5.3/24.03 – Waverley Development Control Plan 2022 (Amendment No. 2) – Flood Planning – Adoption.
- 4.2 H Brown – CM/8.1/24.03 – RESCISSION MOTION – PD/5.3/24.03 – Waverley Development Control Plan 2022 (Amendment No. 2) – Flood Planning – Adoption.
- 4.3 H Petrie – CM/8.1/24.03 – RESCISSION MOTION – PD/5.3/24.03 – Waverley Development Control Plan 2022 (Amendment No. 2) – Flood Planning – Adoption.
- 4.4 A Richards – CM/8.1/24.03 – RESCISSION MOTION – PD/5.3/24.03 – Waverley Development Control Plan 2022 (Amendment No. 2) – Flood Planning – Adoption.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

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

- CM/5.1/24.03 Confirmation of Minutes – Council Meeting – 20 February 2024.
- CM/5.2/24.03 Confirmation of Minutes – Extraordinary Council Meeting – 27 February 2024.
- CM/7.1/24.03 Investment Portfolio Report – February 2024.
- CM/7.2/24.03 Planning Proposal – Waverley Local Environmental Plan – General Update – Exhibition.
- CM/7.4/24.03 Bondi Pavilion – Bar and Catering Services Licence – Exhibition.
- CM/7.6/24.03 Bus Industry Taskforce – Submission.
- CM/8.2/24.03 Motion for 2024 ALGA National General Assembly – Environmental Services and Infrastructure.
- CM/8.3/24.03 Motion for 2024 ALGA National General Assembly – Affordable Housing.
- CM/8.4/24.03 Motion for 2024 ALGA National General Assembly – Closing the Gap.

5. Confirmation and Adoption of Minutes**CM/5.1/24.03 Confirmation of Minutes - Council Meeting - 20 February 2024 (A23/0761)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council meeting held on 20 February 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/24.03 Confirmation of Minutes - Extraordinary Council Meeting - 27 February 2024 (A23/0761)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the extraordinary Council meeting held on 27 February 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.3/24.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 February 2024
(A23/0764)**

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 22 February 2024 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

TC/C.01/24.02(2) – Bennett Street and Ewell Lane, Bondi – Pedestrian Safety Improvements

And that this item be dealt with separately below.

**CM/5.3.1/24.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 February 2024 -
TC/C.01/24.02(2) - Bennett Street and Ewell Lane, Bondi - Pedestrian Safety
Improvements (A20/0069)**

MOTION

Mover: Cr Murray
Seconder: Cr Fabiano

That Council adopts the Traffic Committee's recommendation subject to the deletion of clause 3 such that the recommendation now reads as follows:

That Council:

1. Installs a stop sign, associated stop line and a caution/beware pedestrian sign on the light post in Ewell Lane, Bondi, facing cars travelling westbound.

Installs 'piano key' line marking in Ewell Lane immediately east of the footpath at the intersection of Ewell Lane and Bennett Street.

Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should on-site circumstances warrant refinements.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That Council adopts the Traffic Committee's recommendation, which reads as follows:

That Council:

1. Installs a stop sign, associated stop line and a caution/beware pedestrian sign on the light post in Ewell Lane, Bondi, facing cars travelling westbound.
2. Installs 'piano key' line marking in Ewell Lane immediately east of the footpath at the intersection of Ewell Lane and Bennett Street.
3. Investigates reversing the traffic movement in Ewell Lane to eastbound, and then, if this reversal is supported by officers, considers pedestrian safety improvements at the intersection of Ewell Lane and Ocean Street, with a further report to be prepared for the Traffic Committee.

4. Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should on-site circumstances warrant refinements.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council adopts the Traffic Committee's recommendation subject to the deletion of clause 3 such that the recommendation now reads as follows:

That Council:

2. Installs a stop sign, associated stop line and a caution/beware pedestrian sign on the light post in Ewell Lane, Bondi, facing cars travelling westbound.
3. Installs 'piano key' line marking in Ewell Lane immediately east of the footpath at the intersection of Ewell Lane and Bennett Street.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should on-site circumstances warrant refinements.

6. Mayoral Minutes

CM/6.1/24.03 Women's Emergency and Short-Term Accommodation (A20/0402)

MOTION

Mover: Cr Masselos

That Council:

1. Notes that:
 - (a) In Waverley, during the 12 months to March 2022, violence against women incident rates were higher than for either Randwick or Woollahra.
 - (b) There is also an increase in older, unpartnered women, experiencing financial and housing insecurity.
 - (c) A key priority of the Waverley Women's Council is the provision of affordable, social and women's refuge housing.
2. Investigates:
 - (a) Council's property portfolio for allocation as potential women's emergency and short-term accommodation.

- (b) Models of operation of the service, including existing services wishing to expand their services in Waverley.

3. Officers prepare a report to the May Council meeting.

Background

According to the Bureau of Crime Statistics and Research (BOCSAR), the average number of ~~DV~~ domestic-violence-related incidents in the Eastern Suburbs for the five-year period from October 2018– September 2023 was 707 per year. For Waverley specifically, over this period, the average number of incidents was 188 or about 27% of the total Eastern suburbs figure. While the number of incidents can vary from year to year, Waverley is recorded as stable; although the number for of incidents for the Eastern Suburbs increased in the period October 2021– September 2023 from 672 to 785.

In Waverley, violence against women is an ongoing concern and although rates are under the State average, during the 12 months to March 2022 domestic assaults in Waverley were higher than for either Randwick or Woollahra. The Bondi Beach Cottage reports seeing more than 235 women a year.

BOCSAR also reports that reporting of domestic violence incidents is not a well-documented phenomenon, so actual incidents are likely to be higher. This is corroborated by local services in Waverley.

In Waverley, there is also an increase in older, unpartnered women, experiencing financial and housing insecurity.

A key priority of the Women's Council to the Mayor is the provision affordable, social and women's refuge housing.

Council officers report that the most commonly reported abuse towards older people is verbal abuse, financial exploitation and failure to meet support needs. While there is no direct correlation between abuse findings and the number of older women/women with disability experiencing domestic violence, there is some evidence to suggest that services see more clients in this age group desperately looking to secure long-term housing. Bondi Beach Cottage has commented on this issue.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 3.

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

UNANIMOUS DECISION

That Council:

1. Notes that:

- (a) In Waverley, during the 12 months to March 2022, violence against women incident rates were higher than for either Randwick or Woollahra.
- (b) There is also an increase in older, unpartnered women, experiencing financial and housing insecurity.
- (c) A key priority of the Waverley Women's Council is the provision of affordable, social and women's refuge housing.

2. Investigates:

- (a) Council's property portfolio for allocation as potential women's emergency and short-term accommodation.
 - (b) Models of operation of the service, including existing services wishing to expand their services in Waverley.
- 3. Officers prepare a report to the May Council meeting, including a review of the statistics and circumstances of younger women escaping abuse at home.

**CM/6.2/24.03 Bondi Junction Commercial Precinct - Creating a Vision and Place Identity
(A16/0262)**

MOTION

Mover: Cr Masselos

That:

1. Council notes existing initiatives to revitalise Bondi Junction, including:
 - (a) The recent interim upgrade of Oxford Street Mall.
 - (b) The design competition to make Bondi Junction a destination, which is being released this month.
 - (c) The Rowe and Oxford Street redevelopment.
 - (d) Complete Streets projects, including the cycleway renewal.
 - (e) The Council resolution to undertake activation strategies in Oxford Street Mall.
 - (f) The recent proposal to amend the Development Control Plan to allow Oxford Street Mall trading hours between 6.00 am and 3.00 am.
2. Officers prepare a business case for Council's consideration to develop a strategic vision and place identity for the Bondi Junction Commercial Precinct that:
 - (a) Facilitates strategic, appropriate and sustainable growth in the commercial centre, including small and medium enterprises, while protecting the residential amenity within the precinct.
 - (b) Creates dynamic and vibrant meeting places, great public spaces and buildings, public art and walkable streets.
 - (c) Enhances the strategic and economic importance of Bondi Junction as a knowledge and innovation precinct and facilitates the growth of 21st century jobs, as per Council's Innovation Road Map.
 - (d) Accelerates the transition of the precinct to a net zero future by 2035.
 - (e) Identifies various diversified activities specific to certain locations and builds appropriate brand identities, such as:
 - (i) Oxford Street Mall as a family-friendly dining precinct that enhances community safety and promotes a vibrant night-time economy.
 - (ii) Spring Street as an innovation and tech precinct, building upon Council's Innovation Road Map and resolution on jobs for the 21st century.
 - (f) Showcases environmental excellence and supports and facilitates innovative and sustainable infrastructure, businesses and design.
 - (g) Investigates partnership opportunities to deliver efficient and integrated public transport solutions.
 - (h) Increases the provision of affordable and social housing within the precinct.

- (i) Protects, enhances, and celebrates our significant local heritage.

3. The business case should include:

- (a) Consideration of previous policy work and resolutions in respect of the Bondi Junction Commercial Precinct.
- (b) A key stakeholder and community engagement strategy to assist in the development of the vision and place identity for Bondi Junction.
- (c) A timeline for the development and implementation of the vision including:
 - (i) Short-term immediate: 2024–2027.
 - (ii) Medium-term: 2027–2035.
 - (iii) Long-term: 2035–2050.
- (d) Identification of appropriate potential grants and subsidies, including the Uptown Grant Program and grants.
- (e) A top-line budget estimate that can be incorporated into the Long Term Financial Plan.
- (f) Officers prepare a report to Council no later than June 2024.

Background

Council's Community Strategic Plan 2032 outlines the strategic importance of Bondi Junction as a commercial centre linked to the Sydney global economy. The Community Strategic Plan theme of 'Place' identifies Bondi Junction as a focal point with actions to create a liveable and vibrant strategic centre. In 2017, Council endorsed the Bondi Junction – Heartbeat of the East 2030 vision that focused on delivering a range of actions under three key themes: great places, improved transport and sustainability. Whilst a small number of actions were successfully delivered, the implementation of the strategy did not progress.

Council is committed to preserving and growing the commercial centre in order to maintain its status as a regional centre and to ensure that Bondi Junction and Oxford Street Mall specifically are seen as a vibrant destination gateway into Waverley.

Over the years, there have been many disparate policies governing Bondi Junction but there is no overarching strategic vision that harmonises all the policy work done to date or establishes discrete brand identities for the various and disparate areas of the Bondi Junction commercial centre.

The time is right now, given the range of State government programs and funding sources, to work collaboratively with our community and the NSW Government in developing and realising an exciting and strategic vision for this regionally significant place.

However, in developing this vision we must be cognisant in acknowledging the diverse range of stakeholders, including that much of the commercial centre impacts significant residential areas. Any policy must chart a course that protects the residential amenity while developing a vibrant commercial destination which looks to the future and jobs for the 21st century.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF NEW CLAUSES 1(g) and 2(j).

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

UNANIMOUS DECISION

That:

1. Council notes existing initiatives to revitalise Bondi Junction, including:
 - (a) The recent interim upgrade of Oxford Street Mall.
 - (b) The design competition to make Bondi Junction a destination, which is being released this month.
 - (c) The Rowe and Oxford Street redevelopment.
 - (d) Complete Streets projects, including the cycleway renewal.
 - (e) The Council resolution to undertake activation strategies in Oxford Street Mall.
 - (f) The recent proposal to amend the Development Control Plan to allow Oxford Street Mall trading hours between 6.00 am and 3.00 am.
 - (g) The recent proposal to designate Bondi Junction as an entertainment precinct.
2. Officers prepare a business case for Council's consideration to develop a strategic vision and place identity for the Bondi Junction Commercial Precinct that:
 - (a) Facilitates strategic, appropriate and sustainable growth in the commercial centre, including small and medium enterprises, while protecting the residential amenity within the precinct.
 - (b) Creates dynamic and vibrant meeting places, great public spaces and buildings, public art and walkable streets.
 - (c) Enhances the strategic and economic importance of Bondi Junction as a knowledge and innovation precinct and facilitates the growth of 21st century jobs, as per Council's Innovation Road Map.
 - (d) Accelerates the transition of the precinct to a net zero future by 2035.
 - (e) Identifies various diversified activities specific to certain locations and builds appropriate brand identities, such as:
 - (i) Oxford Street Mall as a family-friendly dining precinct that enhances community safety and promotes a vibrant night-time economy.
 - (ii) Spring Street as an innovation and tech precinct, building upon Council's Innovation Road Map and resolution on jobs for the 21st century.
 - (f) Showcases environmental excellence and supports and facilitates innovative and sustainable infrastructure, businesses and design.
 - (g) Investigates partnership opportunities to deliver efficient and integrated public transport solutions.

- (h) Increases the provision of affordable and social housing within the precinct.
- (i) Protects, enhances, and celebrates our significant local heritage.
- (j) Examines the suitability of current planning controls in Bondi Junction to facilitate the revitalisation of Bondi Junction as envisaged by this mayoral minute.

3. The business case should include:

- (a) Consideration of previous policy work and resolutions in respect of the Bondi Junction Commercial Precinct.
- (b) A key stakeholder and community engagement strategy to assist in the development of the vision and place identity for Bondi Junction.
- (c) A timeline for the development and implementation of the vision including:
 - (i) Short-term immediate: 2024–2027.
 - (ii) Medium-term: 2027–2035.
 - (iii) Long-term: 2035–2050.
- (d) Identification of appropriate potential grants and subsidies, including the Uptown Grant Program and grants.
- (e) A top-line budget estimate that can be incorporated into the Long Term Financial Plan.
- (f) Officers prepare a report to Council no later than June 2024.

7. Reports

CM/7.1/24.03 Investment Portfolio Report - February 2024 (SF23/4025)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes the Investment Summary Report for February 2024 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/7.2/24.03 Planning Proposal - Waverley Local Environmental Plan - General Update - Exhibition (PP-1/2024)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Second: Cr Keenan

That Council:

1. Forwards the planning proposal attached the report (Attachment 1) on a general update to the *Waverley Local Environmental Plan 2012* to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI.
3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.
4. Publicly exhibits the draft Display of Goods on Footpath Policy attached to the report (Attachment 2) for a minimum of 42 days.
5. Officers prepare a report to Council following the exhibition period.

Division

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

Against the Motion: Nil.

CM/7.3/24.03 Planning Agreement - 154 Ramsgate Avenue, North Bondi (SF24/38)

Cr Kay declared a pecuniary interest in this item and informed the meeting that his mother-in-law owns property in the unit block directly across the road from the subject property. Cr Kay was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr Gray
Second: Cr Lewis

That Council:

1. Approves the planning agreement attached to the report applying to land at 154 Ramsgate Avenue, North Bondi, offering a total monetary contribution of \$238,920, with \$179,190 (75%) to be allocated to the North Bondi Shops and Bus Terminus Upgrade and \$59,730 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

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

Against the Motion: Crs Keenan and Wy Kanak.

CM/7.4/24.03 Bondi Pavilion - Bar and Catering Services Licence - Exhibition (A21/0525)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for 28 days the proposal to grant a licence of up to five years for the provision of bar and catering services on the first floor of the Bondi Pavilion.
2. Officers prepare a report to Council following the exhibition period should any submissions be received.
3. Subject to no submissions being received, approves in principle the granting of the licence.
4. Notes that a tender process will be undertaken to seek a licensee, with a report to be prepared to Council to grant the licence to the preferred tender.
5. Extends the term of the current licence with Glory Days Bondi Pty by four months for the reasons set out in the report.
6. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the variation.

CM/7.5/24.03 Resident Parking Scheme Review (A20/0271)**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Establishes a Resident Parking Scheme Review Committee.
2. Notes the draft terms of reference for the Committee, as set out in the report.
3. Appoints the Mayor and Cr Fabiano and Cr Kay to the Committee up to and including 13 September 2024.
4. Calls for expressions of interest for up to three community representatives to be appointed to the Committee for the duration of the project.

CM/7.6/24.03 Bus Industry Taskforce - Submission (A20/0076)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council approves the submission to Transport for NSW attached to the report on the Bus Industry Taskforce's First Report and Second Report.

8. Notices of Motions

CM/8.1/24.03 **RESCISSION MOTION - PD/5.3/24.03 - Waverley Development Control Plan 2022 (Amendment No. 2) - Flood Planning - Adoption (SF21/4935)**

MOTION

Mover: Cr Lewis
Seconder: Cr Fabiano

That Council rescinds resolution PD/5.3/24.03 – Waverley Development Control Plan 2022 (Amendment No. 2) – Flood Planning – Adoption, passed at the Strategic Planning and Development Committee meeting on 5 March 2024.

FORESHADOWED MOTION

Mover: Cr Lewis
Seconder: Cr Keenan

That Council:

1. Adopts the Waverley Development Control Plan (Amendment No. 2) on flood planning attached to the report (Attachments 1 and 2), to take effect when notified on Council's website.
2. Writes to all those who made submissions advising them of Council's decision.
3. Notes that the draft budget 2024-25 will propose a reduction in fees for Council's TUFLOW Flood Model for smaller developments.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT CR BETTS BE GRANTED AN ADDITIONAL MINUTE TO SPEAK, MOVED BY CR KAY, WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE CHAIR.

Cr Wy Kanak requested that his vote for the procedural motion be recorded in the minutes.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Fabiano, Goltsman, Gray, Keenan, Lewis, Masselos and Murray.

Against the Motion: Crs Betts, Burrill, Kay, Nemesh and Wy Kanak.

THE FORESHADOWED MOTION THEN BECAME THE MOTION.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Adopts the Waverley Development Control Plan (Amendment No. 2) on flood planning attached to the report (Attachments 1 and 2), to take effect when notified on Council's website.
2. Writes to all those who made submissions advising them of Council's decision.
3. Notes that the draft budget 2024-25 will propose a reduction in fees for Council's TUFLOW Flood Model for smaller developments

Division

For the Motion: Crs Fabiano, Keenan, Goltsman, Gray, Lewis, Masselos and Murray.

Against the Motion: Crs Betts, Burrill, Kay, Nemesh and Wy Kanak.

D Lesmond, H Brown, H Petrie and A Richards addressed the meeting.

CM/8.2/24.03 Motion for 2024 ALGA National General Assembly - Environmental Services and Infrastructure (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2024 Australian Local Government Association's National General Assembly:

This National General Assembly calls on the Australian Government to strengthen Australia's environmental services and infrastructure by engaging in strategic partnerships with local governments. Potential areas of collaboration and new programs that can be implemented include:

1. Environmental services and infrastructure:
 - (a) Biodiversity conservation programs: collaborate on initiatives to protect and enhance biodiversity, including the restoration of natural habitats, conservation of endangered species, and reforestation projects.
 - (b) Waste management and recycling infrastructure: partner with local governments to improve waste management systems, invest in recycling infrastructure, and promote community awareness campaigns to reduce waste generation.
 - (c) Green energy projects: support local governments in implementing green energy projects, such as solar and wind farms, and explore funding mechanisms to incentivise the transition to renewable energy sources.
 - (d) Urban water management and conservation: develop programs to improve urban water management and conservation, including investments in water infrastructure and initiatives to reduce water consumption.
2. Programs to progress local, regional and national objectives:
 - (a) Climate resilience initiatives: work with local governments to assess and enhance climate resilience in communities through infrastructure improvements, early warning systems, and climate adaptation planning.
 - (b) Smart city initiatives: support local governments in adopting smart city technologies to improve efficiency, reduce environmental impact, and enhance the quality of urban living.
 - (c) Community-based conservation projects: establish programs that empower local communities to participate in conservation efforts, including tree planting, wildlife monitoring and sustainable land management projects.
 - (d) National clean energy transition strategy: develop a comprehensive strategy in partnership with local governments to transition Australia to a clean energy economy, incorporating regional and local perspectives.

- (e) Circular economy programs: collaborate on initiatives to promote a circular economy, focusing on reducing waste, promoting reuse and recycling, and supporting sustainable production practices.
- (f) Transportation infrastructure for sustainability: Invest in sustainable transportation infrastructure, including public transit systems, cycling infrastructure, and electric vehicle charging stations, to reduce carbon emissions.
- (g) Indigenous land management partnerships: foster partnerships with Indigenous communities for sustainable land management practices, incorporating traditional knowledge and practices into environmental conservation efforts.
- (h) Incentives for sustainable development: provide financial incentives or grants to local governments for sustainable development projects, such as eco-friendly housing, energy-efficient buildings, and environmentally conscious urban planning.
- (i) Innovation hubs for environmental solutions: establish innovation hubs that bring together local governments, businesses, and research institutions to collaborate on developing and implementing innovative environmental solutions.

**CM/8.3/24.03 Motion for 2024 ALGA National General Assembly - Affordable Housing
(A13/0314)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2024 Australian Local Government Association's National General Assembly:

This National General Assembly calls on the Australian Government to address the need for more affordable housing and to tackle homelessness by developing a range of programs and policies in collaboration with local governments. Potential affordable housing programs and homelessness prevention initiatives include:

1. Increase funding for affordable housing:
 - (a) Allocate additional funding to support the construction and maintenance of affordable housing projects.
 - (b) Provide grants or low-interest loans to developers focusing on affordable housing.
2. Land use planning and zoning policies:
 - (a) Work with local governments to review and amend zoning regulations to facilitate the development of affordable housing.
 - (b) Streamline approval processes for affordable housing projects.
3. Incentives for private sector involvement:
 - (a) Introduce tax incentives for developers who invest in affordable housing projects.

- (b) Explore public-private partnerships to encourage private sector involvement in affordable housing initiatives.
4. Community land trusts: Support the establishment of community land trusts that can acquire and manage land for affordable housing purposes.
 5. Rent assistance programs: expand rental assistance programs to help low-income households afford private rental accommodation.
 6. Wrap-around support services: invest in support services such as mental health counselling, addiction treatment, and job training to address the root causes of homelessness.
 7. Emergency shelter expansion: increase funding for emergency shelters and temporary housing options to provide immediate relief for those experiencing homelessness.
 8. Housing first approach: adopt a 'housing first' approach, prioritising providing stable housing as the first step in addressing homelessness, and then offering support services as needed.
 9. Collaborative data collection: work with local councils to establish comprehensive data collection systems to understand the causes and demographics of homelessness better. This can inform targeted interventions.
 10. Community engagement and education: develop public awareness campaigns to reduce stigma associated with homelessness and encourage community support for homeless individuals.
 11. Employment programs: implement programs that focus on skill development and job placement for individuals experiencing homelessness.
 12. Integration of housing and health services: foster collaboration between housing and health services to address the unique needs of homeless individuals, especially those with mental health or substance abuse issues.
 13. Rental assistance for vulnerable populations: provide targeted rental assistance for vulnerable populations, such as youth aging out of foster care or individuals leaving correctional facilities.
 14. Long-term housing solutions: develop long-term housing solutions, including transitional housing and permanent supportive housing for those with complex needs.
 15. Policy coordination: establish a coordinated approach between federal, state, and local governments to ensure policies and programs are aligned and effective in addressing homelessness.

CM/8.4/24.03 Motion for 2024 ALGA National General Assembly - Closing the Gap (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2024 Australian Local Government Association's National General Assembly:

This National General Assembly calls on the Australian Government to advance reconciliation and close the gap between Aboriginal and Torres Strait Islander peoples and the rest of the Australian population

through a comprehensive and collaborative approach from both the Australian Government and local governments. Potential trust-building initiatives include:

1. Truth and Reconciliation Commission: consider the establishment of a Truth and Reconciliation Commission to address historical injustices and promote healing.
2. Cultural exchange programs: facilitate cultural exchange programs between Indigenous communities and local governments, fostering mutual understanding and respect.
3. Government accountability measures: implement transparent mechanisms to ensure government accountability in delivering on commitments to Indigenous communities.
4. Cultural competency evaluation: regularly assess and enhance cultural competency within government agencies, seeking feedback from Indigenous communities on their experiences.
5. Ongoing dialogue: foster ongoing dialogue between government representatives and Indigenous communities, creating spaces for open communication and collaboration.
6. Traditional decision-making processes: recognise and respect traditional decision-making processes within Indigenous communities, incorporating them into governance structures where appropriate.

CM/8.5/24.03 Footpath Seating (A08/0935-02)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Amends the footpath dining permit system to only prescribe the area available for seating.
2. Officers notify Councillors once the footpath dining permit system process has been amended.

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

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

UNANIMOUS DECISION

That Council:

1. Amends the footpath dining permit system to only prescribe the area available.
2. Officers notify Councillors once the footpath dining permit system process has been amended.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business**CM/10.1/24.03 Planning Proposal - 34 Flood Street, Bondi - Heritage Listing (PP-1/2023)**

The Chair ruled that this matter was urgent.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That Council deals with this item as urgent business.

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Writes to the NSW Minister for Planning and Public Spaces, Paul Scully, and the Minister for Heritage and Environment, Penny Sharpe, seeking a second Interim Heritage Order (IHO) to delay the finalisation of planning proposal 2023-1224 so that the ongoing State Heritage Register (SHR) assessment process for the Harry-Seidler-designed synagogue at 34 Flood Street, Bondi, can be properly completed before the Department of Planning, Housing and Infrastructure (DPHI) finalises its decision on the local heritage listing of 34 Flood Street based on the Independent Planning Commission's (IPC) recommendation attached to the report.
2. Publishes a media release, e-newsletter post and social media posts to inform the community and the synagogue's heritage advocates of the IPC's recommendation, the likely next steps and the options available to the community to advocate further for the heritage listing of the site.

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

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

UNANIMOUS DECISION

That Council:

1. Writes to the NSW Minister for Planning and Public Spaces, Paul Scully, and the Minister for Heritage and Environment, Penny Sharpe, seeking a second Interim Heritage Order (IHO) to delay the finalisation of planning proposal 2023-1224 so that the ongoing State Heritage Register (SHR) assessment process for the Harry-Seidler-designed synagogue at 34 Flood Street, Bondi, can be properly completed before the Department of Planning, Housing and Infrastructure (DPHI) finalises its decision on the local heritage listing of 34 Flood Street based on the Independent Planning Commission's (IPC) recommendation attached to the report.
2. Publishes a media release, e-newsletter post and social media posts to inform the community and the synagogue's heritage advocates of the IPC's recommendation, the likely next steps and the options available to the community to advocate further for the heritage listing of the site.
3. Officers urgently action the bullet points on page 10 of the urgent business agenda.

Division

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

Against the Motion: Nil.

11. Closed Session

There were no matters dealt with in closed session.

12. Meeting Closure

THE MEETING CLOSED AT 9.28 PM.

.....
SIGNED AND CONFIRMED
MAYOR
16 APRIL 2024

CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/24.04



Subject: Adoption of Minutes - Waverley Traffic Committee Meeting - 28 March 2024

TRIM No: A23/0764

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 28 March 2024 be received and noted, and that the recommendations contained therein be adopted.

Introduction/Background

The Waverley Traffic Committee (WTC) is a committee of Council that operates under guidelines from Transport for NSW (TfNSW), an agency of the NSW Government. It is advisory-only and has no decision-making powers.

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

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

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

Attachments

1. Waverley Traffic Committee Minutes - 28 March 2024 .

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE
MEETING HELD VIA VIDEO CONFERENCE ON
THURSDAY, 28 MARCH 2024**



Voting Members Present:

Cr P Masselos	Waverley Council – Chair
Mr D Gojak	Representing Kellie Sloane MP, Member for Vaucluse
Mr V Le	Transport for NSW – Network and Safety Officer
Sgt A Leeson	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr P Pearce	Representing Marjorie O’Neill MP, Member for Coogee

Also Present:

Ms T Islam	Transport for NSW
Ms K Lewis	Transport for NSW
Mr R Mucciacciaro	Transdev John Holland
Cr T Kay	Waverley Council – Deputy Chair
Cr L Fabiano	Waverley Council
Mr N Zervos	Waverley Council – Executive Manager, Infrastructure Services
Mr R Sabato	Waverley Council – Executive Manager, Major Projects
Mr S Mueller	Waverley Council – Manager, Integrated Transport
Mr N Prell	Waverley Council – Project Manager, Major Projects

At the commencement of proceedings at 10.00 am, those present were as listed above.

At 10.25 am, Mr D Gojak left the meeting and did not return.

Apologies

There were no apologies.

Declarations of Interest

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

1. Cr Kay declared a less than significant non-pecuniary interest in item TC/V.04/24.03 – 22 Patterson Street, North Bondi – Construction Zone and informed the meeting that he owns a property in the vicinity of the subject property.

Adoption of Previous Minutes by Council - 22 February 2024

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Traffic Committee meeting held on 22 February 2024 were adopted by Council at its meeting on 19 March 2024 with the following change.

1. TC/C.01/24.02(2) – Bennett Street and Ewell Lane, Bondi – Pedestrian Safety Improvements.

Council adopted the recommendation of the Traffic Committee subject to the deletion of clause 3 such that the recommendation now reads as follows:

That Council:

4. Installs a stop sign, associated stop line and a caution/beware pedestrian sign on the light post in Ewell Lane, Bondi, facing cars travelling westbound.
5. Installs 'piano key' line marking in Ewell Lane immediately east of the footpath at the intersection of Ewell Lane and Bennett Street.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should on-site circumstances warrant refinements.

ITEMS BY EXCEPTION

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

- | | |
|---------------|--|
| TC/C.02/24.03 | 23 Yanko Avenue, Bronte – 'No Parking' Zone. |
| TC/C.03/24.03 | 65 Ocean Street, Bondi – Construction Zone. |
| TC/C.04/24.03 | 34 Dellview Street, Tamarama – Construction Zone. |
| TC/V.01/24.03 | Anzac Day - Ramsgate Avenue and Campbell Parade, North Bondi – Temporary Road Closure. |
| TC/V.03/24.03 | 56 Glasgow Avenue, Bondi Beach – Construction Zone. |
| TC/V.04/24.03 | 22 Patterson Street, North Bondi – Construction Zone. |
| TC/V.05/24.03 | 49 Military Road, Dover Heights – Construction Zone. |

PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS

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

TC/C STATE ELECTORATE OF COOGEE**TC/C.01/24.03 Charing Cross Streetscape Upgrade (SF23/19)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the installation of traffic devices, signs and line marking in the Charing Cross commercial precinct, between Carrington Road and Albion Street, Waverley, as shown in Attachment 1 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should amendments be required.
3. Notes that:
 - (a) The State road and traffic signal designs will be submitted to Transport for NSW (TfNSW) for approval, with any required design and signage changes being approved by TfNSW.
 - (b) The Charing Cross Streetscape Upgrade Project was approved by Council in April 2023.
 - (c) Contractors have been engaged to undertake early electrical works, commencing in April 2024.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/C.02/24.03 23 Yanko Avenue, Bronte - 'No Parking' Zone (A24/0156)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 3.9 metre 'No Parking' zone between the driveways of 23 and 25 Yanko Avenue, Bronte.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length, location and duration of, or remove, the 'No Parking' zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/C.03/24.03 65 Ocean Street, Bondi - Construction Zone (A03/2514-04)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a 17 metre 'No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in King Street, Bondi, adjacent to 65 Ocean Street.
2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/C.04/24.03 34 Dellview Street, Tamarama - Construction Zone (A03/2514-04)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a 22 metre 'No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in front of 34 Dellview Street, Tamarama.
2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services to adjust the length and duration of, or remove, the construction zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V STATE ELECTORATE OF VAUCLUSE

TC/V.01/24.03 Anzac Day - Ramsgate Avenue and Campbell Parade, North Bondi - Temporary Road Closure (A19/0394)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Approves the temporary closure of Ramsgate Avenue and Campbell Parade, North Bondi, for Anzac Day on 25 April 2024 between 4 am and 7 am, in accordance with the Traffic Guidance Scheme attached to the report, subject to the applicant:
 - (a) Submitting a Traffic Management Plan to Transport for NSW for approval.
 - (b) Providing public liability insurance for the event.
 - (c) Obtaining NSW Police Force approval and assessment of the event classification.
 - (d) Notifying Transdev John Holland Buses, NSW Ambulance Service and NSW Fire and Rescue (Bondi, Woollahra, and Randwick fire stations) at least seven days prior to the event.
 - (e) Notifying local residents and businesses at least seven days prior to the event.
2. Delegates authority to Executive Manager, Infrastructure Services, to modify the Traffic Control Plans should on-site circumstances warrant changes.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.02/24.03 Ray O'Keefe Reserve, North Bondi - Parking Restrictions (A23/0539)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs the following parking restrictions and area signage at Ray O'Keefe Reserve, North Bondi:
 - (a) '2P, 8 am–10 pm, Area 6 and Beach Parking Permit Holders Excepted.'
 - (b) 'No Stopping, 10 pm–8 am, Area 6 and Beach Parking Permit Holders Excepted.'
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the location of signs and parking restrictions as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to amendments to clauses 1(a) and (b) and the

addition of a new clause such that recommendation now reads as follows:

That Council:

1. Installs the following parking restrictions and area signage at Ray O’Keefe Reserve, North Bondi:
 - (a) ‘2P, 6 am–10 pm, Permit Holders Excepted, Area 6 and Beach Parking.’
 - (b) ‘P15 Minute, 10 pm–6 am, Permit Holders Excepted, Area 6 and Beach Parking.’
2. Trials the changes in clauses 1(a) and (b) for 12 months.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the location of signs and parking restrictions as necessary.

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

TC/V.03/24.03 56 Glasgow Avenue, Bondi Beach - Construction Zone (A03/2514-04)

COUNCIL OFFICER’S PROPOSAL:

That Council:

1. Installs a 9 metre ‘No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted’ construction zone in front of 56 Glasgow Avenue, Bondi Beach.
2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services to adjust the length and duration of, or remove, the construction zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer’s Proposal be adopted.

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

TC/V.04/24.03 22 Patterson Street, North Bondi - Construction Zone (A03/2514-04)

Cr Kay declared a less than significant non-pecuniary interest in this item and informed the meeting that he owns a property in the vicinity of the subject property.

COUNCIL OFFICER’S PROPOSAL:

That Council:

1. Installs a 11 metre ‘No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles

Excepted' construction zone in front of 22 Patterson Street, North Bondi.

2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.05/24.03 49 Military Road, Dover Heights - Construction Zone (A03/2514-04)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a 20 metre 'No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in Pindari Road, Dover Heights, adjacent to 49 Military Road.
2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services to adjust the length and duration of, or remove, the construction zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/CV ELECTORATES OF COOGEE AND VAUCLUSE

Nil.

THE MEETING CLOSED AT 11.12 AM.

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SIGNED AND CONFIRMED
MAYOR
16 APRIL 2024

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MAYORAL MINUTES CM/6/24.04

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/7.1/24.04



Subject: Draft Operational Plan 2024–25 including Budget and Statement of Revenue Policy - Exhibition

TRIM No: A23/0573

Author: Sneha Sabu, Coordinator, Corporate Planning and Reporting

Director: Emily Scott, General Manager

RECOMMENDATION:

That Council:

1. Publicly exhibits for 28 days:
 - (a) The draft Operational Plan 2024–25, including the Budget and Statement of Revenue Policy, attached to the report.
 - (b) The rating structure for 2024–25 contained on page 79 of the draft Operational Plan 2024–25. In accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the *Local Government Act 1993* (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2024 to 30 June 2025:
 - (i) An ordinary rate of 0.079480 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub-categorised Ordinary in accordance with section 529(2)(b) of the Act.
 - (ii) An ordinary rate of 0.404960 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Ordinary in accordance with section 529 (2)(d) of the Act.
 - (iii) An ordinary rate of 0.807150 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Bondi Junction in accordance with section 529(2)(d) of the Act
 - (c) The Domestic Waste Management Service Charge being set at \$647 per service per annum for the financial year 2024–25 in accordance with section 496 of the Act.
 - (e) The Stormwater Management Service Charge contained on page 82 of the draft Operational Plan 2024–25 in accordance with section 496A of the Act for the financial year 2024–25 as follows:

Stormwater Management Service Charge		
Category	Unit	Fee or charge (\$)
Residential property	per property	25.00
Residential strata	per property	12.50

property		
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

2. Authorises the General Manager to make any necessary editorial and content changes to the draft Operational Plan and Budget for public exhibition to give effect to Council's resolution.
3. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

This report is seeking Council approval to exhibit the draft Operational Plan 2024–25 (including the Budget and Statement of Revenue Policy), Domestic Waste Management Service Charge and Stormwater Management Service Charge from 23 April 2024 to 20 May 2024. A further report will be presented to the Council which reports on any public submissions received and sets out any proposed changes in response to these submissions, prior to the final adoption of the Operational Plan.

2. Introduction/Background

The Integrated Planning and Reporting (IP&R) Framework consists of an inter-related hierarchy of plans which aims to ensure a more sustainable local government sector. Council has in place a hierarchy of integrated plans consisting of a Community Strategic Plan (Community Strategic Plan 2022–2032), a Delivery Program (Delivery Program 2022–26) and an Operational Plan.

Every year, Council is required to develop an Operational Plan (which is a sub-plan of the Delivery Program) setting out the specific activities (services and projects) it will undertake in that year. Council is also required to prepare an annual budget and update its Long Term Financial Plan.

The Operational Plan 2024–25 sets out the key activities (deliverables), actions, budgets and performance measures Council will employ during the 2024–25 financial year. The Operational Plan includes Stormwater Management Service charge and the Statement of Revenue Policy which sets out Council's rating policy. Accompanying this plan is the proposed Pricing Policy and Schedule of Fees and Charges 2024–25, which sets out the fees and charges Council is proposing to levy over the coming financial year. This document will be discussed as a separate report.

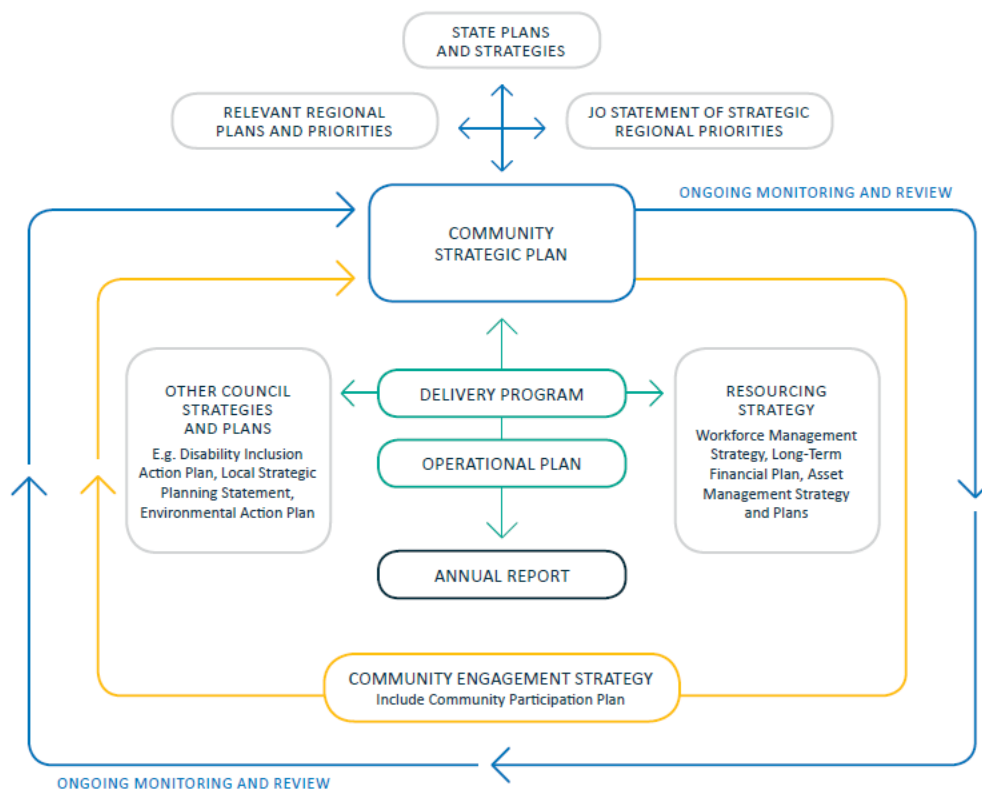


Figure 1. Integrated planning and reporting framework.

3. Relevant Council Resolutions

Nil.

4. Discussion

Operational Plan

In accordance with section 406 of the *Local Government Act 1993*, the Office of Local Government (OLG) has published Guidelines and a Manual to support the administration of integrated planning and reporting. The Community Strategic Plan 2022–2032, the Delivery Program 2022–2026 and the Operational Plan 2024–25 were developed in accordance with the OLG Guidelines and Manual.

The Operational Plan has a one-year time frame. The OLG suggests that the Operational Plan be defined as a sub-plan of the Delivery Program that spells out the ‘actions’ to be undertaken in a particular year.

The IPR manual also requires that actions identified in the Delivery Program be carried through to the Operational Plan. Our Operational Plan carries forward the four-year actions from our Delivery Program and includes the action required to ‘deliver’ on what we said we would. The Operational Plan is also required to include a budget for the year as well as our Statement of Revenue Policy. This includes our rating information as well as our pricing policy, fees and charges (discussed separately).

5. Financial impact statement/Time frame/Consultation

The key deliverables, projects and activities in the Operational Plan 2024–25 are costed in the Budget 2024–25 and Long Term Financial Plan (LTFP) 6.2.

The draft Operational Plan 2024–25 including the Budget and Statement of Revenue Policy is to be placed on public exhibition from 23 April 2024 to 20 May 2024 for a period of 28 days, as per statutory requirements. The submissions received from the community members will be tabled at a Council meeting post-exhibition and considered as part of the adoption of the required statutory plans and documents.

Time frame

- Council meeting – 16 April 2024.
 - Council approves the exhibition of the integrated planning and reporting suite of documents.
- Public exhibition – Exhibition dates: 23 April 2024 to 20 May 2024.
 - The integrated planning and reporting suite of documents is placed on public exhibition for a period of at least 28 days, as per statutory requirements.
- Council meeting – 18 June 2024.
 - Council adopts the integrated planning and reporting suite of documents, as required under the Integrated Planning and Reporting framework.

6. Conclusion

Before adopting the Operational Plan (including the Budget), Council must place these documents on public exhibition for a statutory period of 28 days. This report is seeking Council approval to place these documents on public exhibition. The submission period is likely to close on 20 May 2024.

Once the exhibition period has concluded, a further report will be prepared for Council presenting any public comment as well as any updated information for consideration. Council will adopt the final plans following consideration of this material.

7. Attachments

1. Draft Operational Plan 2024-25 (under separate cover) .

REPORT
CM/7.2/24.04

Subject: Draft Pricing Policy, Fees and Charges 2024-25, Budget and Long Term Financial Plan 6.2 - Exhibition

TRIM No: SF23/3977

Author: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

1. Publicly exhibits for 28 days the draft Pricing Policy, Fees and Charges 2024-25, draft Budget and draft Long Term Financial Plan 6.2 attached to the report.
2. Notes that the Long Term Financial Plan (LTFP) 6.2:
 - (a) Will be reviewed annually in line with the Operational Plan and Annual Budget development.
 - (b) Sets out the projects and initiatives that Council intends to invest in and the associated resource requirements for the next 11 years. It considers and utilises a range of options for achieving balanced budgets over the life of LTFP 6.2 likely including realising efficiencies and cost reductions within Council operations, applying reserve funds earlier than forecast in LTFP 6.2, reducing or rescheduling the capital expenditure program and increasing revenue to fund specific programs and initiatives.
3. Authorises the General Manager to make any necessary editorial and content changes to the draft Pricing Policy, Fees and Charges 2024-25, Budget and LTFP for public exhibition to give effect to Council's resolution.
4. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

Council is projected to spend a total of \$186.06m, of which \$141.61m is directed to delivering operations and \$44.45m in capital expenditure. Capital expenditure contains \$34.88m for the Capital Works Program and \$9.58m for capital purchases including plant replacements, Library resources and affordable housing. This represents an increase of \$6.03m (4.5%) in operating expenditure and a decrease of \$16.26m (-26.8%) in capital expenditure when compared to the 2023-24 current approved budget.

Total income is expected to be \$189.31m, comprising operating income (\$160.62m) and capital income (\$28.69m). It is an increase of \$4.92m (3.2%) in both operating income and \$11.39m (65.8%) in capital income when compared to the 2023-24 current approved budget.

The draft 2024-25 Budget projects a positive zero percentage (0%) operating performance ratio and a balanced budget. This is in line with Council's focus of adhering to its Community Strategic Plan, Delivery

Program, Operational Plan and its commitment to continue to meet Office of Local Government (OLG) financial benchmark measures and deliver a balanced budget.

To ensure Council's long-term financial health, the Long Term Financial Plan (LTFP 6.2) has been reviewed carefully. A strong program of works reflecting Council priorities, this program enables the Council to deliver well defined strategic priorities (including the ICT Modernisation Program and assets renewal) and meet community needs in the short to medium term.

Council uses its operating surplus as a contribution each year to its asset renewal and capital works programs, and in some years, we will need to draw down additional funding from reserves to fund the asset renewal and capital works programs. After applying the reserve funds, it forecasts a balanced budget for every year for the next 11 years. Staff forecast Council having \$92.42m in cash holdings in 2034-35, including a reserve balance of \$79.51m.

LTFP 6.2 enables assets backlogs identified in the adopted Strategic Asset Management Plan (SAMP 6) to be addressed and asset class conditions to be brought up to the community satisfactory standards, while also ensuring Council will maintain a backlog ratio below the benchmark of two percent (2%) as set out by OLG over the life of the LTFP.

In the view of officers, this approach recommended to both the 2024-25 budget and Capital Works Program and the LTFP represents prudent financial management and good use of Council's balance sheet and reserves to manage challenging circumstances. Service delivery, organisational capability and financial stability are maintained.

2. Introduction/Background

Each year the Council is required under the Integrated Planning and Reporting (IP&R) framework to prepare an annual budget, update its Long Term Financial Plan, and sets out the fees and charges (Pricing Policy, Fees and Charges) the Council is proposing to levy over the coming financial year.

3. Relevant Council Resolutions

Nil.

4. Discussion

Draft Pricing Policy, Fees and Charges 2024-25 (Attachment 1)

Rates and annual charges

- In line with the Independent Pricing and Regulatory Tribunal's (IPART) rate pegging determination for 2024-25 financial year, Council rates increase by 5.0%.
- The Domestic Waste Service Annual Charge increases by \$31 (5.0%) to \$616 per service, consistent with rate peg increase.
- The Stormwater Management Service Annual Charge remains unchanged as per legislation.

Fee sets by legislation or subsidiary legislation

Legislative Fees to be increased as per the legislative fee structure from 1 July 2024.

Non-legislative fees

In light of the high inflation trend and the anticipated Employee Award increase, staff have also taken the service provision cost into consideration when setting the fees. The proposed fees increase range from

-50.30% to 328.13% from 1 July 2024.

Draft Budget 2024-25 (Attachments 2 and 3)

Balancing and meeting community's needs and demands with constrained resources is the major financial sustainability challenge currently facing Council now and in the future.

Council will continue to apply strong financial discipline and strategies so as to ensure Council continues to remain financially sustainable in the long term. These strategies include:

- Reviewing costs of operations to identify more efficient and sustainable ways to deliver services, and
- Delivering operating surpluses through prudent budgeting to fund infrastructure capital works—in accordance with Strategic Asset Management Plan (SAMP6).
- Identifying ways to maximise revenue within Council policy constraints.

The draft 2024-25 Budget has incorporated all components of Council's services and activities including:

- Operational services.
- Plant replacement program.
- Capital Works Program including the facility building renewal/upgrade program.

Council will continue its transformative change by focusing on modernisation and tech-enabled operational improvements i.e., implementing the ICT modernisation strategic roadmap and simultaneously delivering exceptional customer service to the community.

It is proposed that Council will spend \$141.12m of operational expenses, an increase of \$6.03m (4.5%) compared to the 2023/24 current approved budget. Whilst the corresponding operating income is expected to be \$160.62m, an increase of \$4.92m (3.2%) on the 2023-24 current approved budget.

An operating surplus before depreciation expenses is projected at \$19.50m to be available for capital spending. Operating surplus, after depreciation, is projected to be zero, and the operating performance ratio is projected to be 0%. The OLG benchmark is 0% or greater.

The proposed capital works program expense totalling \$34.88m is funded from operating surplus, capital income and reserves fund in line with our Reserves Strategy.

Table 1 summarises the 2024-25 Budget and compared to previous years.

Table 1. Budget comparison.

Council Budget Statement - \$'000	24/25 Draft Budget	2023/24 Current Approved Budget	22/23 Actuals	21/22 Actuals	\$ change on 23/24 Current Approved Budget	% change on 23/24 Current Approved Budget
Operating Revenue						
Grants Subsidies & Contributions - Operational	5,949	6,664	8,247	6,757	(716)	(10.7%)
Investment Income	3,881	5,152	3,627	870	(1,271)	(24.7%)
Other Revenues	24,602	23,255	19,242	15,912	1,347	5.8%
Rates & Annual Charges	74,761	71,200	68,599	67,421	3,561	5.0%
User Charges	51,427	49,425	44,165	43,539	2,001	4.0%
Total Operating Revenue	160,620	155,698	143,881	134,498	4,922	3.2%
Operating Expense						
Borrowing Expenses	(27)	(40)	(50)	(63)	13	(32.8%)
Employee Costs	(86,138)	(78,662)	(72,938)	(69,342)	(7,477)	9.5%
Materials & Contracts	(27,204)	(30,834)	(26,229)	(24,023)	3,629	(11.8%)
Operating Expenses	(26,526)	(24,323)	(21,986)	(21,281)	(2,203)	9.1%
Rates & Annual Charges	(1,224)	(1,233)	(1,116)	(1,102)	9	(0.8%)
Total Operating Expense	(141,120)	(135,092)	(122,320)	(115,811)	(6,028)	4.5%
Operating Surplus (incl. Deprecation)	0	1,106	(1,525)	(2,453)	(1,106)	(100.0%)
Operating Surplus (ex. Deprecation)	19,500	20,606	21,562	18,687	(1,106)	(5.4%)
Capital Income						
Grants Subsidies & Contributions - Capital	26,913	16,029	18,143	24,239	10,884	67.9%
Net gains from the disposal of assets	1,774	1,272	93	534	503	39.5%
Total Capital Income	28,688	17,301	18,236	24,773	11,387	65.8%
Capital Expense						
Capital Purchases	(9,575)	(5,022)	(2,950)	(7,074)	(4,553)	90.7%
Capital Works Program	(34,879)	(55,686)	(36,561)	(62,441)	20,807	(37.4%)
Total Capital Expense	(44,454)	(60,708)	(39,510)	(69,515)	16,255	(26.8%)
Net Capital Income/(Expense)	(15,766)	(43,407)	(21,275)	(44,742)	27,641	(63.7%)
Loan Repayment	(486)	(472)	(460)	(447)	(13)	2.8%
Total Net Revenue/(Expense)	3,248	(23,274)	(173)	(26,502)	26,522	(114.0%)
Reserve transfer (to)/from	(3,248)	23,274	173	26,531	(26,522)	(114.0%)
Net Budget Surplus/(Deficit)	(0)	0	1	29	(0)	-

Estimated income

Total estimated income is \$189.31m, comprising \$160.62m of operating income and \$28.69m of capital income.

Rates and domestic waste annual charges income is projected to be \$74.76m. Council rates are calculated based on the 5% rate peg increase. IPART sets the 2024-25 rate peg for each council at between 4.5% to 8.2% depending on its population factor. Waverley's rate peg was determined to be 5%. Because the rate peg increase is not keeping pace with expenditure growth, Council will explore efficiency options to continue to provide services to the community, invest in upkeeping the infrastructure assets whilst remaining financially viable.

Investment income is expected to be \$3.88m, showing a decrease of \$1.27m (-24.7%) on the 2023-24 current approved budget. The decrease in this income item is mainly driven by the anticipated available cash holding after the capital works investment and the investment rates of return.

User charges are proposed to be \$51.43m, which represents an increase of \$2.0m (4%) compared to the 2023-24 current approved budget:

- Income from cap Parks and on-street parking totalling \$14m, is a decrease of 1.3% (\$0.2m) on the 2023/24 current approved budget. This is mainly due to reduction in projected Eastgate Car Park fees.
- Income from sponsorship fees is expected to be \$2.6m mainly due to the anticipated new bus shelter advertising contract will generate revenue of \$2.5m, representing an increase of \$1.75m (333%) on the 2023-24 current approved budget.

- Income from parking permits is expected to be \$2.2m, an increase of \$0.1m (5.3%) on the 2023-24 current approved budget.

Other revenue is proposed to be \$24.6m, which represents an increase of \$1.35m (5.8%) compared to the 2023-24 current approved budget:

- Income from property rental, from both the residential and commercial markets is expected to be \$7.87m, an increase of \$0.4m (6%) on the 2023-24 current approved budget. It is mainly attributed to Bondi Pavilion's commercial shops having a full year of operations.
- Income from fines is expected to increase by \$0.88m (6.3%) to \$14.83m, mainly from on-street parking fines.

Capital income from grants, contributions to works, planning agreements and section 7.12 and fleet replacement sales are expected to generate \$28.69m. This income will be allocated to fund the capital works program and fleet replacement purchases.

Total income forecasted from operations and capital is \$189.31m in 2024-25, which is an increase of \$16.31m (9.4%) on the 2024-25 current approved budget.

The figure below illustrates the allocations of total income.

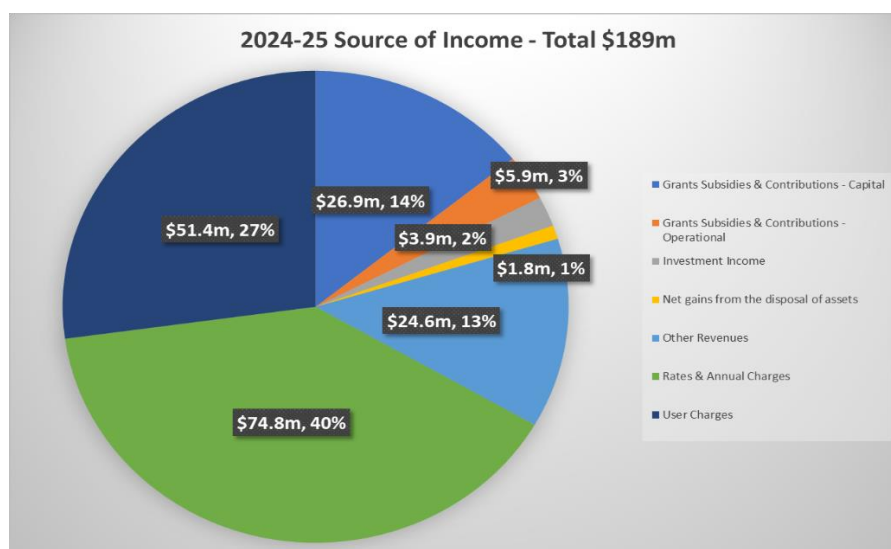


Figure 1. Sources of income.

Estimated expenses

Total expenses expected from operations and capital is \$186.06m in 2024-25, which represents a decrease of \$10.21m (-5.2%) on the 2023-24 current approved budget:

- Materials and contracts have decreased by \$3.63m (-11.8%) from the current year approved budget to \$27.2m in 2024-25. This is as a result of a reduction in consultants and technical assistance, contractors and temporary staff.
- Employee costs have increased by \$7.48m (9.5%) to \$86.14m in 2024-25. This comprise the 4% annual increase (award and superannuation) and a \$1,000 of cost living award bonus and completion of backlog payroll remediation activities as well as full funding established workforce.

- Other operating expenses have increased by \$2.2m (9.1%) from the current year approved budget to \$24.32m in 2024-25. This is mainly due to upcoming Council election expenses (\$0.5m), waste disposal (\$0.2m) and insurance premiums (\$0.2m), contribution to government (\$0.2m) and the abandonment fees (\$0.1m).
- Council's grants and donations provided to community groups and residents in 2024-25 is in line with current approved budget at \$0.65m.
- The proposed Capital Works Program has an estimated cost of \$34.88m. These proposed programs will be funded from various funding sources including as anticipated project grants and contributions, general funds from operating income and reserves funding. Grant-funded projects will only proceed if the grant income is successful, or an alternative funding source is available.
- Other capital purchases increased by \$4.6m, it includes a provision for affordable housing stock purchase.

The figure below illustrates the allocations of total expense.

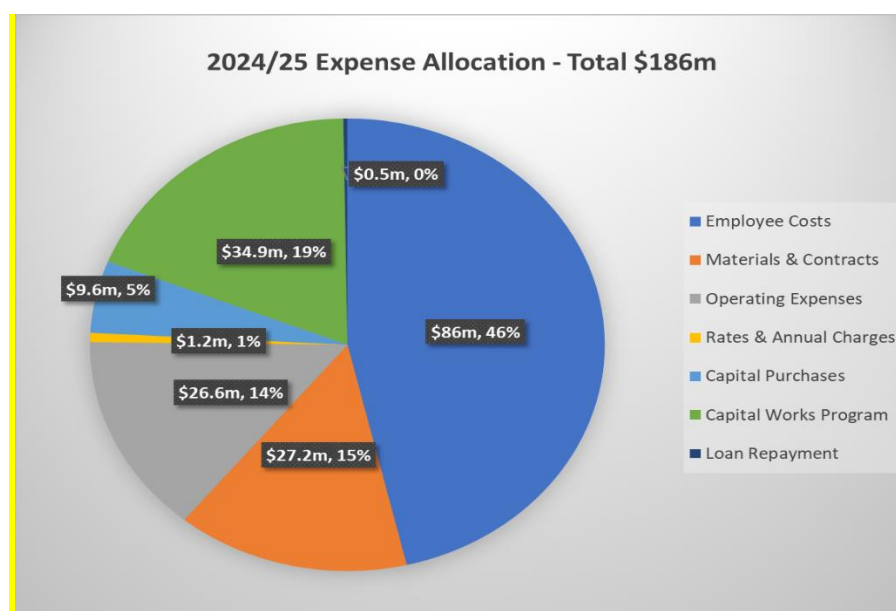


Figure 2. Allocation of expenses.

Operating performance ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenue. As per the figure below, Council's operating performance was negatively impacted by COVID-19 crisis between 2019-20 to 2021-22, and commenced recovery in 2022-23 and is expected to achieve 0% in the 2024-25 financial year.

For the 2024-25 financial year, Council undertook a rigorous assessment of all budget proposals to ensure optimisation of resources to continue to deliver high quality services to meet community needs, focus on high strategic priorities, and build capacity in the long run. With this rigorous assessment, Council is anticipated to meet the industry benchmark at 0% for 2024-25.

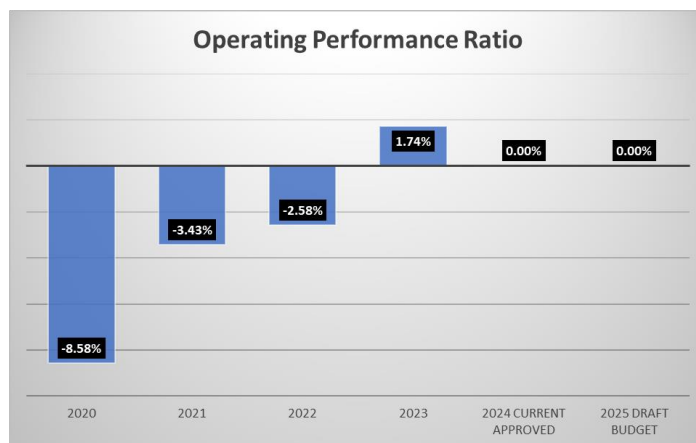


Figure 3. Operating performance ratio.

Summary

The operating surplus before capital and depreciation is projected at \$19.50m resulting in a 0% operating performance ratio, achieving the OLG benchmark.

The total income for 2024-25 is expected to be \$189.31m, which is able to meet Council's total expenses of \$186.06m including loan repayments, with approximately \$3.25m available to contribute to reserves.

The draft budget projects a balanced budget.

Long Term Financial Plan (LTFP 6.2) (Attachment 4)

Each year, the Long Term Financial Plan (LTFP) is reviewed alongside the annual budget preparation. The LTFP sets out the services, projects, and initiatives we intend to invest in to make Waverley more resilient and vibrant to Council continue to be meeting the needs of our community and resident's needs, how much these may cost and how much they will be funded.

This is a summary of our long-term financial planning assumptions covering revenue, expenditure, assets and our overall ability to deliver intended levels of service.

The financial information has been prepared based on best estimate assumptions as to the future events which the Council expects will occur. It takes account of recent economic shifts and conditions in the Australian economy. It is noted that individual financial year forecasts will be varied on an annual basis as time goes by as more accurate information comes to hand and program, income and expenditure forecasts become more accurate.

The basis for the forecast cost indices comes from independent industry advice from TCorp and Prudential Financial Advisers for local authorities to use in their budget processes consistent with the long-term financial plan (LTFP). These cost indices have been used for both operating and capital budgets as appropriate.

The LTFP 6.2 covers an 11-year period. Assumptions are necessary to ensure that there is a consistent and justifiable basis for the preparation of the financial forecasts.

The significant forecasting assumptions used in developing the financial forecasts in the LTFP 6.2 are summarised below.

Key income assumptions

- Rates are set by IPART. IPART is using a new methodology to calculate the rate peg. Based on this calculation, the assumed rate peg for 2025-26 at 3.34%, 2.66% for 2026-27 and 2.56% thereafter.
- Policies and legislation regarding parking remain consistent over LTFP 6.2 period.
- Construction industry activities consistent with 2023-24 levels except for a reduced planning agreement forecast after 2024-25.
- New income opportunities from Bondi Pavilion retail area.
- Financial Assistance Grants remain consistent at the 2023-24 levels.
- Government grants continue to assist with delivering
 - Community buildings upgrade
 - Major infrastructure projects.
 - Sustainability infrastructures.
- Other items increase by the consumer price index (CPI) where applicable.

Key expenditure assumptions

- The new Award salaries/wages increases:
 - 3.5% for 2024-25.
 - 3% for 2025-26.
 - 2.75% for 2026-27.
 - CPI from 2027/28 onwards.
- Fixed term positions cease where applicable.
- Work health and safety and claims management improvements by 11.17% over the next six years and thereafter CPI increase.
- Consultant cost forecasts according to programs schedule
- Optimised ICT modernisation program execution
- Materials and Contracts expenditure increase by CPI.
- Other items increase by CPI where applicable.

Further details on these assumptions are listed in Appendix 2 of the Long Term Financial Plan 6.2. (Attachment 3).

Key highlights in LTFP 6.2 Capital Works Program

LTFP 6.2 proposed an investment of \$405m in the Capital Works Program for the new and renewal of existing infrastructure assets over the 11-year planning period. To ensure the Capital Works Program process on the current scale, we will require some \$105m grant/contribution funding from the State and Federal governments and/or other third parties.

Projects will only progress if the forecasted grant income is successful or alternative funding sources are available.

Table 2. LTFP 6.1 Capital Works Program.

LTFP 6.2 Capital Works Program		11 years (2024-25 to 2034-35)	
Programme Description - \$'000	Expense	Grants/ Contributions Income	% of grant funding
Building Infrastructure	113,015	17,513	15.50%
Living Infrastructure	12,126	657	5.42%
Parking Infrastructure	3,601		0.00%
Public Domain Infrastructure	71,416	27,466	38.46%
Recreational & Public Spaces Infrastructure	39,163	12,350	31.53%
Road Infrastructure	160,029	41,532	25.95%
Sustainability Infrastructure	5,720	5,160	90.21%
Total	405,070	104,677	25.84%

Further details on the Capital Works Program are listed in Appendix 1 of the Long Term Financial Plan 6.2. (Attachment 3).

Financial challenges and balancing the budget over time

Growing costs of delivering services, increasing asset values and additional cost pressure from the effect of supply chain disruptions, inflation and tight labour market have collectively added significant pressure on Council's budgets. Equally, growth pressure is increasing capital investment requirements for building infrastructures. The LTFP 6.2 has been reviewed carefully and balances the funding of the Council's strategic needs (the things we have to do to protect and enhance our infrastructure assets to mitigate risks and to manage future growth) with its strategic wants (the changes and improvements we have to make in services, assets and outcome for us to deliver our Community Strategic Plan vision).

The LTFP works on the basis that Council will consider and utilise a range of options for achieving balanced budgets, over the life of the plan those may vary from forecasts at this time. These are likely to include combinations of realising efficiencies and cost reductions within Council's operations, applying reserve funds earlier than forecast in LTFP 6.2, reducing or rescheduling the capital expenditure program and increased grant revenue from Federal and State Governments for the investment in specific infrastructure projects identified in the Capital Works Program.

In some instances, we need to delay the full implementation of some strategic plans due to limited fund availability, including the Environmental Action Plan 2022-232 (EAP5). The EAP5 has ambitious waste, water, biodiversity and greenhouse gas emissions targets for both Council and the community. Achieving these targets will require significant resources, collaboration, and support from other levels of government and the private sector. Council will continue to undertake further analysis to determine there are adequate resources to achieve our environmental vision.

In some years of the LTFP 6.2 period, we will require additional funds to balance the budget, particularly while implementing significant Capital Works Program investment. In June 2023, Council, in principle, approved an internal borrowing from the Bonds and Deposits Reserve to bridge the funding gap in LTFP 6.1 period.

A funding gap continues in LTFP 6.2 in 2027-28 and 2028-29 financial years while the Chambers Building project is in progress. We revised the internal borrowing requirement in the LTFP to manage the funding shortfall for the Chambers building project. We recommended that internal borrowing is still needed for this iteration of the LTFP from the Bonds and Deposits Reserve to bridge the funding shortfall and repay the borrowed funds within the LTFP 6.2 period, as illustrated in the following table.

Table 3. Internal borrowing.

Internal Borrowings from Bonds & Deposits Reserve in \$	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35
Borrowed Value	4,856,045	4,175,051						
Repayment Schedule			(1,214,644)	(181,774)		(937,357)	(2,877,633)	(3,819,688)
Borrowing Balance	4,856,045	9,031,096	7,816,452	7,634,678	7,634,678	6,697,321	3,819,688	0

The LTFP 6.2 forecasts a balanced budget for every individual year throughout this planning period to 2034-35 by using the reserve funds where appropriate and aligns with the Council's Reserve Strategy and approval.

Regarding the OLG operating performance ratio, Council has projected a commitment to meet the ratio for every single year throughout the LTFP period as shown in the figure below:

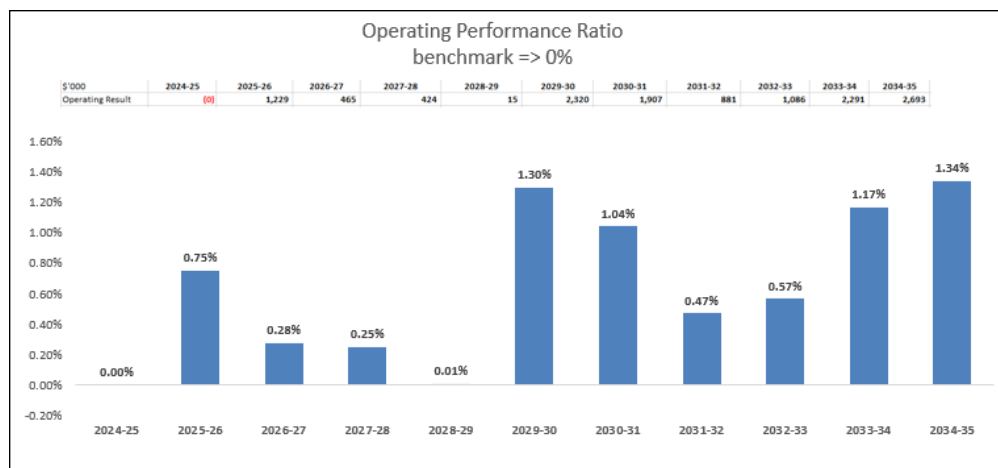


Figure 4. Operating performance ratio.

In summary, the LTFP 6.2 forecasts a balanced budget for every individual year throughout this planning period to 2034-35. It forecasts a cash and cash investments balance to be \$92m and a reserve balance of \$80m at the end of this planning period 30 June 2035.

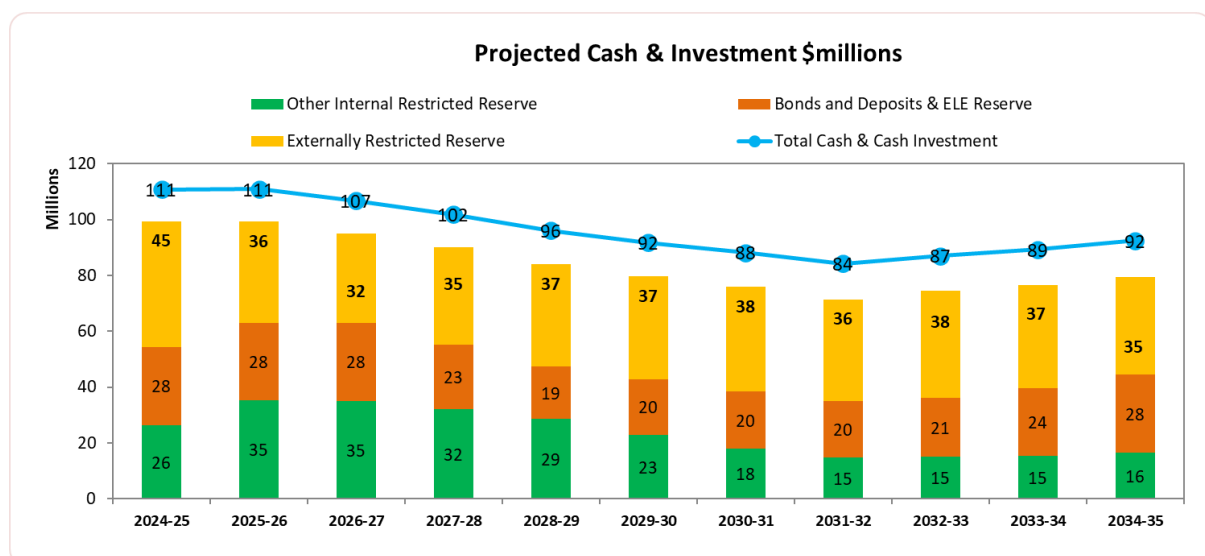


Figure 5. Projected cash and investment.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

The key deliverables, projects and activities are costed in the budget 2024-25 and the Long Term Financial Plan (LTFP) 6.2.

Council is forecasting a balanced budget in 2024-25 and that it will run balanced budget through the period until 2034-35, in supporting the current services level and Council's key strategic priorities.

Consultation/Time frame

The draft Budget 2024-25, draft Pricing Policy, Fees and Charges 2024-25 and draft Long Term Financial Plan 6.2 will be placed on public exhibition from 23 April 2024 to 20 May 2024 for a period of 28 days, as per statutory requirements. Any submissions received from community members will be tabled at a Council meeting post-exhibition and considered as part of the adoption of the required statutory plans and documents.

6. Conclusion

Before adopting the Operational Plan (including the Budget), Pricing Policy, Fees and Charges and Long Term Financial Plan 6.2, Council must publicly exhibit them for a statutory period of 28 days. This report seeks Council's approval to exhibit these documents. The submission period is likely to close on 20 May 2024.

Once the submission date is closed, a further report will be presented to the Council presenting any public comment as well as any updated information for consideration. Council will adopt the final plans following consideration of this material.

7. Attachments

1. Draft Pricing Policy, Fees and Charges 2024-25 (under separate cover)
2. Draft 2024-25 Budget Statement by Directorate (under separate cover)
3. Draft 2024-25 Capital Works Program and funding sources (under separate cover)
4. Draft Long Term Financial Plan (LTFP 6.2) (under separate cover) .

REPORT CM/7.3/24.04



Subject: Investment Portfolio Report - March 2024

TRIM No: SF23/4025

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

- Notes the Investment Summary Report for March 2024 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 March 2024, Council's investment portfolio generated \$631,306 in interest.

The interest income for year to date achieved 82.70% (\$4,260,895) of the current approved budget of \$5,152,324.

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	2023–24 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Current Budget (%)
July	2,761,652	363,154	363,154	7.05%
August	2,761,652	363,312	726,466	14.10%
September	2,761,652	627,360	1,353,826	26.28%
October	2,761,652	458,244	1,812,070	35.17%
November	4,654,218	382,193	2,194,264	42.59%
December	4,654,218	598,216	2,792,479	54.20%

January	4,654,218	442,431	3,234,911	62.79%
February	5,152,324	394,678	3,629,588	70.45%
March	5,152,324	631,306	4,260,895	82.70%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 March 2024	CM/7.1/24.03	<p>That Council:</p> <ol style="list-style-type: none"> Notes the Investment Summary Report for February 2024 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.

4. Discussion

As at 31 March 2024, Council's cash investment portfolio for the financial year, generated total interest earnings of \$4,260,895 representing 82.70% of the current budget of \$5,152,324.

Council's investment portfolio posted a marked-to-market return of 7.11% pa for the month versus the bank bill index benchmark return of 4.41% pa. Over the past 12 months, the investment portfolio has returned 5.27%, versus the bank bill index benchmark's 4.10%.

Without marked-to-market influences, Council's investment portfolio yielded 4.98% 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 and growth fund.

During March, Council had maturities of \$13m between four term deposits with terms 12 and 24 months paying an average of 4.05% pa. Council invested \$14.3m among five deposits with maturities of 9, 12 and 24 months paying an average of 5.02% pa.

Table 2. Non-fossil fuel vs fossil fuel ADI deposit rates (invested rates shaded).

Date	Amount	Term (months)	Non-Fossil/Green Deposit Rates	Fossil Fuel ADI Deposit Rates
5-Mar-24	4,000,000.00	12	5.08%	5.08%
6-Mar-24	1,300,000.00	9	5.20%	5.05%
12-Mar-24	3,000,000.00	12	4.95%	5.04%
19-Mar-24	3,000,000.00	24	4.84%	4.94%
26-Mar-24	3,000,000.00	9	5.02%	5.05%

As at 31 March 2024, Council's investment portfolio has a current market value of \$134,619,704 which represents a gain of \$1,901,509 on the \$132,995,309 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Asset group	Face Value	Current Value
Cash	\$7,398,830	\$7,398,830
Floating Rate Note	\$24,800,000	\$24,760,831
Managed Funds	\$15,496,479	\$15,496,479
Term Deposit	\$85,300,000	\$86,963,563
Total	\$132,995,309	\$134,619,704

Council's cash balance declined by nearly \$5m during the month, which resulted in a slight policy overlimit in Suncorp exposures as of 31 March 2024. This was corrected on the first business day of April when a Suncorp TD matured and was not fully reinvested with the bank. New investments made during the month were within policy limits at the time.

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 4. Portfolio value – Summary by investment (reserve) type.

Reserves	Value
External Restriction Reserves	\$ 40,388,948
Internal Restriction Reserves	\$ 70,432,239
Unrestricted fund	\$22,174,123
Total	\$132,995,309

Analysis

Attached to this report is a summary of the investment portfolio for the month of March. 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 5. Portfolio return.

Month	Portfolio return %	Ausbond BB index %	Variance %
Apr-23	5.21	3.77	1.44
May-23	3.18	3.53	-0.35
Jun-23	6.12	3.72	2.4
Jul-23	6.31	4.48	1.83
Aug-23	3.77	4.39	-0.62
Sep-23	1.74	4.18	-2.44
Oct-23	2.57	4.01	-1.44

Nov-23	8.30	4.34	3.96
Dec-23	7.70	4.43	3.27
Jan-24	5.93	4.44	1.49
Feb-24	7.99	4.43	3.56
Mar-24	7.11	4.41	2.70
Average % return over the last 12 months	5.27%	4.10%	1.17%

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 March 2024, 72% 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 12% is invested with TCorp.

From June 2018 to March 2024, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 16%, as shown in Figure 1 below.

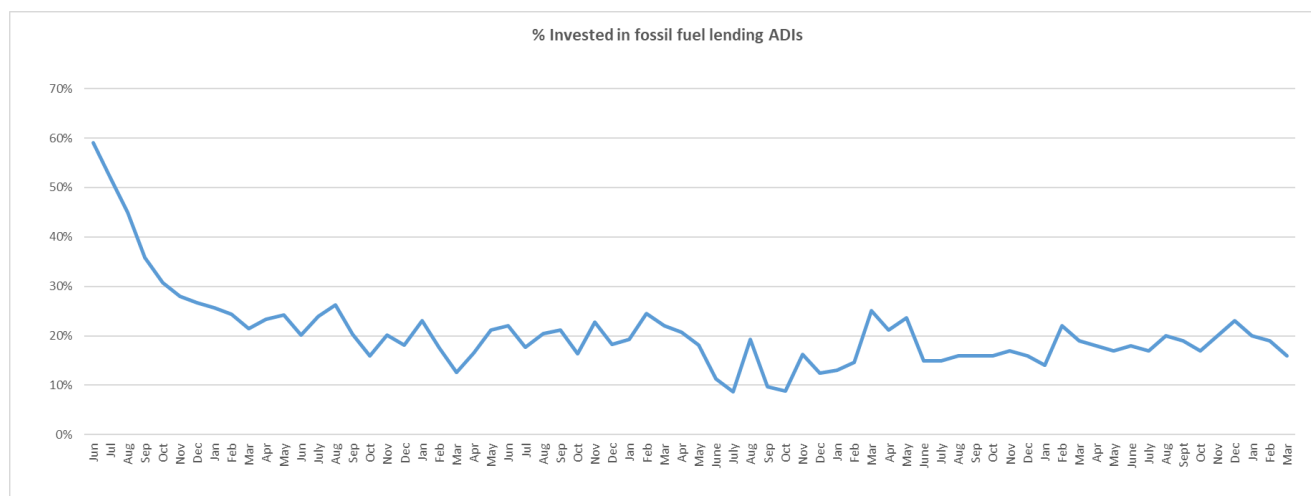


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the Commonwealth Bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 76.51% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 11.15% of the portfolio. The remaining 12.34% is invested with TCorp as displayed in Figure 2 below.

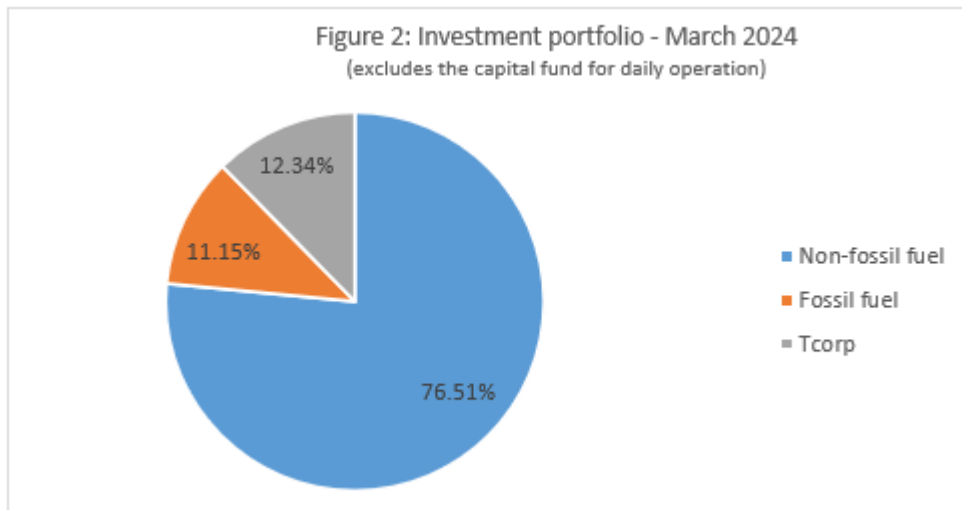


Figure 2. Investment portfolio.

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 \$4,260,895 for the year to date, representing 82.7% of the approved budget of \$5,152,324.

7. Attachments

1. Investment Summary Report - March 2024 [↓](#) .



Investment Summary Report
March 2024



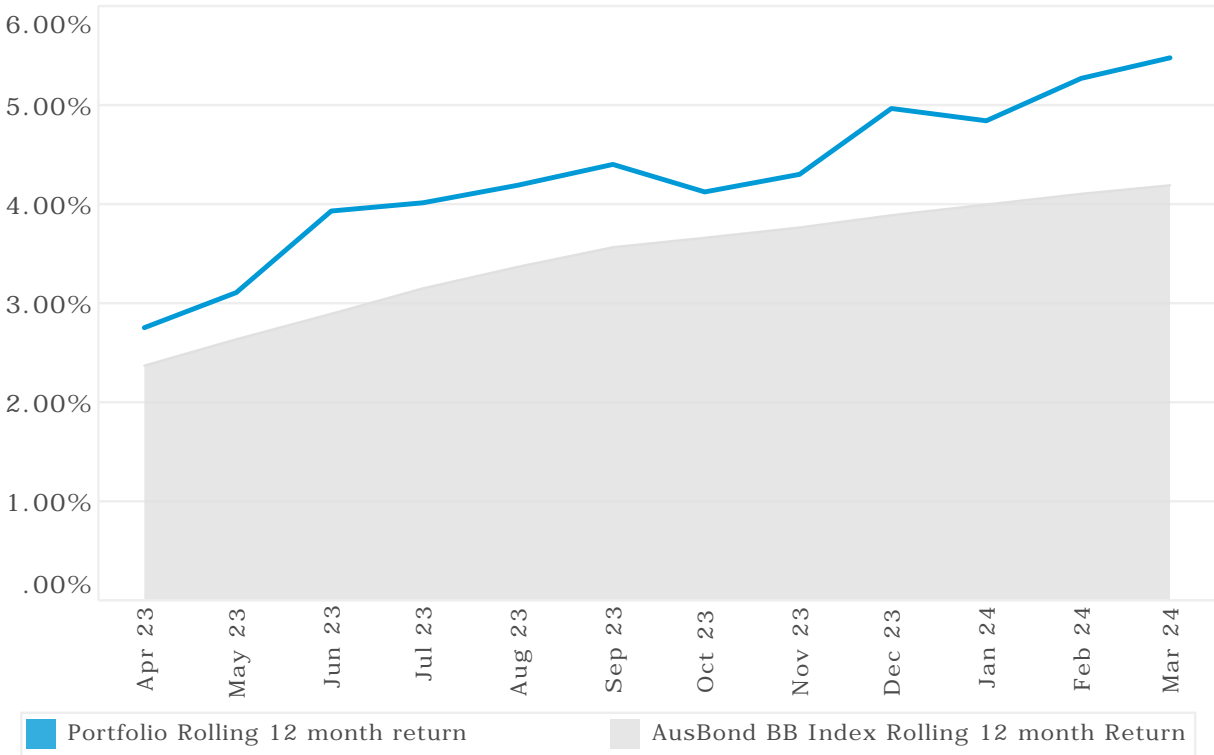
Waverley Council
Executive Summary - March 2024



Investment Holdings

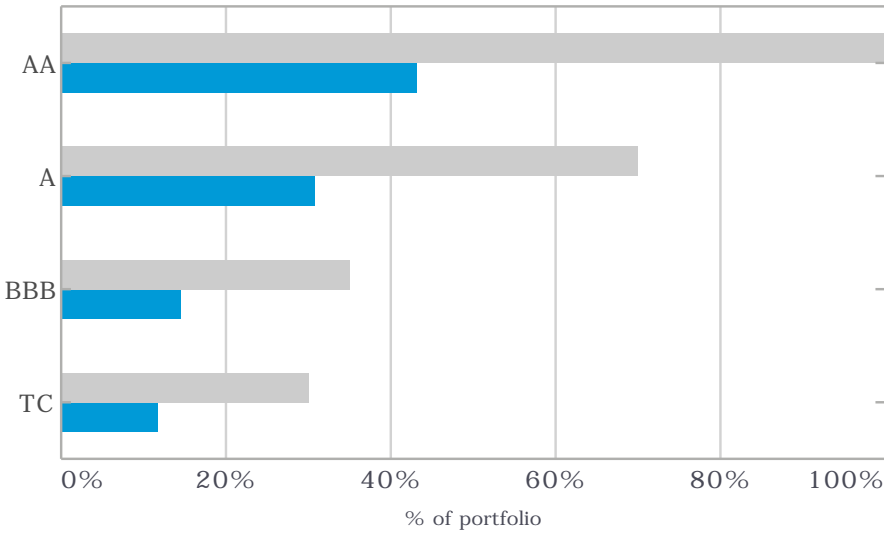
Investment Performance

	Face Value (\$)	Current Value (\$)
Cash	7,398,830	7,398,830
Floating Rate Note	24,800,000	24,760,831
Managed Funds	15,496,479	15,496,479
Term Deposit	85,300,000	86,963,563
	132,995,309	134,619,704



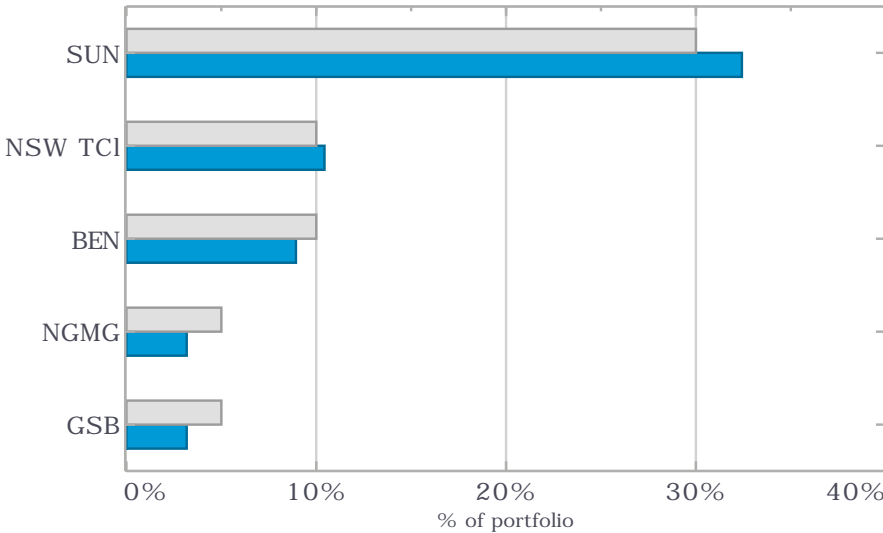
Investment Policy Compliance

Total Credit ExposureIndividual Institutional ExposuresTerm to Maturities



Portfolio Exposure

Investment Policy Limit



	Face Value (\$)	Policy Max	
Between 0 and 1 years	106,695,309	80%	100% a
Between 1 and 10 year:	26,300,000	20%	70% a
	132,995,309		

Specific Sub Limits			
Between 3 and 10 year:	0	0%	50% a
Between 5 and 10 year:	0	0%	25% a



Waverley Council
Investment Holdings Report - March 2024



Cash Accounts								
	Face Value (\$)	Current Rate (%)	Institution	Credit Rating		Current Value (\$)	Deal No.	Reference
	7,740.50	0.0000%	Commonwealth Bank of Australia	AA-		7,740.50	120800	Eastgate CP
	16,397.66	0.0000%	Commonwealth Bank of Australia	AA-		16,397.66	120799	Library CP
	22,711.14	0.0000%	Commonwealth Bank of Australia	AA-		22,711.14	120801	Hollywood Av CP
	29,377.55	0.0000%	Commonwealth Bank of Australia	AA-		29,377.55	120796	Cemetery Funds
	52,359.06	0.0000%	Commonwealth Bank of Australia	AA-		52,359.06	370151	Library Gift
	131,660.72	0.0000%	Commonwealth Bank of Australia	AA-		131,660.72	120795	Trust Funds
	157,501.55	0.0000%	Commonwealth Bank of Australia	AA-		157,501.55	120797	Depositor Funds
	597,845.17	0.0000%	Commonwealth Bank of Australia	AA-		597,845.17	120794	General Funds
	6,383,236.58	4.3500%	Commonwealth Bank of Australia	AA-		6,383,236.58	120789	24hr Call
	7,398,829.93	3.7529%				7,398,829.93		

Managed Funds								
	Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
	2,350,869.63	0.4258%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,350,869.63	411310	Builder Deposits
	13,145,609.78	2.1207%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	13,145,609.78	538089	
	15,496,479.41	1.8635%				15,496,479.41		

Term Deposits											
Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
2-Apr-24	3,000,000.00	5.1100%	Suncorp Bank	A+	3,000,000.00	8-Aug-23	3,099,540.00	544363	99,540.00	At Maturity	
9-Apr-24	2,000,000.00	5.4700%	Suncorp Bank	A+	2,000,000.00	18-Jul-23	2,077,329.32	544322	77,329.32	At Maturity	
16-Apr-24	3,000,000.00	4.9500%	Suncorp Bank	A+	3,000,000.00	23-May-23	3,127,750.68	544113	127,750.68	At Maturity	
23-Apr-24	3,000,000.00	5.1700%	Great Southern Bank	BBB	3,000,000.00	25-May-23	3,132,578.63	544129	132,578.63	At Maturity	
30-Apr-24	3,000,000.00	5.2500%	Suncorp Bank	A+	3,000,000.00	22-Aug-23	3,096,226.03	544409	96,226.03	At Maturity	
1-May-24	3,000,000.00	4.4600%	Westpac Group	AA-	3,000,000.00	28-Apr-23	3,124,269.04	544048	124,269.04	At Maturity	Green
15-May-24	3,000,000.00	5.2000%	Suncorp Bank	A+	3,000,000.00	16-Aug-23	3,097,873.97	544398	97,873.97	At Maturity	



Waverley Council

Investment Holdings Report - March 2024



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
28-May-24	1,000,000.00	5.1500%	Bendigo and Adelaide Bank	BBB+	1,000,000.00	24-Aug-23	1,031,182.19	544423	31,182.19	At Maturity	
28-May-24	3,000,000.00	5.1800%	National Australia Bank	AA-	3,000,000.00	31-Aug-23	3,091,111.23	544449	91,111.23	At Maturity	
20-Aug-24	3,000,000.00	5.0900%	Westpac Group	AA-	3,000,000.00	23-Aug-23	3,092,875.07	544416	92,875.07	At Maturity	Green
20-Aug-24	3,000,000.00	5.1600%	Westpac Group	AA-	3,000,000.00	15-Aug-23	3,019,509.04	544392	19,509.04	Quarterly	Green
27-Aug-24	3,000,000.00	5.4100%	Commonwealth Bank of Australia	AA-	3,000,000.00	29-Aug-23	3,096,046.03	544437	96,046.03	At Maturity	
27-Aug-24	4,000,000.00	5.0500%	Westpac Group	AA-	4,000,000.00	24-Aug-23	4,019,369.86	544424	19,369.86	Quarterly	Green
4-Sep-24	4,000,000.00	4.4000%	Westpac Group	AA-	4,000,000.00	2-Sep-22	4,013,501.37	543279	13,501.37	Quarterly	
4-Sep-24	4,000,000.00	5.2500%	National Australia Bank	AA-	4,000,000.00	5-Sep-23	4,120,246.58	544468	120,246.58	At Maturity	
5-Sep-24	2,000,000.00	5.0300%	Westpac Group	AA-	2,000,000.00	5-Sep-23	2,007,441.64	544467	7,441.64	Quarterly	Green
18-Sep-24	3,000,000.00	5.2000%	Suncorp Bank	A+	3,000,000.00	19-Sep-23	3,083,342.47	544580	83,342.47	At Maturity	
24-Sep-24	1,000,000.00	5.2500%	Suncorp Bank	A+	1,000,000.00	26-Sep-23	1,027,041.10	544534	27,041.10	At Maturity	
24-Sep-24	3,000,000.00	5.2000%	Suncorp Bank	A+	3,000,000.00	23-Jan-24	3,029,490.41	544805	29,490.41	At Maturity	
26-Sep-24	2,000,000.00	5.2200%	Westpac Group	AA-	2,000,000.00	26-Sep-23	2,053,773.15	544533	53,773.15	At Maturity	Green
2-Oct-24	3,000,000.00	5.2400%	Westpac Group	AA-	3,000,000.00	3-Oct-23	3,077,953.97	544556	77,953.97	At Maturity	Green
5-Nov-24	3,000,000.00	5.1700%	Suncorp Bank	A+	3,000,000.00	4-Jan-24	3,037,393.97	544763	37,393.97	At Maturity	
12-Nov-24	2,000,000.00	5.4800%	Suncorp Bank	A+	2,000,000.00	14-Nov-23	2,041,738.08	544722	41,738.08	At Maturity	
4-Dec-24	1,300,000.00	5.2000%	Suncorp Bank	A+	1,300,000.00	6-Mar-24	1,304,815.34	544919	4,815.34	At Maturity	
19-Dec-24	3,000,000.00	5.0200%	Bendigo and Adelaide Bank	BBB+	3,000,000.00	26-Mar-24	3,002,475.62	544960	2,475.62	At Maturity	
26-Feb-25	3,000,000.00	5.0500%	Suncorp Bank	A+	3,000,000.00	28-Feb-24	3,013,697.26	544863	13,697.26	At Maturity	
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,005,755.62	542329	5,755.62	Quarterly	Green
5-Mar-25	4,000,000.00	5.0800%	Westpac Group	AA-	4,000,000.00	5-Mar-24	4,015,031.23	544912	15,031.23	At Maturity	Green
12-Mar-25	3,000,000.00	4.9500%	Westpac Group	AA-	3,000,000.00	12-Mar-24	3,008,136.99	544931	8,136.99	Quarterly	Green
20-Feb-26	2,000,000.00	4.8500%	Westpac Group	AA-	2,000,000.00	20-Feb-24	2,010,895.89	544856	10,895.89	Quarterly	Green
17-Mar-26	3,000,000.00	4.8400%	Suncorp Bank	A+	3,000,000.00	19-Mar-24	3,005,171.51	544951	5,171.51	Annually	
85,300,000.00		5.0102%			85,300,000.00		86,963,563.29		1,663,563.29		

Floating Rate Notes

Waverley Council
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Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
30-Jul-24	2,500,000.00	5.1243%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,525,385.73	538331	21,760.73	30-Apr-24	
24-Oct-24	1,000,000.00	5.4701%	GSB Snr FRN (Oct24) BBSW+ 1.12%	BBB	1,000,000.00	24-Oct-19	1,011,770.87	538604	10,190.87	24-Apr-24	
2-Dec-25	2,250,000.00	4.8587%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,246,348.75	540603	8,386.25	3-Jun-24	
24-Feb-26	1,300,000.00	4.7856%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	1,300,000.00	24-Feb-21	1,301,870.61	540958	5,965.61	24-May-24	
4-Mar-26	4,000,000.00	4.9687%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	4,000,000.00	4-Mar-21	3,972,086.42	540983	15,246.42	4-Jun-24	
15-May-26	1,000,000.00	5.5976%	BEN Snr FRN (May26) BBSW+ 1.25%	BBB+	1,000,000.00	15-May-23	1,012,824.51	544084	7,054.51	15-May-24	
18-Jun-26	4,000,000.00	5.0039%	BEN Snr FRN (Jun26) BBSW+0.65%	BBB+	4,000,000.00	18-Jun-21	3,981,237.22	541523	7,677.22	18-Jun-24	
15-Sep-26	3,750,000.00	4.8248%	SUN Snr FRN (Sep26) BBSW+0.48%	A+	3,750,000.00	15-Sep-21	3,737,239.38	541877	8,426.88	17-Jun-24	
23-Dec-26	5,000,000.00	4.7637%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	23-Sep-21	4,972,067.93	541916	4,567.93	24-Jun-24	
24,800,000.00		4.9530%			24,800,000.00		24,760,831.42		89,276.42		



Waverley Council

Accrued Interest Report - March 2024



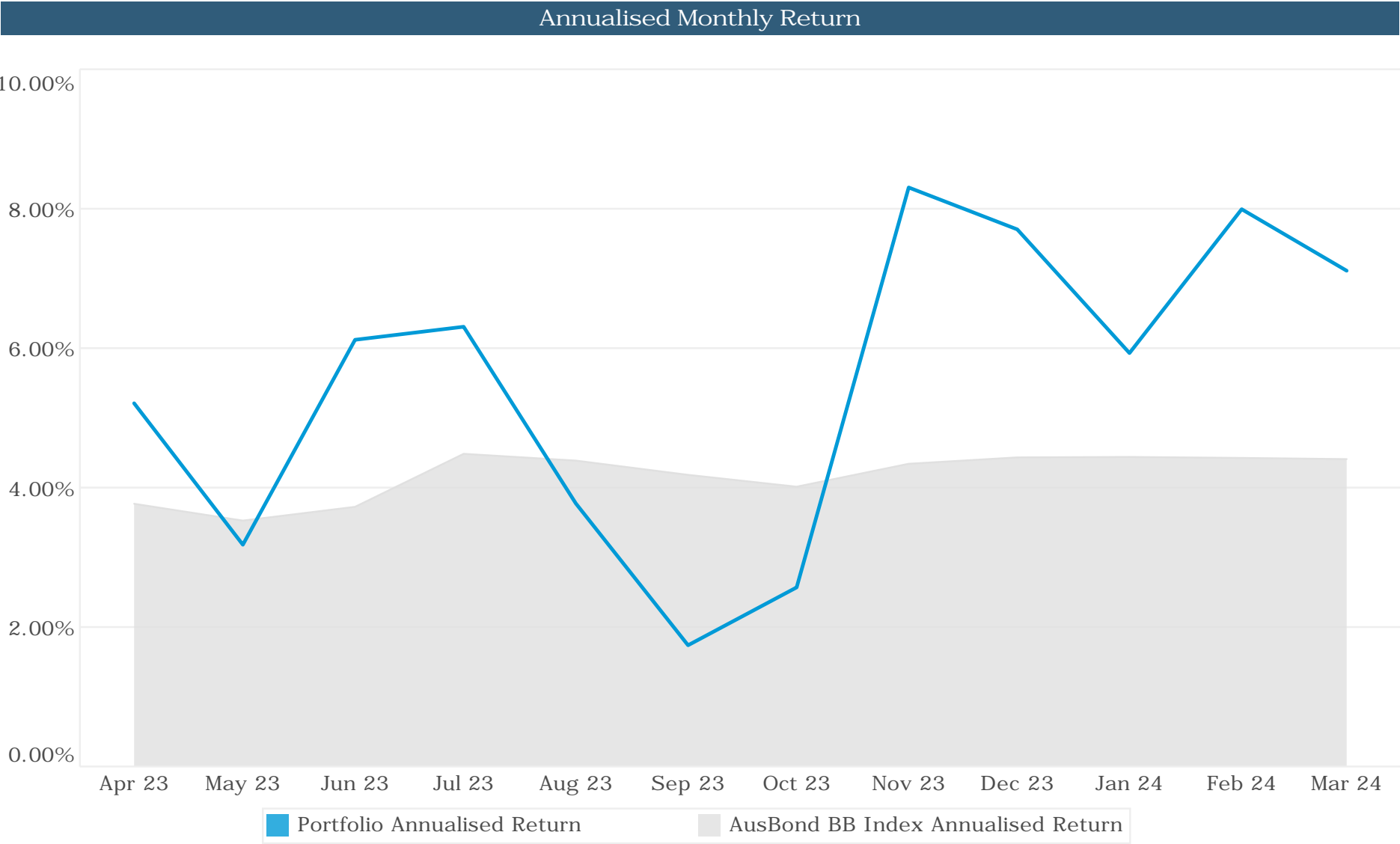
Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Floating Rate Note									
SUN Snr FRN (Jul24) BBSW+0.78%	538331		2,500,000.00	30-Jul-19	30-Jul-24	0.00	31	10,880.37	5.12%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	0.00	31	4,645.84	5.47%
BEN Snr FRN (Dec25) BBSW+0.52%	540603		2,250,000.00	2-Dec-20	2-Dec-25	27,412.94	31	9,289.97	4.86%
SUN Snr FRN (Feb26) BBSW+0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26	0.00	31	5,283.83	4.79%
NPBS Snr FRN (Mar26) BBSW+0.63%	540983		4,000,000.00	4-Mar-21	4-Mar-26	49,831.10	31	16,889.20	4.97%
BEN Snr FRN (May26) BBSW+ 1.25%	544084		1,000,000.00	15-May-23	15-May-26	0.00	31	4,754.13	5.60%
BEN Snr FRN (Jun26) BBSW+0.65%	541523		4,000,000.00	18-Jun-21	18-Jun-26	49,987.67	31	17,015.57	5.01%
SUN Snr FRN (Sep26) BBSW+0.48%	541877		3,750,000.00	15-Sep-21	15-Sep-26	45,157.19	31	15,374.14	4.83%
CBA Green Snr FRN (Dec26) BBSW+0.41%	541916		5,000,000.00	23-Sep-21	23-Dec-26	58,216.97	31	20,266.89	4.77%
						230,605.87		104,399.94	4.96%
Managed Funds									
NSW T-Corp Defensive Cash Funds	411310				1-Jul-24	0.00	0	9,968.07	5.13%
						0.00		9,968.07	5.13%
Term Deposits									
Westpac Group	542424		4,000,000.00	9-Mar-22	5-Mar-24	17,046.58	4	802.20	1.83%
Westpac Group	543890		3,000,000.00	3-Mar-23	12-Mar-24	149,486.30	11	4,384.93	4.85%
Auswide Bank	543961		3,000,000.00	14-Mar-23	13-Mar-24	144,000.00	12	4,734.25	4.80%
Suncorp Bank	543932		3,000,000.00	13-Mar-23	19-Mar-24	144,315.62	18	6,983.02	4.72%
Suncorp Bank	544363		3,000,000.00	8-Aug-23	2-Apr-24	0.00	31	13,020.00	5.11%
Suncorp Bank	544322		2,000,000.00	18-Jul-23	9-Apr-24	0.00	31	9,291.51	5.47%
Suncorp Bank	544113		3,000,000.00	23-May-23	16-Apr-24	0.00	31	12,612.32	4.95%
Great Southern Bank	544129		3,000,000.00	25-May-23	23-Apr-24	0.00	31	13,172.88	5.17%
Suncorp Bank	544409		3,000,000.00	22-Aug-23	30-Apr-24	0.00	31	13,376.71	5.25%
Westpac Group	544048		3,000,000.00	28-Apr-23	1-May-24	0.00	31	11,363.83	4.46%
Suncorp Bank	544398		3,000,000.00	16-Aug-23	15-May-24	0.00	31	13,249.31	5.20%
Bendigo and Adelaide Bank	544423		1,000,000.00	24-Aug-23	28-May-24	0.00	31	4,373.97	5.15%

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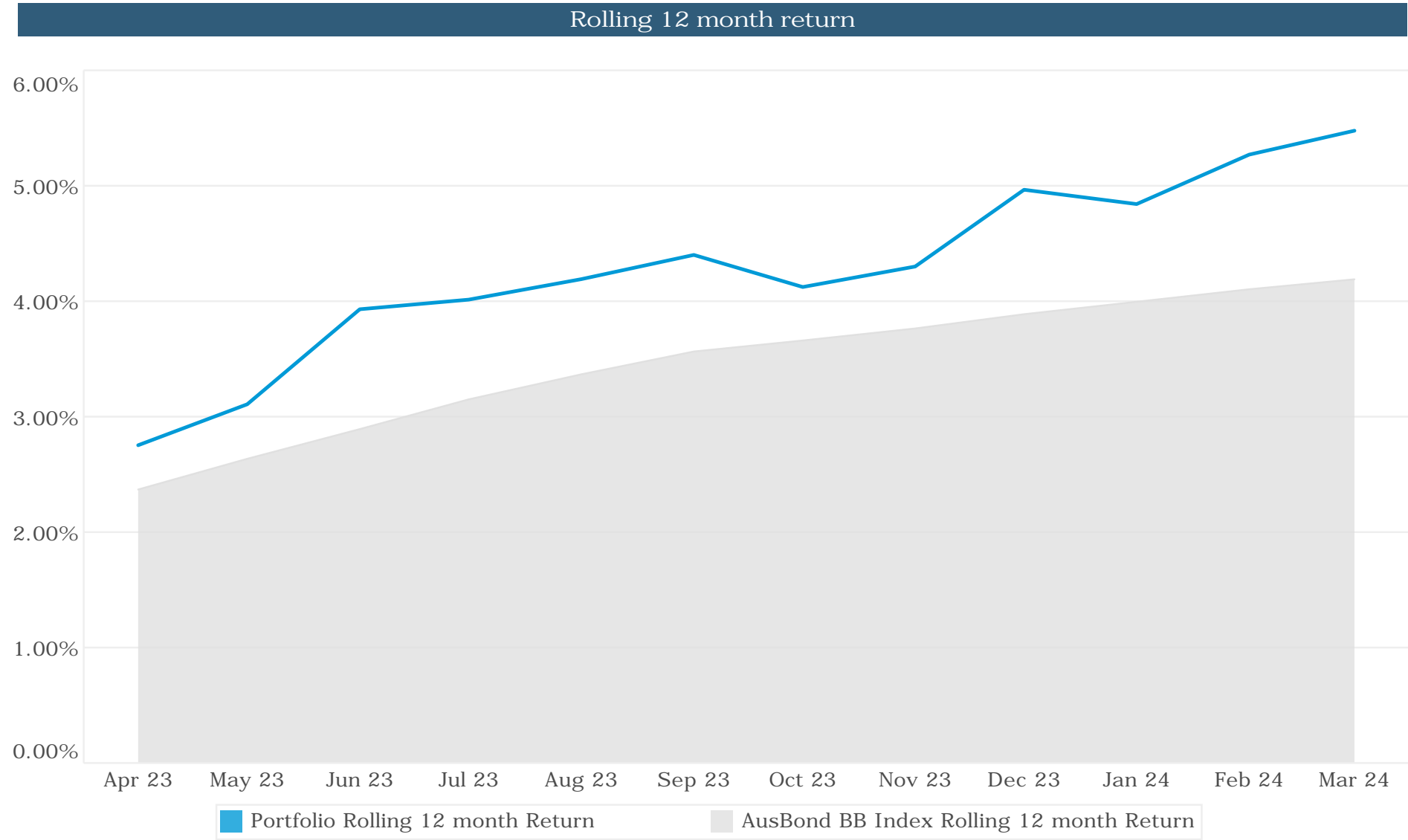
Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
National Australia Bank	544449		3,000,000.00	31-Aug-23	28-May-24	0.00	31	13,198.35	5.18%
Westpac Group	544392		3,000,000.00	15-Aug-23	20-Aug-24	0.00	31	13,147.40	5.16%
Westpac Group	544416		3,000,000.00	23-Aug-23	20-Aug-24	0.00	31	12,969.04	5.09%
Commonwealth Bank of Australia	544437		3,000,000.00	29-Aug-23	27-Aug-24	0.00	31	13,784.39	5.41%
Westpac Group	544424		4,000,000.00	24-Aug-23	27-Aug-24	0.00	31	17,156.16	5.05%
National Australia Bank	544468		4,000,000.00	5-Sep-23	4-Sep-24	0.00	31	17,835.62	5.25%
Westpac Group	543279		4,000,000.00	2-Sep-22	4-Sep-24	43,879.45	31	14,947.94	4.40%
Westpac Group	544467		2,000,000.00	5-Sep-23	5-Sep-24	25,081.10	31	8,544.11	5.03%
Suncorp Bank	544580		3,000,000.00	19-Sep-23	18-Sep-24	0.00	31	13,249.32	5.20%
Suncorp Bank	544534		1,000,000.00	26-Sep-23	24-Sep-24	0.00	31	4,458.91	5.25%
Suncorp Bank	544805		3,000,000.00	23-Jan-24	24-Sep-24	0.00	31	13,249.31	5.20%
Westpac Group	544533		2,000,000.00	26-Sep-23	26-Sep-24	0.00	31	8,866.85	5.22%
Westpac Group	544556		3,000,000.00	3-Oct-23	2-Oct-24	0.00	31	13,351.23	5.24%
Suncorp Bank	544763		3,000,000.00	4-Jan-24	5-Nov-24	0.00	31	13,172.87	5.17%
Suncorp Bank	544722		2,000,000.00	14-Nov-23	12-Nov-24	0.00	31	9,308.49	5.48%
Suncorp Bank	544919		1,300,000.00	6-Mar-24	4-Dec-24	0.00	26	4,815.34	5.20%
Bendigo and Adelaide Bank	544960		3,000,000.00	26-Mar-24	19-Dec-24	0.00	6	2,475.62	5.02%
Suncorp Bank	544863		3,000,000.00	28-Feb-24	26-Feb-25	0.00	31	12,867.12	5.05%
Westpac Group	542329		2,000,000.00	9-Feb-22	4-Mar-25	0.00	31	3,431.24	2.02%
Westpac Group	544912		4,000,000.00	5-Mar-24	5-Mar-25	0.00	27	15,031.23	5.08%
Westpac Group	544931		3,000,000.00	12-Mar-24	12-Mar-25	0.00	20	8,136.99	4.95%
Westpac Group	544856		2,000,000.00	20-Feb-24	20-Feb-26	0.00	31	8,238.36	4.85%
Suncorp Bank	544951		3,000,000.00	19-Mar-24	17-Mar-26	0.00	13	5,171.51	4.84%
						523,809.05		354,772.33	4.98%
<u>Grand Totals</u>						<u>754,414.92</u>		<u>469,140.34</u>	<u>4.98%</u>

Waverley Council
Investment Performance Report - March 2024



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2024	7.11%	4.41%	2.70%
Last 3 months	6.99%	4.42%	2.57%
Last 6 months	6.56%	4.34%	2.22%
Financial Year to Date	5.68%	4.35%	1.33%
Last 12 months	5.48%	4.19%	1.29%

Waverley Council
Investment Performance Report - March 2024



Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2024	0.59%	0.37%	0.22%
Last 3 months	1.70%	1.09%	0.61%
Last 6 months	3.24%	2.15%	1.09%
Financial Year to Date	4.25%	3.26%	0.99%
Last 12 months	5.48%	4.19%	1.29%

Waverley Council

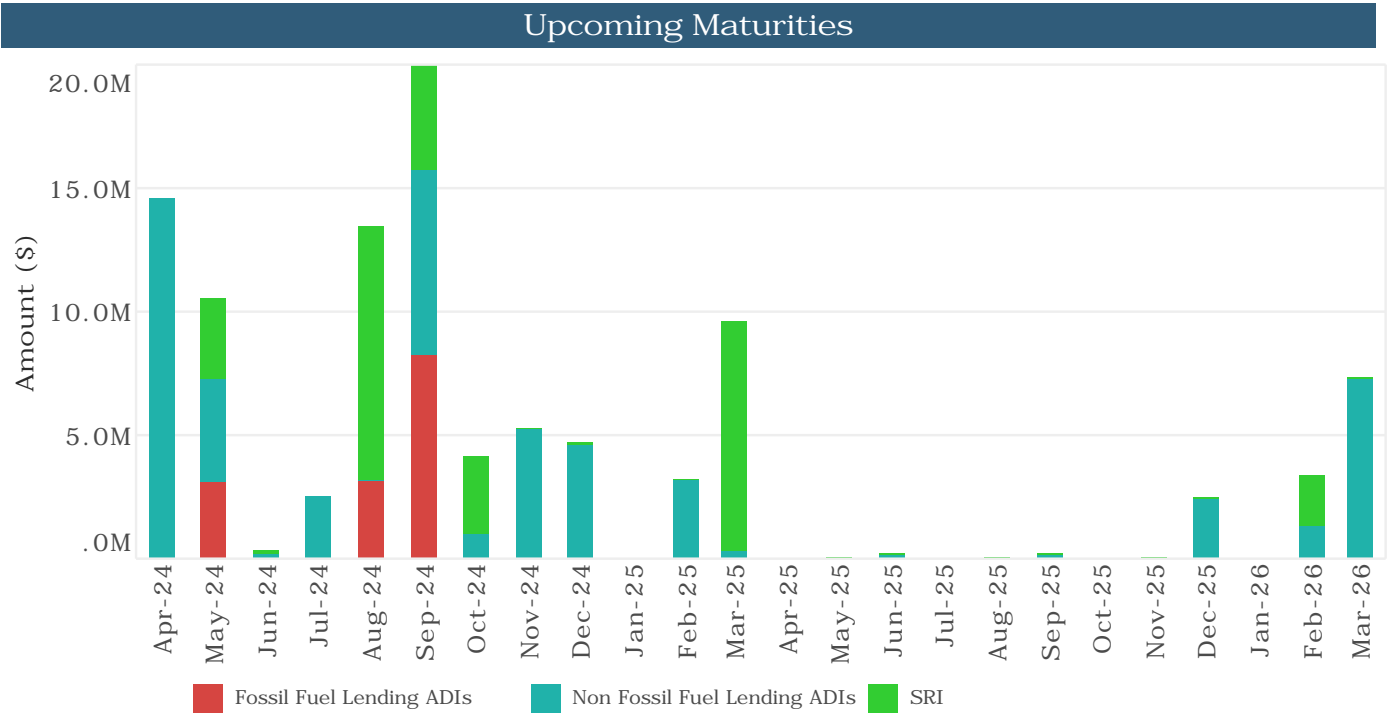
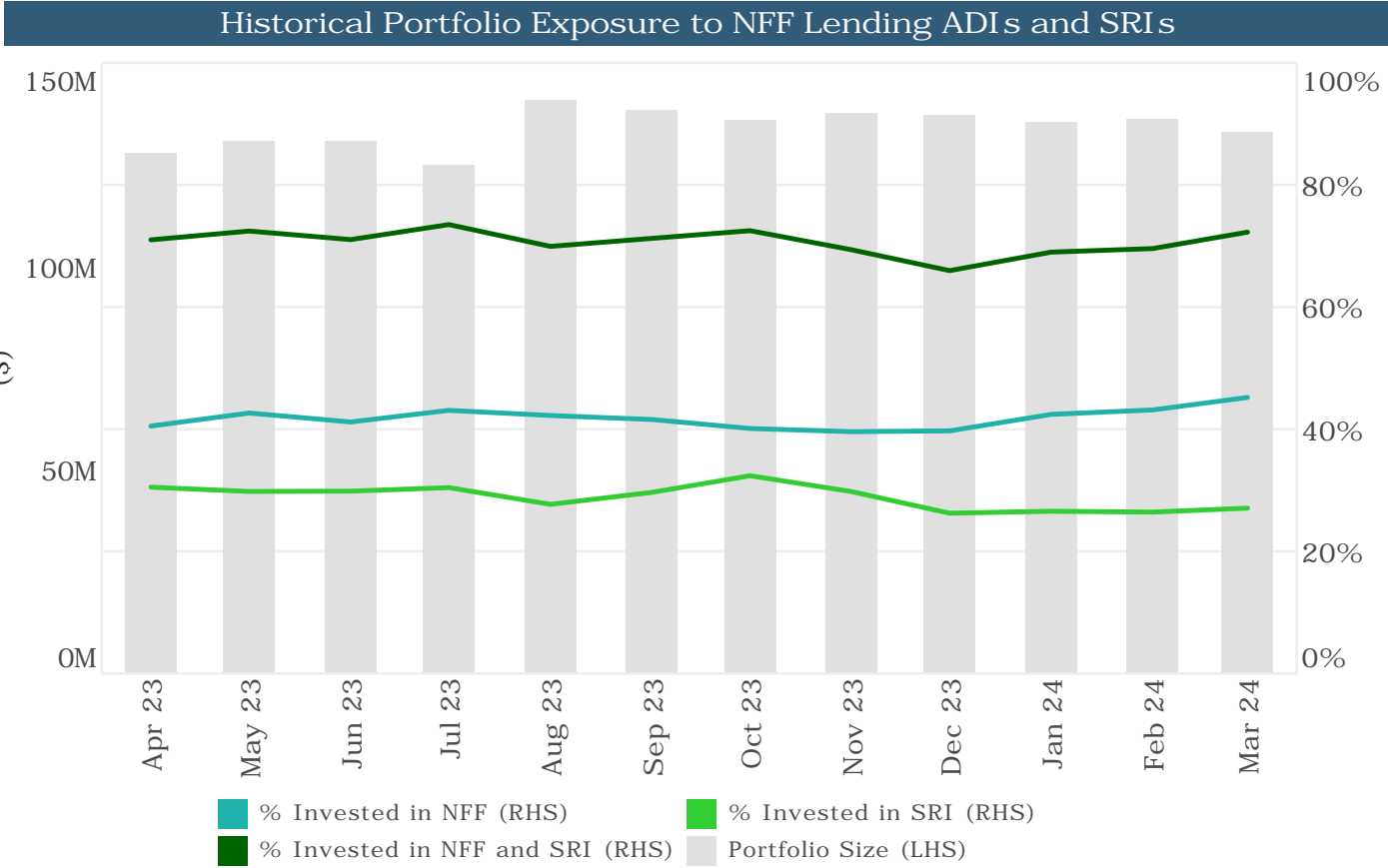
Environmental Commitments Report - March 2024



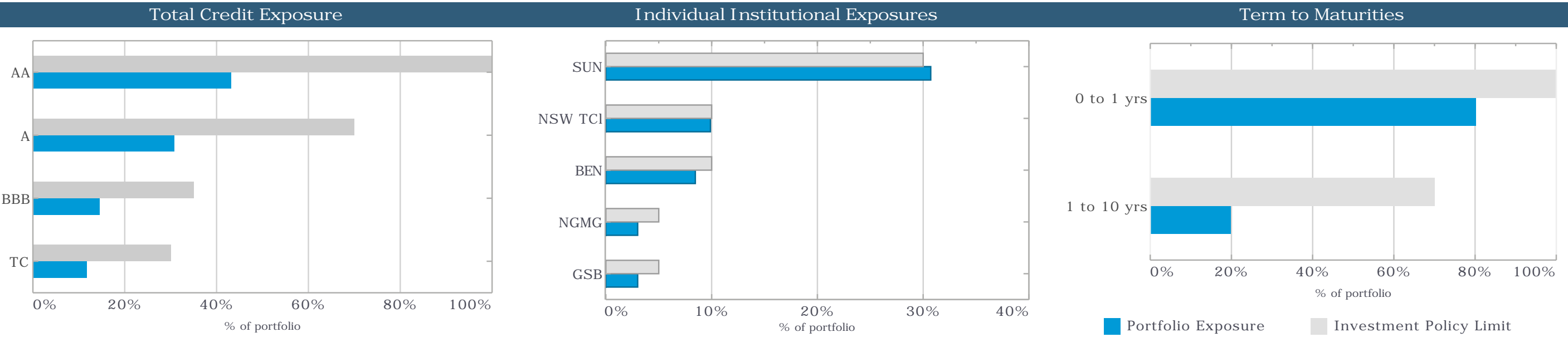
Current Breakdown				
ADI Lending Status *	Current Month (\$)		Previous Month (\$)	
Fossil Fuel Lending ADIs				
Commonwealth Bank of Australia	10,398,830		15,255,869	
National Australia Bank	7,000,000		7,000,000	
Westpac Group	4,000,000		4,000,000	
	21,398,830	16%	26,255,869	19%
Non Fossil Fuel Lending ADIs				
Auswide Bank	0		3,000,000	
Bendigo and Adelaide Bank	11,250,000		8,250,000	
Great Southern Bank	4,000,000		4,000,000	
Newcastle Greater Mutual Group	4,000,000		4,000,000	
Suncorp Bank	40,850,000		39,550,000	
	60,100,000	45%	58,800,000	43%
Other				
NSW T-Corp (Cash)	2,350,870		2,340,902	
NSW T-Corp (LT)	13,145,610		12,872,625	
	15,496,479	12%	15,213,527	11%
Socially Responsible Investment				
CBA (Green)	5,000,000		5,000,000	
Westpac Group (Green TD)	31,000,000		31,000,000	
	36,000,000	27%	36,000,000	26%
	132,995,309		136,269,395	

* source: Marketforces

Percentages may not add up to 100% due to rounding



Waverley Council
Investment Policy Compliance Report - March 2024



Credit Rating Group	Face Value (\$)		Policy Max	
AA	57,398,830	43%	100%	a
A	40,850,000	31%	70%	a
BBB	19,250,000	14%	35%	a
TC	15,496,479	12%	30%	a
	132,995,309			

Specific Sub Limits				
BBB+	11,250,000	8%	35%	a
BBB	8,000,000	6%	15%	a

Institution	% of portfolio	Investment Policy Limit	
Suncorp Bank (A+)	31%	30%	r
NSW T-Corp (TCL)	10%	10%	a
Bendigo and Adelaide Bank (BBB+)	8%	10%	a
Great Southern Bank (BBB)	3%	5%	a
Newcastle Greater Mutual Group (BBB)	3%	5%	a
Westpac Group (AA-)	26%	50%	a
Commonwealth Bank of Australia (AA-)	12%	50%	a
NSW T-Corp (TCc)	2%	10%	a
National Australia Bank (AA-)	5%	50%	a

	Face Value (\$)		Policy Max	
Between 0 and 1 years	106,695,309	80%	100%	a
Between 1 and 10 years	26,300,000	20%	70%	a
	132,995,309			

Specific Sub Limits				
Between 3 and 10 years	0	0%	50%	a
Between 5 and 10 years	0	0%	25%	a

a = compliant

r = non-compliant

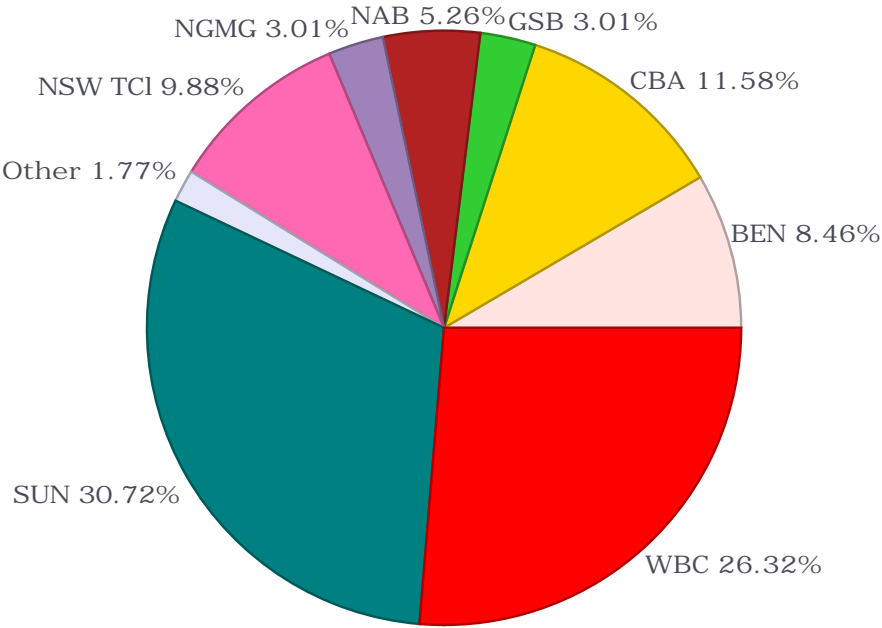
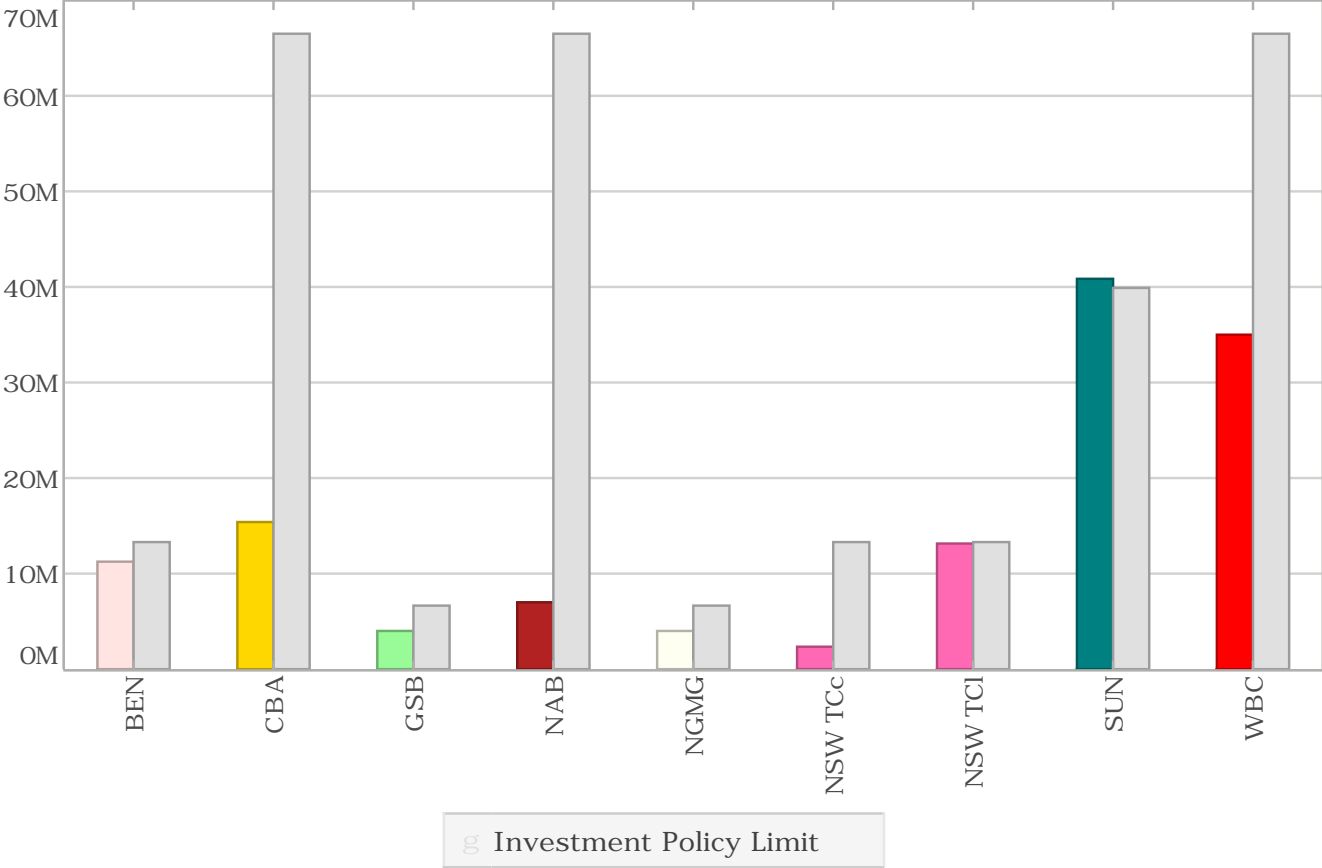
Waverley Council
Individual Institutional Exposures Report - March 2024



Individual Insitutional Exposures

Individual Insitutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Bendigo and Adelaide Bank (BBB+)	11,250,000	8%	13,299,531	10%	2,049,531
Commonwealth Bank of Australia (AA-)	15,398,830	12%	66,497,655	50%	51,098,825
Great Southern Bank (BBB)	4,000,000	3%	6,649,765	5%	2,649,765
National Australia Bank (AA-)	7,000,000	5%	66,497,655	50%	59,497,655
Newcastle Greater Mutual Group (BBB)	4,000,000	3%	6,649,765	5%	2,649,765
NSW T-Corp (TCc)	2,350,870	2%	13,299,531	10%	10,948,661
NSW T-Corp (TCl)	13,145,610	10%	13,299,531	10%	153,921
Suncorp Bank (A+)	40,850,000	31%	39,898,593	30%	-951,407
Westpac Group (AA-)	35,000,000	26%	66,497,655	50%	31,497,655
	132,995,309				



Waverley Council
Cashflows Report - March 2024



Actual Cashflows for March 2024						
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount	
4-Mar-24	540603	BEN Snr FRN (Dec25) BBSW+0.52%	Floating Rate Note	Coupon Date	27,412.94	
				Deal Total	27,412.94	
4-Mar-24	540983	NPBS Snr FRN (Mar26) BBSW+0.63%	Floating Rate Note	Coupon Date	49,831.10	
				Deal Total	49,831.10	
4-Mar-24	543279	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	43,879.45	
				Deal Total	43,879.45	
				Day Total	121,123.49	
5-Mar-24	542424	Westpac Group	Term Deposit	Maturity: Face Value	4,000,000.00	
		Westpac Group	Term Deposit	Maturity: Interest Received/Paid	17,046.58	
				Deal Total	4,017,046.58	
5-Mar-24	544467	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	25,081.10	
				Deal Total	25,081.10	
5-Mar-24	544912	Westpac Group	Term Deposit	Settlement: Face Value	-4,000,000.00	
				Deal Total	-4,000,000.00	
				Day Total	42,127.67	
6-Mar-24	544919	Suncorp Bank	Term Deposit	Settlement: Face Value	-1,300,000.00	
				Deal Total	-1,300,000.00	
				Day Total	-1,300,000.00	
12-Mar-24	543890	Westpac Group	Term Deposit	Maturity: Face Value	3,000,000.00	
		Westpac Group	Term Deposit	Maturity: Interest Received/Paid	149,486.30	
				Deal Total	3,149,486.30	
12-Mar-24	544931	Westpac Group	Term Deposit	Settlement: Face Value	-3,000,000.00	
				Deal Total	-3,000,000.00	
				Day Total	149,486.30	
13-Mar-24	543961	Auswide Bank	Term Deposit	Maturity: Face Value	3,000,000.00	
		Auswide Bank	Term Deposit	Maturity: Interest Received/Paid	144,000.00	

Waverley Council
Cashflows Report - March 2024



Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
Deal Total					3,144,000.00
Day Total					3,144,000.00
15-Mar-24	541877	SUN Snr FRN (Sep26) BBSW+0.48%	Floating Rate Note	Coupon Date	45,157.19
Deal Total					45,157.19
Day Total					45,157.19
18-Mar-24	541523	BEN Snr FRN (Jun26) BBSW+0.65%	Floating Rate Note	Coupon Date	49,987.67
Deal Total					49,987.67
Day Total					49,987.67
19-Mar-24	543932	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	144,315.61
		Deal Total			
19-Mar-24	544951	Suncorp Bank	Term Deposit	Settlement: Face Value	-3,000,000.00
Deal Total					-3,000,000.00
Day Total					144,315.61
25-Mar-24	541916	CBA Green Snr FRN (Dec26) BBSW+0.41%	Floating Rate Note	Coupon Date	58,216.97
Deal Total					58,216.97
Day Total					58,216.97
26-Mar-24	544960	Bendigo and Adelaide Bank	Term Deposit	Settlement: Face Value	-3,000,000.00
Deal Total					-3,000,000.00
Day Total					-3,000,000.00
Total for Month					-545,585.09

Forecast Cashflows for April 2024

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
2-Apr-24	544363	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	99,960.00
		<u>Deal Total</u>			<u>3,099,960.00</u>

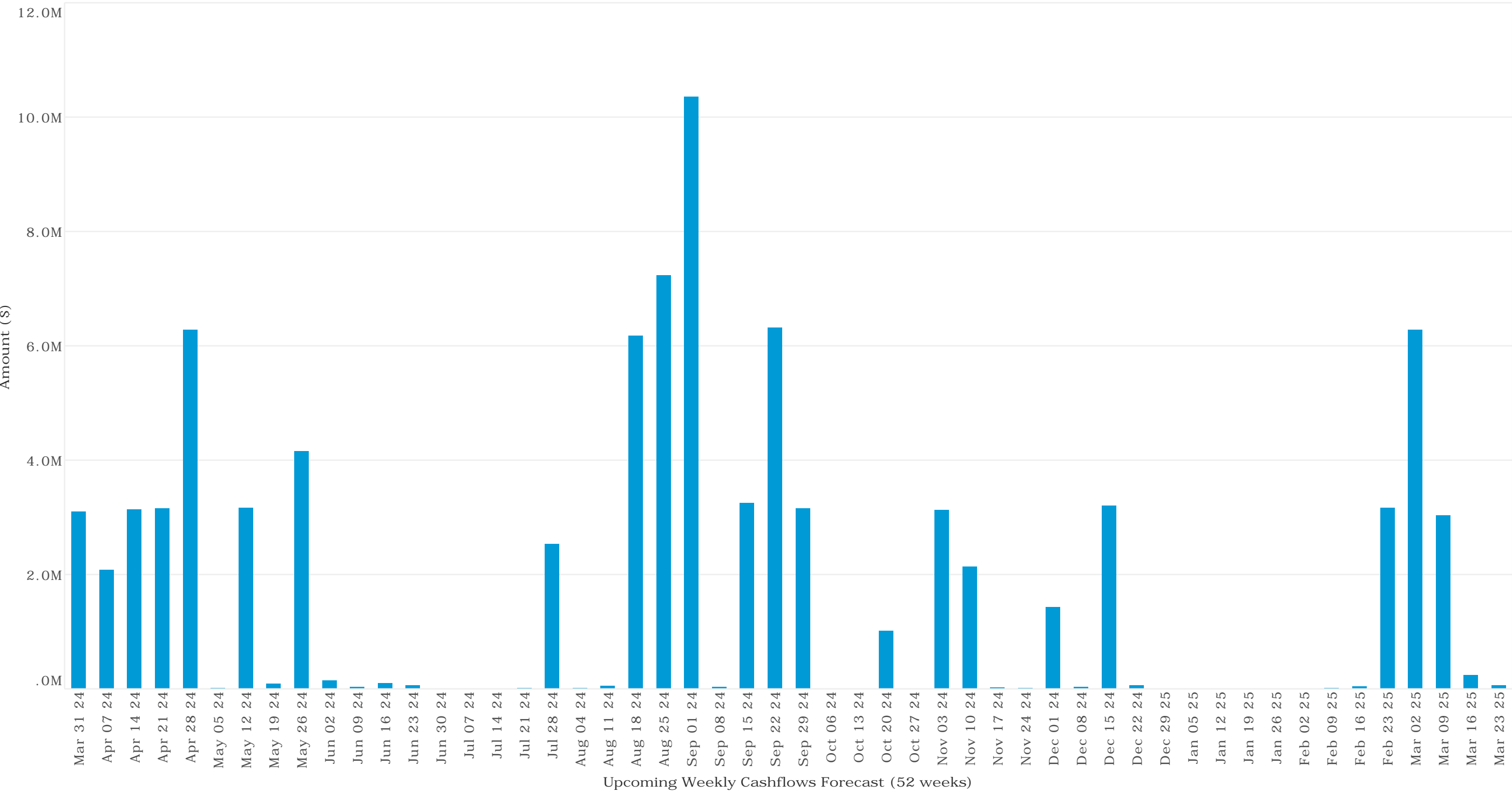


Waverley Council
Cashflows Report - March 2024

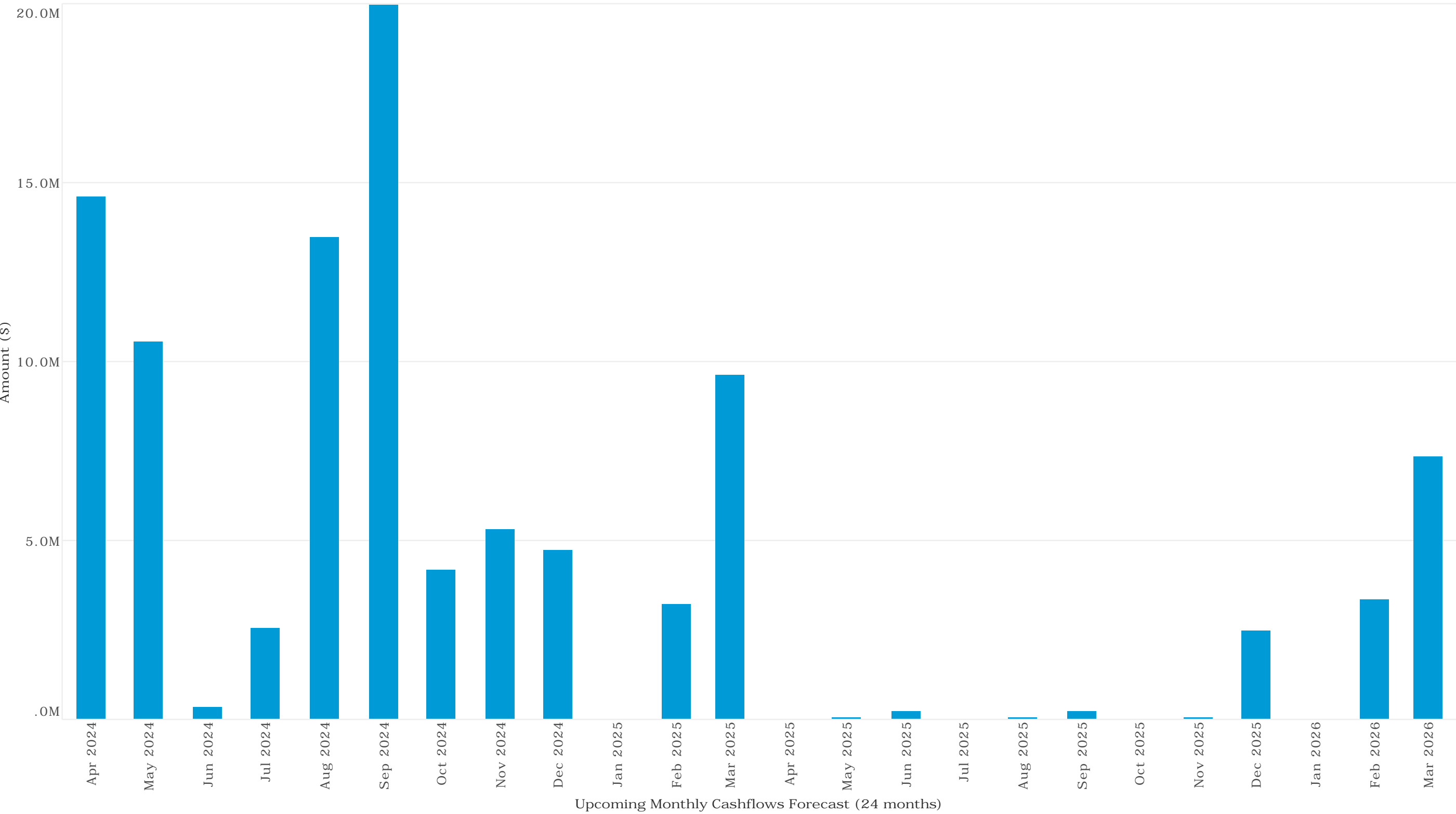


Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
Day Total					3,099,960.00
9-Apr-24	544322	Suncorp Bank	Term Deposit	Maturity: Face Value	2,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	79,727.13
		Deal Total			2,079,727.13
Day Total					2,079,727.13
16-Apr-24	544113	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	133,853.42
		Deal Total			3,133,853.42
Day Total					3,133,853.42
23-Apr-24	544129	Great Southern Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Great Southern Bank	Term Deposit	Maturity: Interest Received/Paid	141,927.13
		Deal Total			3,141,927.13
Day Total					3,141,927.13
24-Apr-24	538604	GSB Snr FRN (Oct24) BBSW+ 1.12%	Floating Rate Note	Coupon Date	13,637.78
				Deal Total	13,637.78
Day Total					13,637.78
30-Apr-24	538331	SUN Snr FRN (Jul24) BBSW+0.78%	Floating Rate Note	Coupon Date	31,939.13
				Deal Total	31,939.13
30-Apr-24	544409	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	108,739.73
		Deal Total			3,108,739.73
Day Total					3,140,678.86
Total for Month					14,609,784.31

Waverley Council
Cashflows Report - March 2024



Waverley Council
Cashflows Report - March 2024



REPORT
CM/7.4/24.04

Subject: Audit, Risk and Improvement Committee - Annual Report 2023

TRIM No: SF23/1230

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council notes the Audit, Risk and Improvement Committee's Annual Report 2023 attached to the report.

1. Executive Summary

Under clause 8 of its Charter, the Audit, Risk and Improvement Committee (ARIC) is required to report to Council on its activities once each year.

The Committee's 2023 Annual Report, prepared by the Committee's chair, Elizabeth Gavey, and attached to the report, covers the activities of the Committee for the period January 2023 to December 2023.

It is recommended that Council notes the Annual Report.

2. Introduction/Background

Nil.

3. Relevant Council Resolutions

Nil.

4. Discussion

Nil.

5. Financial impact statement/Time frame/Consultation

Funds are allocated in Council's operational budget for the operation and support of an internal audit function, including the ARIC. There have been no unbudgeted costs to Council in preparing this report.

The attached report covers the Committee's activities from January 2023 to December 2023.

A draft of the Annual Report to Council was endorsed by the ARIC at its meeting on 15 February 2024.

6. Conclusion

It is recommended that Council notes the attached report from the chair of the ARIC about the Committee's activities in 2023.

7. Attachments

1. ARIC Annual Report 2023 [↓](#) .

Annual ARIC Report January 2023 – December 2023

About the report

This annual report documents the operation and activities of the Audit Risk & Improvement Committee (ARIC or Committee)) and an overview of the Internal Audit function for Waverley Council for the period from January 2023 to December 2023.

The ARIC is a key component of Waverley Council's governance framework. The objective of the ARIC is to support Council by monitoring and advising on Council's governance, risk and control frameworks and its external accountability requirements.

There are 3 independent members and 1 councillor on the Committee

Purpose of this report

This report is tabled under Clause 8 of the ARIC Charter which requires that:

The Committee shall report to the Council on the management of risk and internal controls at least once each year. At the first meeting after the financial statements are considered each year by the Committee, the Committee through the Chair shall also submit and present a formal report outlining its major achievements, issues identified and other relevant matters to a closed session of a Council meeting

Member Profiles

Waverley Council's ARIC has been established as an advisory committee of Council to provide independent assistance to Council by monitoring, reviewing and providing advice on governance processes, risk management and control frameworks, and external accountability obligations.

Members have varied qualifications and experience which contribute to the effectiveness of the Committee.

Here is a snapshot of the independent members:

Elizabeth Gavey-Committee Chair

B Com (Economics) LLB GAICD

Elizabeth joined Waverley Council's Audit Risk and Improvement Committee as an independent member when it was first constituted in October 2019. She also serves on the Audit Risk and Improvement Committees for 3 other Local Councils in New South Wales and on the Audit and Risk Committees for Local Government NSW, the NSW Electoral Commission, the Office of Independent Review, the Audit Office of NSW and Museums of History NSW.

She has 30 years' plus experience gained in commercial law, investment banking and the health sector and is an experienced Company Director in the Not for Profit sector.

Sheridan Dudley – Committee Member

BA, LLB, GradDipCrim, MAdmin, EdD

Sheridan was appointed to the Committee in August 2023 as an independent member. She is chair or member of 5 other NSW Local Government Audit, Risk and Improvement Committees, company secretary of an international education charity, and Visiting Fellow in Education at UNSW.

Sheridan has 20 years' board level experience in public and not-for-profit sectors; 18 years' experience as a company secretary including at large national and international not-for-profit organisations; and 30 years' experience as Chief Executive Officer and Leader for state and local government organisations and the not-for-profit sector, including as General Manager of a NSW Council.

John Gordon – Committee Member

B.Comm.(Hons.), FCA, CPA, AGIA, ACG, AIIA (Aust.), MAICD, JP.

John was appointed to the Committee on its formation in October 2019. He is an assurance, risk and corporate governance specialist. John had a career of over 30 years, 22 as an Audit/Assurance Partner, with PwC (PricewaterhouseCoopers) and predecessor firms. Clients covered a broad range of organisations including listed public companies across most industry sectors. Public Sector clients, including Federal, State and Local Governments, comprised approximately 30 % of John's portfolio. John served in the roles of Hunter Region Managing Partner; NSW Local Government Leader; National Staff Partner, and National Risk Management Partner for the Resources, Services and Government Division of PwC.

Since 2009, John has worked in governance and risk. He has served with Audit & Risk Committees for over 28 ACT, NSW State and NSW Local Government agencies as well as not-for-profit organisations. John is chair or member of 5 Audit & Risk Committees including 2 in NSW Local Government.

How the Committee is supported by Legislation

The new *Local Government (Planning and Governance) Amendment Act 2016 Section 428A* mandates the requirement for an Audit, Risk and Improvement Committee and specifies its responsibilities. Councils were required to establish an Audit Risk and Improvement Committee by 4 June 2022.

Waverley Council took a proactive position in 2019 to implement the ARIC and its operations in line with the legislation to support and enhance Council's governance framework.

What the Committee is tasked to do

The Committee operates under the Audit, Risk and Improvement Committee Charter which reflects guidelines provided by the NSW Office of Local Government and industry best practice. The Charter was approved by Council on 18 February 2020 and includes the responsibilities specified under Section 428A of the *Local Government (Planning and Governance) Amendment Act 2016*.

The objective of the Committee is contained in the ARIC Charter:

The Waverley Audit, Risk and Improvement Committee ('the Committee') 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 adequate and effective for the management of risk across the organisation.

The Charter contains a number of administrative requirements and also prescribes the main responsibilities of the Committee into broad categories as follows:

Compliance

Risk Management

Fraud Control

Financial Management

Governance

Implementation of the strategic plan, delivery program and strategies

Service Reviews

Collection of performance measurement data

The Committee annually adopts a forward responsibility meeting plan that ensures coverage of these responsibility areas over a twelve-month period. The Committee is advisory only, it has no executive delegations and/or powers.

[An overview of the year and key achievements of the Committee](#)

During 2023, the ARIC performed its functions and responsibilities, as outlined in the ARIC Charter. This was facilitated by the adoption of a Forward Responsibility Calendar, which reflects the requirements of the Charter and Legislation, allocating the varying responsibilities to nominated meetings across a 12-month period to ensure complete coverage.

The ARIC recognises that 2023 was a challenging year for Council particularly as a result of recruitment challenges, resulting in vacancies in key roles, including Business Improvement and more recently Risk. In addition, Council is undertaking some significant and high profile projects, such as the ICT Modernisation Program and the work at the Tamarama Surf Life Saving Club, the Boot Factory and Mill Hill, where the liquidation of the previous contractor gave rise to significant delays and cost increases for these projects.

Despite this, Council has continued to develop its management of strategic and operational risks, financial and other internal controls and compliance obligations. Areas on which to focus and dedicate resources have been prioritised by Council using a risk based approach, and despite key vacancies, for example in Business Improvement, work did not stop in these areas.

The ARIC believes that Council is adequately supporting its internal and external audit functions and meets its external accountability requirements.

The ARIC's overall assessment is that the arrangements in the areas of responsibility specified in the ARIC Charter were operating adequately during 2023.

Key achievements of the ARIC in 2023 include:

- Endorsement of a comprehensive and risk-based Internal Audit Program for 2023-2024.
- Continued oversight of Council's financial position with annual reviews of Council's long-term financial plan and quarterly reviews of its budget and investments.
- Review of Council's Investment and Reserves Policies and procedures.
- Oversight of the development of Risk Management, Compliance and Governance Frameworks.
- Oversight of Council's ICT Modernisation and Information Management Programs and Cyber Security uplift activities, with these items being a standing agenda item at ARIC meetings.
- Review and oversight of the implementation of recommendations from internal audits, reviews and investigations.
- Oversight of implementation of the External Audit Management Letter recommendations.
- Review of Council's draft Financial Statements on 18 September 2023.
- "Deep dives" into Council's strategic risk management relating to Public Safety, Municipal Emergencies and Environmental/Climate Change prior to the scheduled normal ARIC meetings.
- Receiving updates on the implementation of business improvement activities.
- Review of Council's external review of the Useful Life of its Infrastructure Assets.

Overall, during 2023, the Committee continued to be a well-balanced team that has operated in a collaborative and constructive manner.

2 Committee assessment of key responsibility areas for January 2023 – December 2023

The Committee has assessed the key responsibility areas as follows

Responsibility	Assessment
Compliance	<p>Specific areas of compliance well established especially financial reporting.</p> <p>Comprehensive Council-wide legislative compliance framework established and in the process of becoming embedded.</p> <p>Work was undertaken in 2023 to uplift Council's awareness and monitoring of legislative obligations.</p> <p>Internal audits undertaken to review specific areas of compliance (notably Swimming Pool compliance) resulting in significant programs of work which has uplifted Council's performance in its Compliance functions.</p>
Risk Management	<p>Work was undertaken in 2023 to review Council's Risk Framework and reassess risks being faced by Council.</p> <p>Although the Enterprise Risk Management Framework is currently at an emergent level of maturity, a mature awareness of risks and a commitment by management to further develop a strong risk culture is evident.</p> <p>A program of work to review and conduct a comprehensive test of Council's Business Continuity Management Framework commenced in 2023.</p>

Fraud Control	<p>Fraud and corruption prevention controls are at an intermediate level of maturity.</p> <p>In April 2022 a Fraud and Corruption Control Plan entailing 44 Actions was endorsed. Council has progressed well in implementing those actions, with the majority completed by December 2023.</p> <p>A new benchmarking of Council's fraud control maturity is scheduled to be undertaken shortly.</p>
Financial Management	<p>Council has prepared a Long-Term Financial Plan and is aware of the fiscal constraints it faces based on current budget projections.</p> <p>The ARIC notes that Council is facing cost increase pressures, particularly in relation to some of its major projects. Council is taking steps to manage these budgetary pressures, often by rescheduling projects to match available funds and the use of Council's reserves, in accordance with legislation and Council's Reserves Strategy Framework.</p> <p>A series of service reviews is also planned to assist in managing the situation</p>
Governance	<p>Governance processes in place and at an emergent level of maturity.</p> <p>Significant uplift work was undertaken in 2022, with an overarching governance framework being approved in May 2022.</p> <p>36 actions were identified to complete the governance uplift. These were completed in 2023.</p> <p>There is program in place for a regular review of the Governance Framework (next scheduled review is in FY23-24)</p>

Strategic Plan, Delivery Program and Strategies	Strategic plans, delivery program and strategies implemented. Work done to ensure alignment between the plans and delivery programs to create a more holistic planning and delivery program noted by the ARIC.
Service Reviews	A review of the suitability of various areas of Council for a Service Review has been undertaken, which in turn has informed a proposed 3 year Service Review program, with 2 Service Reviews planned to be undertaken annually. These reviews will be presented to the ARIC once finalised
Performance Measurement Data	As above
Overall	<p>Council is working diligently to establish and embed frameworks and progress has been made in further developing the Risk Management, Compliance and Governance Frameworks.</p> <p>Staff vacancies have had an impact on identifying and clearing audit and review recommendations. Progress in this area will continue to be monitored by the ARIC.</p> <p>Despite staff vacancies in key areas – Planning, Risk and Business Improvement - (which should be noted is an industry wide issue for Local Government), the ARIC notes progress in development of robust governance systems and the commitment of Council to this activity. It expects there will be continued progress in 2024.</p>

Committee Dashboard

Participation in meetings during 2023

The Committee had five scheduled normal meetings during the calendar year and one special meeting for the review and endorsement of the financial statements (18 September 2023). There

was a quorum for each of the meetings held in 2023.

Attendance at meetings for the calendar year is as follows:

Name	Role	Eligible*	Attended
Elizabeth Gavey	Independent Chair	6	6
Sheridan Dudley	Independent (appointed August 2023)	3	3
John Gordon	Independent	6	6
Dominic WY Kanak	Councillor (to October 2023)	4	0
Tim Murray	Councillor (Alternate)	1	1
Sally Betts	Councillor (Alternate)	4	4
Non-Committee Regular Attendees			
NSW Audit Office	NSW Audit Office	5	4
Nexia Australia	External Audit Contractor	5	4
Emily Scott	General Manager	6	5
Grant Thornton Australia	Internal Auditor	5	5
Tara Czimmer	Director Corporate Services	6	6
Sharon Cassidy	Director, Assets and Operations and Acting General Manager for the July 2023 meeting	5	4
Fletcher Rayner	Director, Planning Sustainability and Compliance	2	2
Sam McGuinness	Acting Director, Planning Sustainability and Compliance	1	1
Ben Thompson	Director Community Culture and Customer Experience	2	2
Bernard Tang	Chief Audit and Risk Officer (from July 2023)	4	4
Richard Coelho	Executive Manager, Governance and Risk	5	5
Teena Su	Executive Manager Finance	6	6
Al Johnston/Rana Benyamin	Committee Secretary	5	5

*Attendance at the September 2023 meeting for the review of the draft financial statements was limited to the independent ARIC members, the General Manager, the Director Corporate Services, the Chief Audit and Risk Officer and the Executive Manager Finance.

In addition to the meetings above;

- The Committee received presentations on the topics prior to the ARIC meeting covering the following areas –
 - April 2023 – Strategic Risk Management and Public Safety
 - June 2023 – Municipal Emergencies from a Strategic Risk Management Perspective
 - July 2023 – Environmental/Climate Change from a Strategic Risk Management Perspective
- The ARIC had confidential in camera meetings with the Audit Office of NSW in October 2023;
- The ARIC had a confidential in camera meeting with the internal auditor, Grant Thornton in October 2023; and
- The General Manager and the Executive Leadership Team held an induction/information session and tour of Council's key locations with the independent members of the ARIC in September 2023.

ARIC Business Papers and Reports reviewed

Meeting Date	Number of Papers/Reports reviewed and discussed
6 April 2023	14
8 June 2023	14
27 July 2023	11
18 September 2023 (Review of FY 22-23 draft Financial Statements)	1
3 October 2023	11
30 November 2023	14

Committee Actions Register

The Committee Actions Register includes items raised by ARIC members for action/re-submission

Number of actions raised – 28

Number of actions completed – 23

Number of actions due to next/future meeting – 5

Audit Reports/Reviews & Recommendations considered

Audit/Review Name	No. of Recommendations	Overall Assessment	ARIC Meeting Date
Asset Management Maturity*	26 Recommendations	-	6 April 2023
Plant and Workshop Maintenance	13 Recommendations (4 High; 5 Moderate; 4 Low)	Needs Improvement	6 April 2023
Contract Management	7 Recommendations (6 High; 1 Moderate)	Needs Improvement	8 June 2023
Work Health and Safety Follow-up**	25 Recommendations	-	8 June 2023
Procurement (Accounts Payable) Data Analytics Review	-	No significant issues or red flags identified which would raise concerns of fraudulent activities.	27 July 2023
Swimming Pool Management	9 Recommendations (3 Critical; 6 High)	Significant Improvement Required	3 October 2023
Food Safety	9 Recommendations (9 Low)	Minor Improvement Required	30 November 2023
Total Recommendations Reviewed	89		

*The Asset Management Maturity Review assessed 16 elements of Council's asset management activities against the International Infrastructure Management Manual's Asset Management Maturity Framework and, as such, did not provide an overall rating, nor risk rating for the recommendations raised

**The Work Health and Safety Follow-up Review assessed Council's implementation of recommendations from prior reviews aimed at the continuing evaluation, monitoring and up-lift of Council's WHS activities and, as such, did not provide an overall rating, nor risk rating for the recommendations raised.

The ARIC monitors the implementation of all recommendations raised by Internal and External Audit, paying particular attention to high rated recommendations, or recommendations not implemented by their due date. Council has worked diligently to implement recommendations, noting that some are reliant on the completion of the ICT Modernisation Project, which is still in its early stages.

Other activities undertaken by the ARIC:

- Monitoring Council's ICT and Information Management Modernisation Programs and Cyber Security Initiatives. These are major projects currently being undertaken by Council of a significant dollar value and associated risks. Accordingly, an update on these items is a standing agenda item at ARIC meetings
- Monitoring the development and implementation of the governance, compliance and risk management frameworks
- Reviewing Council's work on its Fraud and Corruption Control Activities
- Monitoring the status of audit recommendations and revisiting prior audits, reviews and investigations for status updates
- Monitoring the status of the 4-year Audit Plan and Annual Audit Program
- Monitoring the implementation of recommendations of the NSW Audit Office's Procurement Performance Audit review, where Council was selected as one of six auditees.
- Reviewing the External Audit Management Letter and Engagement Plan
- Monitoring Council's preparedness for its annual audit of its Financial Statements, assessing if associated procedures are robust and providing input on Council's draft Financial Statements.
- Monitoring Council's performance against budget and investment performance on a quarterly basis and receiving updates on the preparation of its Long term Financial Plan and Council's Investment Policy and Management.
- Reviewing complaints and Employee Assistance Program data to identify any trends
- Oversighting Council's Workplace Health and Safety activities and reviewing statistics to assess Council's management in this area
- Reviewing GIPA and Office of Local Government reporting statistics

ARIC Effectiveness

Clause 8.1 of the ARIC Charter requires the ARIC, through the Chairperson, to review the ARIC's performance at least once every 2 years, with an assessment of performance to be presented to Council.

This Assessment was conducted in 2023 via a questionnaire issued to ARIC members and regular attendees to the ARIC meetings. The overall feedback received was positive and, in many areas, rated higher than in the previous year, with an "overall contribution" rating of 4.7 (2022 – 4.3). A summary of the results set out below.

Criteria	Average Response (1 Strongly disagree – 5 Strongly agree)
Independent Assurance - I have confidence that the Committee provides independent assurance and assistance to Council in the effective discharge of its responsibilities in relation to the following areas	
Compliance	4
Risk Management	4
Fraud Control	4
Financial Management	4.7
Governance	4.4
Implementation of Strategic Plan, Delivery Program and Strategies	4.3
Service Reviews	4.3
Collection of Performance Measurement Data by Council	4.2
Promotion of Governance	
The Committee facilitates and promotes sound governance procedures throughout Council.	4.9
The roles/responsibilities of the Committee are clear and are carried out in accordance with the Audit, Risk and Improvement Committee Charter	5
Communication	
The Committee is an effective forum for communication between stakeholders i.e. Council, the General Manager, Senior Management, and Internal and External Audit	5

Criteria	Average Response (1 Strongly disagree – 5 Strongly agree)
Meetings	
Committee agendas are consistent with the Committee's charter	4.6
Committee meetings are well structured	4.7
Committee decisions are made after appropriate discussion/consideration	5
Committee papers are generally sufficiently informative, succinct and timely	4.1
An appropriate amount of time is spent at meetings on Council's financial management risks	4.9
An appropriate amount of time is spent at meetings on Council's non-financial risks	4.1
The current frequency of meetings is appropriate	4.9
Committee Members' Contribution	
Committee Members come to meetings prepared and ready to contribute	5
Committee Members collectively have the expertise and skill set required to fulfil the goals and purpose of the Committee	5
Overall Contribution	
Overall, the Committee has made a positive contribution to the achievement of Council's objectives and greater assurance and/or improvements in governance	4.7

Key areas of focus for the ARIC identified in the questionnaire in 2023 are:

- recognise that Council has recently and continues to be going through a great deal of change and support management to manage risks in this environment
- continued focus on the implementation of The ICT Modernisation Program and associated change management
- implementation and embedding of the risk management framework
- managing agenda size and priorities and the length of ARIC meetings
- ensuring that the ARIC's focus remains strategic and prioritised based on risk profiles

Internal Audit

In July 2020 Grant Thornton were engaged by Council to provide outsourced Internal Assurance to support the Chief Audit Executive deliver on a 4 year Strategic Internal Audit Program.

The ARIC endorsed the Internal Audit Charter in May 2020.

As new guidelines concerning the internal audit function in local councils were finalised in late 2023, a review of the internal audit function and also the terms of the Internal Audit Charter will be conducted in early 2024 to ensure alignment with the guidelines.

Internal Audit Plan

The 2022-2023 Internal Audit Plan was completed, although the final report for 1 review was submitted to the ARIC after 30 June 2023.

Having regard to Council's current risks, issues and operating environment and also trends and insights of the Local Government sector, Grant Thornton updated the rolling 4-year Strategic Internal Audit Program for the financial years 2024-2027, in particular to accommodate management requests around asbestos management, records management and privacy, the issuance of s.10.7 certificates and cybersecurity.

The Annual Internal Audit Plan for 2023-2024, which was endorsed by the ARIC in June 2023, is devised to touch on key strategic risks for Council, namely:

- Compliance with key legislative and regulatory requirements
- Talent Management and Retention – recognizing that the current tight labour market means that the promotion of high performance and retention of staff is critical for Council; and
- Community and Staff Safety

The 2023-2024 Annual Internal Audit Plan covers the following areas –

- Food inspections

- Privacy
- Billings and Collections
- Records Management
- Asbestos Management
- 10.7 Certificates

The rolling four-year and annual internal audit plans have been designed taking into consideration both Council's strategic risks as well as emerging pressures and opportunities. The ARIC will continue to review the internal audit plans to ensure that they take into account the changing environment and key aspects of Council's operations

Next Year

New requirements affecting the Internal Audit function and Audit Risk and Improvement Committee.

In 2019 the Office of Local Government (OLG) commenced a process to review the Guidelines for Risk Management and Internal Audit for Local Government in NSW (the "Guidelines"). On 5 December 2023 the regulations giving statutory force to the Guidelines were enacted.

The approved Guidelines provide guidance for Councils as to how they can satisfy the requirements of the legislation, particularly by requiring councils to have a mandatory internal audit function and Audit, Risk and Improvement Committee. Notably, the Guidelines specify that there may only be one non-voting Councillor Member on an ARIC. The Guidelines must be complied with by 1 July 2024.

Waverley Council has already pre-empted many of the requirements in the Guidelines and is in a good position to adjust to others as required. A review of the ARIC and Internal Audit Charters will be undertaken in the first half of 2024 to ensure alignment with the final Guidelines.

The NSW Audit Office

Since becoming the external auditor for local government in NSW in 2016, the NSW Audit Office has become more robust and targeted in the conduct of its financial and performance audits. The ARIC monitors reports issued by the NSW Audit Office that may not directly relate to Waverley Council to identify recommendations that may assist Council to improve its control environment and operations.

Council has worked cooperatively with the NSW Audit Office and its contracted auditor, Nexia Australia, with their representatives being a regular invitee to all ARIC meetings.

Under auditing standards there must be a change of audit personnel after 5 years, resulting in the expiration of Nexia Australia's engagement as Council's contracted auditor. I would like to thank Brett Hanger, the Audit Partner from Nexia Australia for his

guidance and support over the past 5 years and look forward to our continued engagement with the Audit Office of NSW.

ARIC Activities for 2024

Areas for the ARIC to focus on in 2024 include:

- remaining informed of Council's significant ICT and Information Management Modernisation Programs, which are key pillars in driving financial benefits for Council in the future and essential for its service delivery and stakeholder satisfaction commitments.
- with cyber risks remaining inherently high across the globe, the Committee will continue to monitor Council's uplift of its cyber security position
- monitoring Council's overall assurance plan incorporating the relationships between core assurance, risk and internal audit
- the progress of implementing recommendations from internal and external reviews on a timely basis
- monitoring management's approach to ensuring the long term financial sustainability of Council
- continuing to support incremental improvements in Enterprise Risk Management, Compliance and Governance Frameworks and Fraud and Corruption Prevention controls
- the progress in embedding business improvement and service reviews within Council

Conclusion

The finalisation of the directorate restructure and the appointment of permanent heads to those directorates in 2022 brought stability and allowed for renewed focus on further developing good governance and improvement at Council during 2023.

The key challenges for Waverley Council – indeed many Councils – rising inflation, a tight labour market and extreme weather events, to name a few, impacted Council's operations. Despite this, Council continued to serve the community and worked to strengthen its governance processes.

The Council and Committee are well placed to meet the expanded requirements set out in the Guidelines issued by the OLG for Internal Audit, Risk Management and Audit, Risk and Improvement Committees, with many of the requirements contained within them already in place.

The ARIC has fulfilled its responsibilities under the Audit Risk & Improvement Committee Charter for the period and has a plan to continue to do so, via the adoption of the rolling forward responsibility calendar. The Committee has operated cooperatively and values the open, honest and constructive discussions it has with management, the Internal

Audit function and the External Auditors at every ARIC meeting.

I take this opportunity to thank the other Committee members both past and present; the General Manager, management and staff for their valuable contribution and support; and the internal and external audit teams for their forthrightness.

All these people have contributed to the Committee's success. It is a privilege to serve on the Committee and work with my fellow Committee members and management and I look forward to continuing to do this in the coming year.

Elizabeth Gavey

Chair, Waverley Council Audit, Risk and Improvement Committee

February 2024

REPORT
CM/7.5/24.04

Subject: Audit, Risk and Improvement Committee Meetings - 3 October 2023 and 30 November 2023 - Minutes

TRIM No: SF23/5437

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council notes the minutes of the Audit, Risk and Improvement Committee meetings held on 3 October 2023 and 30 November 2023 attached to the report.

1. Executive Summary

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

The minutes of the meetings held on 3 October 2023 and 30 November 2023 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 ARIC Charter, the minutes are reported to Council after being confirmed by the Committee.

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 3 October 2023 and 30 November 2023 have been confirmed by the ARIC and are attached to this report for noting.

7. Attachments

1. ARIC - 3 October 2023 - Minutes [↓](#)
2. ARIC - 30 November 2023 - Minutes [↓](#) .



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 3 OCTOBER 2023**

Voting Members Present:

Elizabeth Gavey (Chair)	Independent Member
Sheridan Dudley	Independent Member
John Gordon	Independent Member
Councillor Sally Betts	Alternate Councillor Member

In Attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czimmer	Director, Corporate Services
Sam McGuinness	Acting Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience
Lawrissa Chan	Director, Financial Audit, Audit Office of NSW
Brett Hanger	External Auditor (Nexia Australia)
Jarrold Lean	Internal Auditor (Engagement Partner, Grant Thornton Australia)
Mahesha Rubasinghe	Internal Auditor (Engagement Manager, Grant Thornton Australia)
Bernard Tang	Chief Audit and Risk Officer
Richard Coelho	Executive Manager, Governance
Teena Su	Executive Manager, Finance
Sneha Sebu	Coordinator, Integrated Planning and Reporting (Item 5.5)
Kevin Trinh	Acting Chief Information Officer (Item 5.6)
Rana Benyamin	Committee Secretary

At the commencement of proceedings at 9.07 am, those present were as listed above.

Prior to the commencement of the meeting the Executive Manager, Infrastructure Services, gave a presentation to the ARIC members on Asset Infrastructure Management from a strategic risk management perspective.

ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies

Apologies were received from Cr Dominic Wy Kanak.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Confirmation of Minutes

ARIC/3.1/23.10 Confirmation of Minutes - Audit, Risk and Improvement Committee Meeting - 27 July 2023 (SF23/20)

DECISION

That the minutes of the Audit, Risk and Improvement Committee meeting held on 27 July 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

4. Actions from Previous Meetings

ARIC/4.1/23.10 Actions from Previous Meetings (SF23/1012)

DECISION

That the Committee notes the status of the actions from previous meetings as at 3 October 2023 attached to the report.

DISCUSSION

The Committee noted that Action Item 13 ("Insurance Arrangements") was delayed. Management advised that there was an update on insurance in the Enterprise Risk Management report, but further details on Council's insurance arrangements will be provided at a subsequent meeting. The Committee requested for the due date to be updated.

5. Reports

ARIC/5.1/23.10 Representation Letter 2022-23 (A23/0026)

DECISION

That the Committee notes the Representation Letter 2022-23 attached to the report.

DISCUSSION

The Committee asked management whether there had been any significant variations from the representation template provided by the Audit Office and the process followed by management to ensure that the representations contained in the letter were correct.

Management advised that there were no significant variations and described a robust process of confirming the accuracy of the representations.

ARIC/5.2/23.10 Draft Financial Statements 2022-23 (A23/0026)

DECISION

That the Committee notes that the draft financial statements were presented to Council at its meeting on 12 September 2023 and signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer for referral to audit.

DISCUSSION

The Committee noted that it had provided feedback on the draft financial statements in an out of session discussion on 18 September 2023 and that the bulk of the matters raised by the Committee had been incorporated into the draft financial statements presented to this meeting.

The Committee noted that Council had met all OLG benchmarks for financial sustainability and asset management. Management gave further details on the matters impacting revenue and expenditure over the past financial year.

The Auditors advised that there were at the final stages to issue their report and had no significant matters to raise.

The Committee thanked management and the auditors for the timely completion of the financial statements and their audit. Special thanks were also given to Brett Hanger and his firm Nexia who have completed their term as the auditors of Council and to Lawrissa Chan of the Audit Office of NSW who possibly may not be the director responsible for Council's audit next year.

ARIC/5.3/23.10 Year End Budget Performance 2022-23 (A22/0182)

DECISION

That the Committee notes the budget performance for the 2022-23 financial year, as set out in the report.

DISCUSSION

The Committee expressed its satisfaction with the budget performance for the 2022-23 financial year and noted that matters addressed in this paper were covered in the previous item (Draft Financial Statements

2022-23).

ARIC/5.4/23.10 Budget Carry Over - 2022-23 to 2023-24 (A03/0346)

DECISION

That the Committee notes that Council has carried over \$4,802,397 in incomplete activities from the 2022–23 financial year to the 2023–24 financial year.

DISCUSSION

The Committee discussed the status of completed operational and capital works projects for 2022-2023 and operational and capital works projects to be carried over to the 2023-2024 financial year. Management noted that the main reason for carry overs were due to the delay in completing major works caused by the liquidation of Lloyd Group and the re-negotiation of contracts due to high inflation rates. The Committee noted that the total amount of carry-over is relatively low and management confirmed that there has been a concerted effort to ensure that budgeting is realistic and carryovers correctly identified with a view to reducing this figure.

The Committee noted that including a percentage figure for the carry overs graph would be useful in future reports.

ARIC/5.5/23.10 Integrated Planning and Reporting and Performance Measurement (A21/0035)

DECISION

That the Committee notes the progress report on the Delivery Program 2022–2026 attached to the report and progress on the Performance Measures Project, as set out in Table 2 of the report.

DISCUSSION

The Committee discussed the six-monthly progress report regarding Council's progress in delivering the projects and programs within the Operational Plan. Management noted that of the 160 actions in the 2022-23 Operational Plan 86% have been completed, 13% are still in progress, and 1% have been delayed due to operational reasons. Management further noted that the Operational Plan activity completion rate improved by 7% in 2022-23.

The Committee further discussed performance improvement rates, integrated KPIs based on benchmarking, liveability surveys, and community satisfaction survey.

ARIC/5.6/23.10 Information Management and Technology - ICT Strategy and Work Program Update (A18/0665)

DECISION

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

DISCUSSION

The Committee discussed the progress of ICT programs including modernisation, information management,

cyber security and operational projects.

Regarding the ICT Modernisation Program Update, management noted that Council engaged in workshops with both shortlisted technology partners to identify and address any risks and incompatibilities with the scope and delivery approach. It was further noted that contract negotiations are still ongoing and contracts are expected to be executed by November 2023.

The Committee noted that the ICT Modernisation program is a major project and Council had appropriately identified capacity to mobilise as a key risk. The Committee discussed with management available staffing and the ability to backfill roles where staff are required to work on the ICT Modernisation program.

The Committee discussed the gap assessment performed by Cyber CX to assess Council's performance against the NSW Cyber Security Policy and the Australian Cyber Security Centre's "Essential 8", noting that this report provided baseline of Council's cyber security maturity and a "roadmap" to uplift it.

Management confirmed that regular reporting on the cyber security uplift program occurs to the Executive Leadership Team and will be a standing item for ARIC meetings.

Given the sensitivity of cyber security, the Committee recommended that discussion of this item may be better suited to an in camera session of the Committee and papers regarding it be provided in a secure fashion.

ARIC/5.7/23.10 Enterprise Risk Management - Update (A17/0245)

DECISION

That the Committee notes the update on enterprise risk management, as set out in the report.

DISCUSSION

The Committee discussed the status, challenges and opportunities within Council's Enterprise Risk Management Program and Insurance Program.

Regarding Council's Enterprise Risk Management Plan, management noted that it's currently working on:

- Working with ELT to define Risk Appetite for presentation to ARIC
- Review Enterprise Risk Management Framework elements including:
 - Enterprise Risk Management Policy
 - Enterprise Risk Management Framework
- Present to ARIC movements of key Strategic and Operational risks at ARIC meetings going forward.

The Committee recommended that Council incorporate a Risk Maturity Analysis as part of its Enterprise Risk Management Framework review.

Management provided an overview of Council's insurance arrangements, noting that further details will be provided at a subsequent meeting.

ARIC/5.8/23.10 Business Continuity Management - Update (A22/0044)

DECISION

That the Committee notes the update on business continuity management, as set out in the report.

DISCUSSION

The Committee discussed key elements of Council's business continuity management framework.

Management noted that:

- current Business Continuity Plans may to a certain extent duplicate Emergency Plans and a review is underway to address this;
- the Business Continuity Plans and Emergency Plans tend to be site specific and there is likely to be a need for an "overall approach".
- Council is committed to identifying disruption-related risks and building capability to determine a response, to ensure continued delivery of key business services and the safety of its people.

The Committee further discussed providing training for staff to raise awareness of their responsibility and identifying who to contact in an emergency.

**ARIC/5.9/23.10 Internal Audit Plans 2022-23 and 2023-24 - Status Update - October 2023
(A21/0369)**

DECISION

That the Committee notes the status of the 2022–2023 and 2023–2024 Internal Audit Plans.

DISCUSSION

The Committee discussed the status of internal audits noting that the Swimming Pool audit report is the final report of the 2022-2023 financial year and work has commenced on the 2023-2024 Internal Audit Plan.

The Committee endorsed changes to the overall rating scales used in Internal Audit reports which would align the ratings closer to the assessment of the control environment.

ARIC/5.10/23.10 Completed Internal Audit Reports 2022-23 (A21/0368)

DECISION

That the Committee:

1. Notes the Swimming Pool Compliance Internal Audit Report – September 2023 attached to the report.
2. Requests 6 monthly reports on progress in actioning the Internal Audit recommendations in the Swimming Pool Compliance Internal Audit Report.

DISCUSSION

The Committee noted that the internal audit report assessed the overall rating as "Significant Improvement Required" and that the report established that there was a backlog of outstanding swimming pool inspections. Management has agreed to all the recommendations made in the report and expressed a commitment to address the matters raised.

Given the overall rating assigned in the Internal Audit and the importance of ensuring swimming pool safety, the Committee requested that 6 monthly updates on progress in actioning the Internal Audit recommendations in the Swimming Pool Compliance Internal Audit Report be provided to the Committee.

**ARIC/5.11/23.10 Outstanding Audit Recommendations - Status Update - September 2023
(A21/0368)****DECISION**

That the Committee notes the status of outstanding audit recommendations attached to the report.

DISCUSSION

The Committee noted the improvements in the formatting of the report and discussed the high risk items.

The Committee further requested that more details need to be provided regarding the outstanding audit recommendations for the Building compliance Audit due to the high-risk rating of some of the recommendations and the original due dates being exceeded considerably.

6 Other Business**ARIC/6.1/23.10 ARIC Meeting Dates 2023**

The Committee noted the final meeting of the year is scheduled for 9.00 am, 30 November 2023, and that the meeting may have to be held online as one of the independent members will not be able to attend in person.

ARIC/6.2/23.10 ARIC Annual Report 2023

The Committee noted that the Chair of the Committee will shortly be distributing the self-assessment surveys to be completed as part of the ARIC Annual Report 2023.

7. Meeting Closure

THE MEETING CLOSED AT 12.27 PM.

.....
SIGNED AND CONFIRMED
CHAIR
30 NOVEMBER 2023



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD BY VIDEO CONFERENCE ON THURSDAY, 30 NOVEMBER 2023**

Voting Members Present:

Elizabeth Gavey (Chair)	Independent Member
Sheridan Dudley	Independent Member
John Gordon	Independent Member
Councillor Sally Betts	Alternate Councillor Member

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
Lawrissa Chan	Director, Financial Audit, Audit Office of NSW
Jarrold Lean	Internal Auditor (Engagement Partner, Grant Thornton Australia)
Mahesha Rubasinghe	Internal Auditor (Engagement Manager, Grant Thornton Australia)
Bernard Tang	Chief Audit and Risk Officer
Richard Coelho	Executive Manager, Governance
Teena Su	Executive Manager, Finance
Kevin Trinh	Acting Chief Information Officer (Item 5.5)
Rob Sabato	Executive Manager, Major Projects (Item 5.2)
Sunil Kushor	Executive Manager, Compliance (Item 5.11, 5.12)
Christina Rainsford	WHS Improvement Consultant (Item 5.9)
Cr Ludovico Fabiano	Waverley Council
Cr Tony Kay	Waverley Council
Cr Dominic Wy Kanak	Waverley Council
Rana Benyamin	Committee Secretary

At the commencement of proceedings at 9.03 AM, those present were as listed above.

On 19 October 2023 in-camera meetings were held with each of the Internal and External Auditors.

ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair declared her new role as the Chair of the NSW Electoral Commission Audit and Risk Committee.

3. Confirmation of Minutes

ARIC/3.1/23.11 **Confirmation of Minutes - Audit, Risk and Improvement Committee Meeting - 3 October 2023 (SF23/20)**

DECISION

That the minutes of the Audit, Risk and Improvement Committee meeting held on 3 October 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

4. Actions from Previous Meetings

ARIC/4.1/23.11 **Actions from Previous Meetings (SF23/1012)**

DECISION

That the Committee notes the status of the actions from previous meetings as at 30 November 2023 attached to the report.

DISCUSSION

The Committee noted that for Action Item 3 'ARIC Work Program 2021' the ARIC does not do performance reviews and the item needs to be updated or deleted.

5. Reports**ARIC/5.1/23.11 Audit Office of NSW - Closing Engagement Report and Management Letter 2022-23 (A23/0026)****DECISION**

That the Committee:

1. Notes the Engagement Closing Report and Final Management Letter on the audit for the year ending 30 June 2023 attached to the report.
2. Provides an update at the February 2024 ARIC meeting on the process improvements for the next audit cycle.

DISCUSSION

The Audit Office advised the Committee that the two key elements of the Management Letter were the valuation of infrastructure assets and the quality and timeliness of financial reporting.

The Committee discussed whether the issues raised in the Interim Management Engagement letter were still outstanding. The Audit Office advised that issues raised will be addressed in the next audit cycle as the due dates are after the audit just completed. Management advised that they're currently in the process of finalising responses, noting the areas of focus as ICT Modernisation, cyber-security and manual processes.

The Committee discussed whether other departments in Council understand the audit process, noting management's advice that the Executive Management Team have discussed process improvements for the next audit cycle highlighting the advice provided at the previous ARIC meeting, and that an update will be provided at the next ARIC meeting.

ARIC/5.2/23.11 Capital Works Program Update (A18/0658)**DECISION**

That the Committee:

1. Notes the progress on major projects within the Capital Works Program, as set out in the report.
2. Includes in future Capital Works Program updates a table showing the original budget, agreed variations, costs to date and percentage of cost variations with traffic light indicators for risk, and a 3 month forward looking commentary on how these risks are being managed.

DISCUSSION

The Committee discussed the financial impact, time and consultation regarding the major projects focusing on Council's attempts at recouping lost costs on the Tamarama Surf Life Saving Club (SLSC) upgrade and Boot Factory/Mill Hill Community Centre Upgrade. The Committee noted that Council is currently in the process of compiling the claims.

The Committee discussed addressing Contractor financial stability generally within contract management procedures noting programming annual financial checks with contractors. There was discussion concerning the importance of physical on-site check-ups, progress completion and not paying in-advance for uncompleted works. For the Tamarama SLSC upgrade and the Boot Factory/Mill Hill upgrade there was discussion around ensuring satisfaction with new contractor and conducting monthly on-site inspections.

The Committee further discussed the Public Private Partnership (PPP) funding with Tamarama SLSC and noted that the PPP revised guidelines will be presented to ARIC in 2024.

The Committee suggested that council should investigate having a project oversight Committee or Executive Team Committee looking at high priority projects based on costs and risk. The Committee requested that in future Capital Works Program updates provided to the Committee, a table showing the original budget, agreed variations, costs to date and percentage of cost variations should be shown with green (good), amber (medium), red (trouble) levels of risk with a 3 month forward looking commentary on how these risks are being managed should also be included in the report.

ARIC/5.3/23.11 Quarterly Budget Review (Q1) - September 2023 (SF23/1717)

DECISION

That the Committee notes the Q1 budget review attached to the report, which was approved by Council on 21 November 2023.

DISCUSSION

The Committee discussed the September 2023 budget review amendments, noting that many of the changes reflect the tight labour market and high inflationary costs pressure on the budget. This has resulted in a reprioritising of the capital program projects to fund high-priority projects highlighted such as the ICT Modernisation Program, the Tamarama SLSC upgrade and the Boot Factory/ Mill Hill upgrade.

The Committee further discussed the money spent from the Councils reserve and implications it would have on future projects.

ARIC/5.4/23.11 General Manager's Update (SF23/1010)

DECISION

That the Committee:

1. Notes the General Manager's verbal update provided at the meeting.
2. Requests the Director of Community, Culture & Customer Experience provides a presentation in mid-2024 on the process of real time measurement of complaints and responses, and what Management do with the results provided to them.
3. Requests an update in 2024 on how Council is managing the pace, narrative and scheduling of change to not overload the organisation, and the support provided during reforms.

DISCUSSION

The General Manager provided a verbal update to the Committee. The key points mentioned were:

Q1 budget update

- Maintain balanced budget and achieve operating performance ratio of 0%
- Projecting to continue to meet all OLG financial sustainability benchmarks
- Overall income = \$171.7m
- Overall expenditure = \$195.57m
- Use of reserves \$23.86m in line with the Reserves Strategy
- Significant changes:

- Total Capital works adjustment increase by \$13.409m (predominately Boot Factory/Mill Hill and Tamarama SLSC upgrade)
- Reduction in ICT funding program \$2.34m (due to revised timeline)
- Realisation of full year Efficiency Dividend \$2.04m (vacancies and delayed recruitment)
- Labour costs increase \$1.8m – casuals, temps, agency
- Challenges:
 - Construction costs and variations, employee costs, PPP expectation management

Budget Planning 2024/2025

- ELT and EMLT have agreed on 24/25 targets
 - 25% reduction in consultants, contractors, overtime, casuals, agency temp hires (\$4m-\$5m).
 - Active leave management containment strategy (no growth) during ICT transformation program
 - 4 weeks annual leave entitlement
 - Excess LSL to reduce by 2 weeks
 - Replenish reserves by \$1m
 - Prioritise CAPEX program to reduce costs

Corporate remediation work

- Proactive program of remediation led by Tara Czinner
- Fully funded via Q1 budget changes
- Focus areas for 2023/24:
 - Cyber security
 - Records management
 - HR remediation (payroll compliance, time and attendance business case, WHS improvement including Internal Audit actions and State Cover audit), HR diagnostics
 - Building compliance
 - Swimming Pool compliance

Customer Experience (CX) update

- Customer Service Charter/Service Promise and CX Champion
- Customer Service Training
- Voice of the Customer
- Dashboard and Reporting
- Technology Enablement
- Review of Customer Facing Services

Dashboard and Reporting

- Development of a single-source-of-truth dashboard for snapshots on Council performance.
 - CRM Dashboard
 - Customer Satisfaction from each interaction (VoC)
 - Development Applications
 - Compliance
 - Communication / Engagement
 - Customer Interactions
 - Finance
 - HR / People

Service Review RFQ

- Currently open to establish panel of providers

- Financial
- Service delivery
- Community Services
- Due to commence first two priorities in Q3 and Q4 2023/24
- Focus on financial sustainability in priorities

The Committee discussed staff surveys, frequency of surveys and the introduction of polling surveys. The Director of Community, Culture & Customer Experience is to provide a presentation on the process of real time measurement of complaints and responses, and what Management and the Executive Management Team (ELT) do with the results provided to them in 2024.

The Committee further discussed the various reforms in Council and the risks associated noting that the ELT are discussing pace, narrative and scheduling of change to not overload the organisation, and the support provided during reforms. An update will be provided to ARIC in 2024.

ARIC/5.5/23.11 Information Management and Technology - ICT Strategy and Work Program Update (A18/0665)

DECISION

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

DISCUSSION

The Director of Corporate services provided a presentation regarding the ICT Modernisation Program. The key points mentioned were:

ICT Modernisation Strategy

- Less aggressive timeline in delivery – benefits include:
 - Positive impact on Budget
 - Concurrent delivery of Organisational priorities
- Allows for significant remediation work - Data Remediation/Privacy/Information management
 - Addresses organisational capability/Business readiness

Revised ICT Modernisation Program

- Objective: lower risk profile of the program
- Three (3) year program and evaluation thereafter and assessment of current project deliverables against future needs
- Stage gates
- Lower initial investment

The Committee discussed ICT Modernisation program, cyber uplift program and the remediation program focusing on Council's back up of information processes, the risks associated with data loss and mandatory cyber reporting noting that an update will be provided at the next ARIC meeting.

The Committee further discussed the procedure and process of the manual timesheets and associated risks including timesheet fraud.

ARIC/5.6/23.11 Enterprise Risk Management Update - Risk Appetite (A23/0122)**DECISION**

That the Committee notes the update on the Enterprise Risk Management program and the proposed approach to the development of a Risk Appetite Statement, as set out in the report.

DISCUSSION

The Committee discussed the progress of developing the Risk Appetite Statement noting that it will be used to highlight risk areas of importance for Council, as well as set the expectations on how the organisation will manage and report on those risks.

The Committee further discussed how the Risk Appetite Statement will be used as a decision-making tool and a practical guide that will be linked with crisis management escalation, and an update will be provided to ARIC at the next meeting. The Committee noted that Shoalhaven City Council and Liverpool City Council Risk Appetite Statements are good examples Councils may have reference to.

ARIC/5.7/23.11 Governance Report (SF23/1015)**DECISION**

That the Committee notes the Governance Report.

DISCUSSION

The Committee discussed the Litigation Register noting that Council historically did not maintain a Litigation Register. The Committee further discussed the importance of maintaining an active register as it can help to identify areas of risks, efficiency and where Council is potentially being unnecessarily litigious. The Committee suggested that having a rolling table over a period of time (possibly 2 years) showing costs, outcomes and deemed refusals within the register, closed cases, could be a useful source of information to management. The Committee noted that there is a monthly report on litigation to Council and a Council has a legal services review panel.

The Committee further discussed the background, statistics and organisational response for the outstanding Council Resolutions noting that ELT has recently worked through the backlog over the past 6 months.

ARIC/5.8/23.11 Complaints and Compliments - Quarterly Report (SF22/2811)**DECISION**

That the Committee notes the quarterly CXC Dashboard for July 2023–September 2023 attached to the report.

DISCUSSION

The Committee expressed its satisfaction with the new style of reporting in the quarterly CXC Dashboard for July 2023–September 2023 as it allows both management and the Committee to identify trends and patterns.

ARIC/5.9/23.11 Work Health and Safety Update (SF13/313)**DECISION**

That the Committee:

1. Notes the WHS (SafeSpace) ELT report for September 2023 attached to the report (Attachment 1).
2. Notes the WHS remediation program and work plan as set out in the report.
3. Notes the minutes of the WHS Improvement Steering Committee meeting held on 12 October 2023 attached to the report (Attachment 2).

DISCUSSION

The Committee was pleased to see more analysis of the WHS statistics and the minutes of the WHS Improvement Steering Committee meeting, indicating that there has been progress in uplifting Council's WHS management.

The Committee discussed psychosocial claims, training and awareness, and the new Psychosocial Code of Practice. There was discussion around how Council is addressing, identifying, and rectifying associated risks and Council's assessment of the success of the cultural change. The Committee noted that information from Council's EA provider – UPRISE, may also provide some insights into this area.

ARIC/5.10/23.11 Internal Audit Update - November 2023 (A23/0122)**DECISION**

That the Committee notes the internal audit update for November 2023 attached to the report.

DISCUSSION

The Committee noted that the Billings & Collections (Rates), Privacy and Records Management reviews are all on schedule to be reported to the first ARIC meeting in 2024.

ARIC/5.11/23.11 Follow-up Internal Audit Actions - as at November 2023 (A23/0122)**DECISION**

That the Committee notes:

1. The actions performed to date for the Swimming Pool Compliance Audit 2023, as set out in the attachment to the report.
2. The actions performed to date for the Building Compliance Audit 2022, as set out in the attachment to the report.

DISCUSSION

The Executive Manager, Compliance provided a presentation on the steps taken to address the actions raised in the Swimming Pool Compliance and Building Compliance Audits.

The Committee expressed its satisfaction with the actions performed in the Swimming Pool Compliance Audit 2023 and the Building Compliance Audit 2022 noting that it was pleased to see the detail around the

processes being followed to close off the actions raised in the audits.

The Committee further discussed the importance of assessing how identified risks are being reduced or mitigated as the actions raised are being addressed and having this information flow into Council's risk registers.

The Committee noted that as it reviewed the full list of the Internal Audit actions at its meeting on 3 October 2023, it would not be reviewing them again at this meeting, but it will review the full list again at its first meeting in 2024.

ARIC/5.12/23.11 Completed Internal Audit Reports - Food Safety - September 2023 (A23/0122)

DECISION

That the Committee notes the Food Safety Internal Audit Report – September 2023 attached to the report.

DISCUSSION

The Committee discussed the overall rating of "Minor Improvement Required" and the 4 low rated findings and whether the number of adverse inspection outcomes was an indication of whether Council was fulfilling its role in managing food safety. The Internal Auditor and management advised that the overall and individual finding risk ratings were in relation to Councils identifying any breaches of food safety requirements and the follow-up procedures, noting that Council is compliant with the Food Authority Requirements.

ARIC/5.13/23.11 Revised ARIC Charter (A23/0122)

DECISION

That the Committee endorses the revised Audit, Risk and Improvement Committee Charter attached to the report.

DISCUSSION

The Committee noted that this was soft touch update of the Charter pending finalisation of the OLG Guidelines on Risk Management and Internal Audit and associated regulations. The Committee Members will email some minor suggested changes to the Charter (reflecting changes to the organisation structure) to the Chief Audit and Risk Officer after the meeting.

ARIC/5.14/23.11 Internal Audit Charter - Review (A23/0122)

DECISION

That the Committee endorses the revised Internal Audit Charter attached to the report.

DISCUSSION

The Committee noted that this also was soft touch update of the Charter and that a final review will be completed once the OLG Guidelines on Risk Management and Internal Audit and associated regulations are finalised.

6 Other Business

ARIC/6.1/23.11 – ARIC Meeting Dates 2024

DECISION:

That the Committee adopts the following meeting dates for 2024:

- 9 am Thursday, 15 February 2024
- 9 am Thursday, 2 May 2024
- 9 am Thursday, 1 August 2024
- 9 am Wednesday, 18 September 2024
- 9 am Thursday, 21 November 2024

7. Meeting Closure

THE MEETING CLOSED AT 12.39 PM.

.....
SIGNED AND CONFIRMED
CHAIR
15 FEBRUARY 2024

REPORT
CM/7.6/24.04

Subject: Unauthorised Murals in Notts Avenue, Bondi Beach

TRIM No: A24/0013

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

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

RECOMMENDATION:

That Council:

1. Removes the two unauthorised murals in Notts Avenue, Bondi Beach.
2. Reviews its policies and procedures to consider including these spaces in its public art program.

1. Executive Summary

An unauthorised mural at south Bondi near Notts Avenue/Bondi Icebergs has attracted recent negative feedback from members of Waverley's Indigenous community and their allies. It is recommended that Council approve the removal of the unauthorised mural given the offence caused. In the same location is another unauthorised mural that complaints have not been received about, but is unauthorised nonetheless.

2. Introduction/Background

Over the Easter long weekend, officers received complaints regarding an artwork mural opposite Bondi Icebergs facing onto the public shared zone of Notts Avenue. The work has previously triggered offended discussions from First Nations community members, which revived over the Easter long weekend break.

Given that the work was never authorised and is on Council property, it is recommended that it be removed.

Council has a structured, transparent process for engaging street art around the beach area via its sea wall applications. This work was not a part of that process.

3. Relevant Council Resolutions

Nil.

4. Discussion

The artwork is located on a wall that is the property of Council. Council did not commission the artwork and was not consulted at the time of its installation. The mural was undertaken by artist Anthony Lister and has been in place since approximately 2018. See Figures 1 and 2 below.

There is another artwork nearby, also on a wall that is Council property. That mural depicts an interpretation of an emoji face. Its artist is unknown, and it was also undertaken without Council's consultation or permission. See Figure 3 below.

The two works together can be seen in Figure 4 below. They are situated directly opposite the entrance to Icebergs on Notts Avenue.

The key artwork in question depicts a stylised scene of colonial violence in which large, menacing figures portraying soldiers fire guns at First Nations people. Council has received complaints that its disrespectful symbolism glorifies colonialism and causes offence. See Figures 1 and 2, as well as Figure 5 below for a social media post indicative of the complaints Council has received.



Figure 1. Unauthorised blue mural on Notts Avenue.



Figure 2. Unauthorised blue mural on Notts Avenue.



Figure 3. Unauthorised emoji mural.



Figure 4. Unauthorised murals side by side.

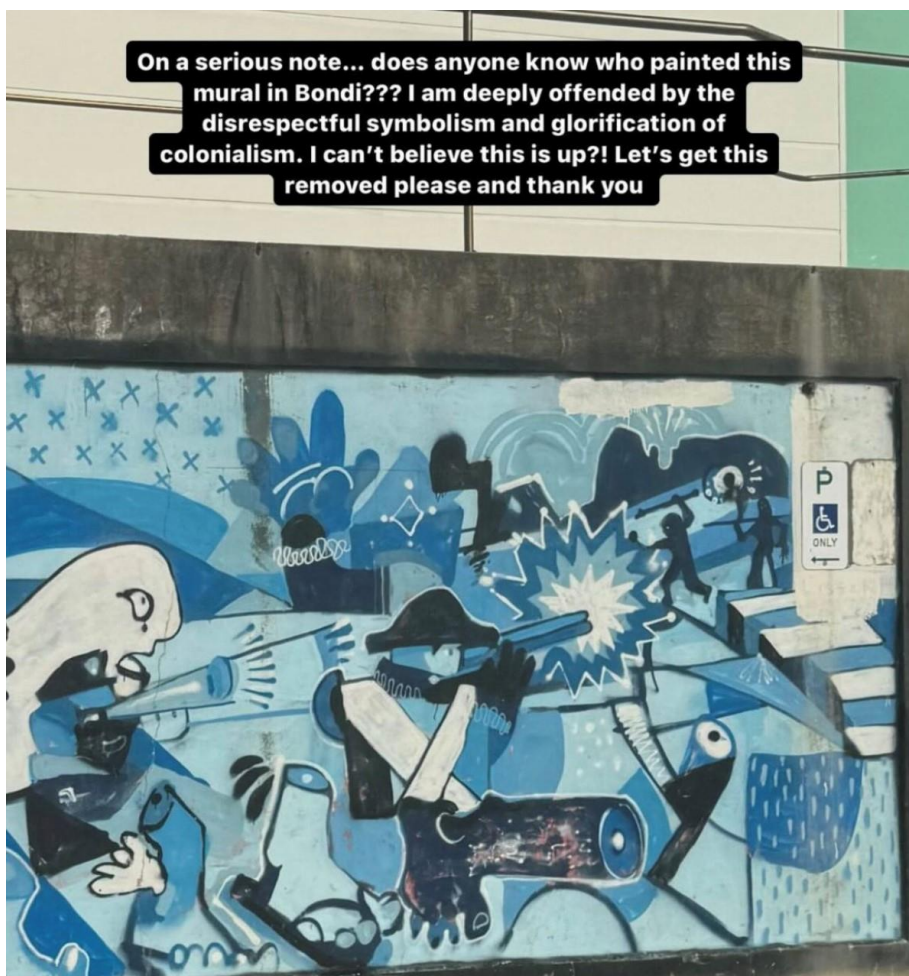


Figure 5. Social media post – 1 April 2024.

5. Financial impact statement/Time frame/Consultation

The financial impact of removing these artworks is minimal. The estimated cost for two painters over four hours is approximately \$200. The scope of works is a simple paint over in basic white or black.

Should Council decide to remove these works, it is recommended that officers consult with Icebergs directly given the proximity of the artworks to their Notts Avenue entrance.

6. Conclusion

Given that these artworks are on Council property but are unauthorised and sit outside of Council's established processes for public art, it is recommended that they be removed.

It is further recommended that officers review existing public art processes such as Bondi Beach Sea Wall permits and consider options for the expansion of those to include these spaces as well.

7. Attachments

Nil.

REPORT
CM/7.7/24.04

Subject: Access and Inclusion Advisory Panel Meetings - 31 August 2023 and 12 October 2023 - Minutes

TRIM No: A21/0096

Manager: Annette Trubenbach, Executive Manager, Community Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council notes the minutes of the Access and Inclusion Advisory Panel meetings held on 31 August 2023 and 12 October 2023 attached to the report.

1. Executive Summary

This report provides information about the Access and Inclusion Advisory Panel meetings on 31 August and 12 October 2023. The minutes of the meeting are attached to this report.

2. Introduction/Background

On 16 March 2021, Council established the Access and Inclusion Advisory Panel to provide feedback and advice to Council about disability access and inclusion. Members provide advice from a lived experience, carer or service provider perspective. Council extended the term of current members to September 2024 to align with the Council term.

3. Relevant Council Resolutions

Nil.

4. Discussion

This report updates Councillors on items discussed at the 31 August and 12 October meetings of the Access and Inclusion Advisory Panel.

5. Financial impact statement/Time frame/Consultation

The minutes, once noted, will be placed on Council's website.

6. Conclusion

This report provides information about the 31 August and 12 October meetings of the Access and Inclusion Advisory Panel.

7. Attachments

1. Access and Inclusion Advisory Panel - Minutes - 31 August 2023 [↓](#)
2. Access and Inclusion Advisory Panel - Minutes - 12 October 2023 [↓](#) .

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Present	
Councillors Cr Elaine Keenan Cr Tony Kay	Community Members Zoe Dunn, Petra Pattinson, Andre Cioban, Ben Alexander, Danny Hui, Rachel Lazarov
Council Officers Sharon Cassidy, Director, Assets and Operations Annette Trubenbach, Executive Manager, Community Programs Chris Bath, Manager, Older People and Disability Services Robbie Frawley, A/Manager, Asset Systems and Planning Annabelle Hayter, Community Development Officer, Access and Inclusion – Minutes	Guests Tanya Goldberg, Executive Manager, Arts, Culture and Events Carmel Seeto, Principal, Wairoa Penelope Earpe, Deputy Principal, Wairoa
Apologies	
Mia Capitanelis Clr Ludovico Fabiano	

Item	Summary	Action officer
1. Welcome & Acknowledgement of Country	Cr Keenan welcomed everyone.	
2. Introductions and Apologies	See above.	
3. Declaration of Conflict of Interest	No conflicts of interest were declared.	
4. Minutes of last meeting and business arising	See Action log for actions from previous meetings. Proposed Inclusive Business Forum - one planning meeting was held. Latrobe Local Area Coordination is no longer able to coordinate this group, so Council will organise another meeting to plan next steps. Parking update: Pick up/drop off (PUDO) points:	Annabelle Hayter

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Item	Summary	Action officer
	<ul style="list-style-type: none"> Rezoning of the Customer Service Centre space on Spring St sent to Traffic Committee and will go to Council in September. Bondi Pavilion pick up/drop off pilot on QE2 Drive installed. <p>Progressing:</p> <ul style="list-style-type: none"> Denison Street, Bondi Junction PUDO. Mill Hill Centre, Spring St community bus parking / PUDO to be resolved as part of construction work. Waverley St improvements - acknowledged several allied health and medical practices but a challenging area to resolve parking and traffic issues 	
5. Inclusive arts, culture, and events Carmel Seeto and Penelope Earpe. Wairoa School, NSW Department of Education	<p>Pathways to the Pavilion Project</p> <p>Wairoa is a Department of Education school in Brighton Ave Bondi and has been operating for 50 years. It provides a comprehensive education for 72 students from kindergarten through to Year 12. Students have either a moderate or a severe intellectual disability, and often other disability. Approximately 55% of students have autism. 14% of students identify as Aboriginal or Torres Strait Islander.</p> <p>Wairoa is excited about receiving the Council grant for the Pathways to the Pavilion Project. The project supports students to participate in the community and become more engaged and confident with accessing Bondi Pavilion and surrounds. It can be difficult for students to go out in the community, as there are many challenges.</p> <p>The students are creating a song and have made a music video about the project. The song was scripted to encourage young people to embed every day safe behaviour when accessing the community. It can take time to learn and then to share these learnings with their families. That's the ripple effect of this project. It's also about helping families to feel more confident and</p>	

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Item	Summary	Action officer
	<p>comfortable accessing a busy community venue like Bondi Pavilion.</p> <p>The students are recording a song using the Bondi Pavilion recording studio. Michael Galeazzi, Council's music producer and Bondi Pavilion staff has been helpful. The plan is to showcase the piece in the Waverley Theatrette for the school community and interested community members.</p> <p>The next stage of the project will include students who have more complex needs.</p>	
<p>Waverley's Inclusive arts, culture, and events</p> <p>Tanya Goldberg, Executive Manager, Arts, Culture and Events</p>	<p>Discussion - Options to support practitioners with disability to deliver initiatives for people with disability.</p> <p>Events:</p> <ul style="list-style-type: none"> • Bondi Festival took place from 30 June through to 16 July and was held in the Bondi Pavilion. • 56% of events were fully accessible. • 26% of the programs were Auslan interpreted. • Council held an event for the deaf community. Approximately 130 people attended, and it was a great success and good learning experience for front of house staff. Accessible Arts is holding a disability awareness training with front of house staff to improve customer experience. • An audit of the graphic design, colour and text was conducted. The program was digital and downloadable, and staff worked on image descriptions and alternative text in the digital documents so that people using screen readers could navigate them easily and effectively. • The website was updated providing information about getting there and moving around so people could plan their visit. • Nine artists self-identified as having additional requirements. 	

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Item	Summary	Action officer
	<p>Panel comment and feedback</p> <p>Ticketing:</p> <ul style="list-style-type: none"> • Having clear information about what's on offer (e.g. sight/hearing no obstacle) is a more positive way of framing inclusion. People can then decide what they are able to attend. • It was noted that 36% of shows were not wheelchair accessible. The venues chosen should be wheelchair accessible. • Tick boxes or a side note is a good way to convey information. • The ticketing description indicates "let us know if we can help you ", and good event descriptions invites additional communication rather than booking 'special' tickets. • One member always calls and books over the phone so their needs can be discussed in advance. <p>Audiences:</p> <ul style="list-style-type: none"> • Suggestion to partner with disability influencers to promote shows. <p>Action: Council to follow up with Zoe about influencer suggestions</p> <p>Audio description</p> <ul style="list-style-type: none"> • Vision Australia produces audio description for most mainstage shows. People can download this in advance of going to the theatre. <p>Action: Contact Rachel L for contacts and more information.</p> <ul style="list-style-type: none"> • Guide Dogs newsletter reach audiences who are blind or have low vision. <p>Attendance:</p> <ul style="list-style-type: none"> • Positive feedback on Gig Buddies volunteer model. • It was noted that support workers are used by many when going out. • Companion Card is important so people with disability do not have to pay for two tickets. 	<p>Annabelle Hayter</p> <p>Annabelle Hayter</p>

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Item	Summary	Action officer
	<p>Action: Check that Companion Card is being accepted at Council events.</p> <p>Visual Arts</p> <ul style="list-style-type: none"> Partnership with Studio A who support artists with intellectual disability. Studio A paired two artists to develop an exhibition that celebrates both artists' creative practices. It was a highly successful 6-week exhibition and was visited by over 20,000 people. <p>Other Projects</p> <ul style="list-style-type: none"> Other projects include a collaboration with Weird Nest a theatre group that work with artists who are neurodivergent. The performance will be on at Bondi Pavilion Theatre in late November. <p>The Chair thanked guests Carmel, Penelope, and Tanya for attending.</p>	Annabelle Hayter
6. DIAP Progress Report	Due to time constraints, the report was not discussed. A draft report was sent to advisory panel members prior to the meeting. Panel feedback welcomed.	
7. Other business Bronte Surf Lifesaving DA– on exhibition Sharon Cassidy, Director - Assets and Operations	<p>The updated plan is on public exhibition. Submissions close 4 September, panel members are welcome to make a submission.</p> <p>Access features include:</p> <ul style="list-style-type: none"> Access at the front of the building and around cubes Rooftop viewing area is now accessible. The ground floor will be accessible and there is a lift to the first floor which has a large multipurpose space as well as training rooms. The exit on the first floor leads to the coastal work. Future works can be carried out to improve the pathway up to Bronte Marine Drive to make it accessible. Identifying the potential path connections are not part of this building project but can be part of future Council works. 	

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Item	Summary	Action officer
	<ul style="list-style-type: none"> There is a drop-off/ pick up for people with limited mobility. There is an accessible bathroom and a family change room in the amenities block. <p>Next Steps</p> <ul style="list-style-type: none"> Submissions close 4 September and then it goes through a planning approval process. A determination is expected in January 2024 and construction to commence later in 2024. <p>Questions/comments</p> <p>Question: Is there an accessible external pathway from the north to the south of the building?</p> <p>Answer: The southern park path from the rear of the bus stop is step-free access to the current club, but it is not fully accessible. From the north, the path from Bronte Marine Drive is not accessible. The design team will look at upgrades of both paths, but this has not been designed yet.</p> <p>Question: If those two pathways were made accessible, could you then get from the north of the building to the south of the building and to the promenade without going into the building?</p> <p>Answer: No, there would be a need to check feasibility study to make a connection closer to the Bronte Marine Drive and replace the pathway with a path that curves around more gradually.</p> <p>Question: If you went from the promenade in a wheelchair into the building up in the lift, can you get to roof viewing area?</p> <p>Answer: Yes</p> <p>Question: I understand the project is for the building but the opportunity to provide better access for the coastal walk is via this project now. How do we tie the works in</p>	

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Item	Summary	Action officer
	<p>together so at the opening of the surf club a person with a mobility issue is able to do the same walk as everybody else?</p> <p>Answer: As the building development is a DA process, it is possible that only the minimum requirements will be met. For example: you can drive to the club and drop someone off. The next option is the inclusion of a condition to upgrade the path to make it accessible from the accessible parking near the bus stop to the building. This is consistent with the Plan of Management action. Building development assessment and planning controls are very regimented. From a planning perspective there would be no reason to include the coastal walk, as part of the DA process.</p> <p>Comment: We talk about having a coastal strategy but opportunities to do construction works or have funding are hard to come by. It does not make sense that these opportunities aren't tied together when you're building something of such significance.</p> <p>Answer: Council has a current plan of management which has the accessible connection from the bus terminus into the park, so that already exists in planning, and will be more straightforward to deliver. Delivering an accessible path from the north of the park to the south of the park was not fully covered in the Plan of Management, so we would need to test that through consultation, design, and the planning process. There would need to be a review of environmental factors as well. It's possible, it's just that it's a bigger process than this development.</p> <p>Action: Update Advisory Panel members by email with a summary about accessibility so that it is clear what will be accessible once construction is finished and what would require further works. Regular updates to the Advisory Panel about the Bronte Surf Club redevelopment are also requested.</p>	<p>Sharon Cassidy</p> <p>Annabelle Hayter</p>

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 31 August 2023
6.00 pm – 7.30 pm
Zoom



Item	Summary	Action officer
	Action: Request Council's Open Space and Recreation team to attend the next meeting to discuss how that section of the coastal walk can be made accessible as part of the plan of management.	
Trip hazards	Trip hazards identified: <ul style="list-style-type: none"> • New St and King St Bondi – difficult for people using walkers. • Ocean St North, Bondi Action: Assets and Infrastructure team to follow up and report back.	Robbie Frawley
8. Next Meeting	12 October. The meeting date may be moved to later in the year if a suitable date can be found.	
Meeting closed	7.45 pm	

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 12 October 2023

6.00 pm – 7.30 pm

Hybrid meeting



Present	
Community Members Ben Whitehorn, Zoe Dunn, Petra Pattinson, Andre Cioban, Rachel Lazarov, Ben Alexander	Guests Eliza Gay, Urban Designer Jessica Tattersall, Waverley Community Living Program Colin Delaney, Waverley Community Living Program Gerard Rooney, Waverley Community Living Program Natalie Davis, Social Educator Mandy - Captioner
Council Officers Sharon Cassidy, Director, Assets and Operations - Chair Sam Samadian, Manager Assets, Systems and Planning, Infrastructure Services Annette Trubenbach, Executive Manager, Community Programs Chris Bath, Manager, Older People and Disability Services Annabelle Hayter, Community Development Officer, Access and Inclusion – Minutes	
Apologies	
Mia Capitanelis, Community Member Danny Hui, Community Member Emily Scott, General Manager Clr Elaine Keenan Clr Ludovico Fabiano Clr Tony Kay Clr Paula Masselos Clr Angela Burrill Clr Leon Goltsman Clr Will Nemesh Clr Sally Betts Clr Michelle Gray	

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 12 October 2023
6.00 pm – 7.30 pm
Hybrid meeting



Item	Summary	Action officer
1. Welcome & Acknowledgement of Country	Sharon Cassidy welcomed everyone and gave acknowledgment of Country.	
2. Introductions and Apologies	See page 1.	
3. Declaration of Conflict of Interest	No conflicts of interest were declared.	
4. Minutes of last meeting and business arising – see action log	Item 7. Other Business Bronte Surf Lifesaving DA – a summary of accessible features for Bronte Surf Club addressed within the minutes. Further updates next year when the DA is approved, and conditions are known No further comments or changes to the minutes.	
5. International Day of People with Disability - Stories of Lived Experience Waverley Community Living Program (WCLP) - Living the Dream working group Jessica Tattersall Colin Delaney Gerard Rooney Ben Alexander Natalie Davis	<ul style="list-style-type: none"> - WCLP are hosting 'Stories of Lived Experiences' at Bondi Pavilion on the afternoon of Saturday 2 December, for International Day of People with Disability. - It is inspired by the 'Human Library Project,' which aims to improve understating and awareness of disability by creating an opportunity for the public to engage with people with disability. - Participants want to be able to share their stories through conversations. - Some disability organisations will also provide information. <p>Action: If anyone is interested in being involved in the event, please contact Annabelle.</p>	All
6. Curlewis West Strategic Planning and Urban Design Study Eliza Gay - Urban Designer	<p>A masterplan will be developed for the western end of Curlewis St, which goes from Bondi Beach to Rose Bay.</p> <p>The area is identified in Council's Our Liveable Spaces Strategy, as an area for potential improvement and growth, including for walkability, liveability, and sustainability.</p> <p>Council is in the early stages of planning and will engage with the community about what people want from the area, what's missing, and how it can be improved.</p>	

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 12 October 2023
6.00 pm – 7.30 pm
Hybrid meeting



Item	Summary	Action officer
	<p>Council wants to engage with a wide range of people and would like ideas about who to engage with and how best to engage them.</p> <p>Feedback / suggestions from panel members</p> <ul style="list-style-type: none"> - Disability access is currently challenging due to construction, the amount of traffic, the size of the footpaths and trip hazards/trees. - A main principle underpinning the masterplan should be to make the area as accessible as possible and make pedestrian access the top priority. - Wide footpaths, kerb ramps and fewer barriers on footpaths to enable a continuous paths of travel benefit all pedestrians – not just people with less mobility. - Parking options for people with less mobility also needs to be considered. - The surf clubs should be consulted. <p>Action: Send through to Annabelle any groups/ networks that may have an interest in this project and should be engaged as part of the consultation process</p>	All
<p>7. Disability Inclusion Action Plan DIAP Progress Report</p> <p>Chris Bath Community Programs</p>	<p>Council prepares an annual report outlining on progress on the implementation of the DIAP each year.</p> <p>The report is included In Council's annual report and reported to the New South Wales Disability Council.</p> <p>Key achievements in 2022- 23 include:</p> <ul style="list-style-type: none"> - The allocation of the community grant that went to Wairoa School for the Pathways to the Pavilion project. - Two Intergenerational projects. - Inclusion of questions about disability inclusive practices for mainstream businesses, as part of the Business Awards application process. This has worked well. 	Annabelle Hayter

ACCESS AND INCLUSION ADVISORY PANEL MINUTES

Thursday 12 October 2023
6.00 pm – 7.30 pm
Hybrid meeting



Item	Summary	Action officer
	<ul style="list-style-type: none"> - Working with the assets team on transport and street assets. Drop off/ pick up points have been established outside Customer Service on Spring St and at Bondi Pavilion. <p>The focus for 2023 -24 will be on employment. The recently released Disability Royal Commission Final Report highlighted the gaps in employment.</p>	
8. Other business	<p>Neuro diverse working group</p> <ul style="list-style-type: none"> - A community member is interested in working with others on initiatives to improve the inclusion of people who are neuro diverse at Bondi. - Bondi can be stressful for people who are neurodiverse because it is so busy, especially in summer. It is proposed to look at a couple of strategies that may help people. Jess, Gerard, and Colin expressed interest in being involved. <p>Action: Please contact Annabelle if you are interested in being involved in the neuro diverse working group.</p> <p>Street improvements</p> <ul style="list-style-type: none"> - Macpherson St , Bronte is difficult to cross near the roundabout , particularly for people with vision impairment. Some improvements have been made over the years, but it remains a challenging location. <p>Action: Assets and Infrastructure team to discuss whether the Macpherson St Roundabout area can be made safer.</p> <ul style="list-style-type: none"> - The ramp outside Council Chambers is poorly lit and it is very dark when leaving the building at night. <p>Action: Contact the Building Manager, to improve lighting on the ramp outside Council Chambers</p>	<p>All</p> <p>Sam Samadian</p> <p>Annabelle Hayter</p>
9. Next Meeting	Tentative date: March - Thursday 21 at 6pm	
10. Meeting closed	7.15 pm	

REPORT
CM/7.8/24.04

Subject: Arts, Culture and Creativity Advisory Committee Meeting -
13 March 2024 - Minutes

TRIM No: A23/0398

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

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

RECOMMENDATION:

That Council notes the minutes of the Arts, Culture and Creativity Advisory Committee meeting held on 13 March 2024 attached to the report.

1. Executive Summary

The Arts, Culture and Creativity Advisory Committee (ACCAC) provides input and advice to Council on arts and culture activities in Waverley and related issues. The committee met on 13 March 2024 and the minutes of that meeting are attached to this report.

2. Introduction/Background

The first ACCAC meeting for 2024 was held at Council Chambers on 13 March 2024.

3. Relevant Council Resolutions

Nil.

4. Discussion

The ACCAC last met on 13 March 2024. The minutes of that meeting are attached to the report for Council's noting.

5. Financial impact statement/Time frame/Consultation

The operation and administration of the ACCAC are covered in Council's operational budget. The minutes will be placed on Council's website.

6. Conclusion

This report provides the minutes of the ACCAC meeting held on 13 March 2024 for Council's noting.

7. Attachments

1. ACCAC - 13 March 2024 - Minutes [link](#) .



AGENDA Title: Waverley Arts and Culture Advisory Committee Location: Queens Park Room, Waverley Council Chambers			Date: Wednesday 13 March 2024	Time: 6pm-7.30pm
Participants: Cr Paula Masselos, Cr Elaine Keenan, Cr Tony Kay, Ben Thompson, Tanya Goldberg , Cr Ludivico Fabiano Aleema Ash, Michaela Boland, Nerida Campbell, Donna Hewitt, Isabell Hudson, Sam Marshall, Antonia Pesenti, Benjamin Schostakowski, Guests: Elizabeth Reidy (Senior Curator), Todd Fuller (Curator), Chris Bendall (Artistic Director Bondi Pavilion), Apologies: Cr. Elaine Keenan, Isabell Hudson, Alex Bowen, Liz Tierney				
Chair: Cr. Paula Masselos			Minute Taker: Todd Fuller	
No	Subject	Type	Discussion	Responsibility
1.	Welcome, apologies and conflicts of interest.	For noting	Cr. Paula Masselos welcomed everyone and acknowledges country. Apologies are submitted by Isabel Hudson, Benjamin Schostakowski (running late), Alex Bowen and guest presenter Liz Tierney. No conflicts are raised at this time.	Chair/All
2.	Public Art in Waverley overview	<ul style="list-style-type: none"> Public Art commission and consultation process document Public Art Masterplan Public Art Policy 	Tanya Goldberg provides background on Public Art and the scope of the Waverley Arts, Culture, and Creativity Advisory Committee, which fills the role of the former Public Art Committee. Background information is also given on the major guiding documents of the Public Art portfolio: <ul style="list-style-type: none"> Public Art Masterplan 2015 Public Art Policy 2021 	Tanya Goldberg



			<ul style="list-style-type: none"> Public Art in the Private Domain Guidelines Accessioning and Deaccessioning Guidelines. 	
3.	Whale Dreaming update and concept design	Presentation for information and questions:	<p>Elizabeth Reidy updates the committee on Site 4 of the Public Art Masterplan – Bondi Pavilion. The purpose of this artwork is to celebrate local Indigenous heritage.</p> <p>This project has undergone an extensive process since its inception in 2012, including the formation of an Indigenous reference group, gaining permission to tell a locally relevant Dreaming story, identifying appropriate artists for paid concept development, reviewing the technical features of proposed concepts, reviewing the concept preferred by Indigenous elders, TZG architects, and the Multicultural Action Committee (MAC). It will be reviewed by the Reconciliation Action Plan Advisory Committee.</p> <p>The current concept is presented to the committee for information. Due to the nature of the commission, it will not be put on public consultation. Instead, it will be recommended by the Gujaga Foundation to the WACCAC, to then make a recommendation to Waverley Council.</p> <p>The preferred concept is being crafted by mentor/senior artist Allison Page with emerging artist Shane Youngberry. The proposed work comprises:</p> <ol style="list-style-type: none"> 1. An atomized abstract form with etched features relating to the Dreaming characters suspended in the Bondi Pavilion Atrium. 2. Sandblasted illustrations of the 5 characters from the Dreaming, etched into the Bondi Pavilion concrete across 5 sites from the rear entrance to the front promenade. <p>Rather than design a singular work, this group is creating a series of works with a sustained story across the site.</p> <p><i>Nerida Campbell withdraws from the conversation, citing a conflict of interest with Allison Page, who is the chair of the organisation she works for. Nerida leaves the</i></p>	Elizabeth Reidy



			<p><i>room as this is a significant non-pecuniary conflict of interest. (The artist was not known to Allison prior to the presentation commencing.)</i></p> <p>The committee provided feedback on the concept proposal.</p> <p>Motion raised to recommend the proposed concept by Alison Page and Shane Youngberry to Waverley Council.</p> <p>Raised by Benjamin Schostakowski, seconded by Sam Marshall, carried unanimously, noting concerns around light refraction are to be addressed at officer level.</p>	
4.	Mermaids concept designs for public exhibition	Presentation for information and questions	<p>Tanya Goldberg introduces Waverley Council's workflow for commissioning public art - a 10-step process for commissioning that includes multiple opportunities for response by the WCCAC, with concepts coming to the committee prior to and after public consultation. It is noted that there are exceptions to the process, but most of Waverley's Public Art commissions follow this process.</p> <p>Elizabeth Reidy introduces Site 5 in the Public Art Masterplan – South Bondi Park.</p> <p>The objective of the work for this site is to highlight the historical context of Mermaid Rock from Ben Buckler in North Bondi and to tell the story of the lost artwork by Lyall Randolph on Mermaid Rock, which was erected without Council approval from 1960-1974. The South Bondi Park site is subject to high local and national tourism, with an artwork here having the opportunity to become a national icon. The site is subject to extreme conditions and high public engagement. The EOI specifically requested a sculptural response.</p> <p>The timeline of the process to date:</p> <ul style="list-style-type: none"> • May 2023. EOI calling for interested artists and designers to respond to the brief outlined in the Public Art Masterplan released in tandem with the Rainbow Mermaid Fireworks exhibition at Bondi Pavilion Art Gallery. • June 2023. EOI closed with 3 applications received. The Council's Project Control Group (PCG) assembled to manage all aspects of the project, 	Elizabeth Reidy



			<p>including impact on events, maintenance, urban design, and Major Projects for installation. The PCG reviewed the applications received. All three were described all as high calibre and were selected for concept development.</p> <ul style="list-style-type: none"> • August to November 2023. Artists develop their concept designs. • November 2023. PCG reviewed all designs. • March 2024. Presentation of concept designs to the WCCAC. • March to April 2024. Public exhibition of concept designs via online exhibition as well as a pamphlet and flyer drop in the Bondi basin. Feedback from the public consultation will return to the committee alongside the concepts, at which stage the committee will be asked to make a determination regarding which concept (if any) should be recommended to Council to commission. <p>The committee provided feedback on the three concept proposals.</p> <p>The committee is thanked for their feedback and encouraged to help with the consultation.</p> <p>Question was raised about the site: why South Bondi is being used to acknowledge an artwork which originally existed on Ben Buckler in North Bondi.</p> <p><i>The original artwork was never commissioned by Waverley Council for North Bondi and was unsanctioned for the site. The original location has been deemed dangerous for visitors with extreme conditions. The adjacent marine park could also be risked by this placement and installation. The new location was selected in the Masterplan to create a vista to the original location. The original pieces were destroyed by the severe conditions of the rocks. Bondi Pavilion and Bondi Park are Heritage listed, so the Heritage Council will also need to review and approve the final commission.</i></p>	
5.	Art works for donation - process and guidelines	<p>Outline process for donation acquisition</p> <ul style="list-style-type: none"> • Katthy Cavaliere work 	<p>Elizabeth Reidy briefs the committee on Waverley Council's Acquisition process.</p> <p>Waverley has an Art collection that includes public and fine art. The Council acquires pieces through the Waverley Art Prize and gifts.</p>	Elizabeth Reidy Tanya Goldberg



		<ul style="list-style-type: none"> • Pauline Menczer update 	<p>The acquisition and deaccessioning process requires incoming works to be considered against the following criteria:</p> <ul style="list-style-type: none"> • Artistic merit of the object. • Relevance and importance to the Waverley area. • Ability to enhance the scope of the collection. • Verified provenance. • Unconditional donation or purchase with valid and clearly verifiable legal title. • Necessary resources allocated to resolve all foreseeable issues related to conservation, presentation, and storage as part of the acquisition. • Purchased works, donations, and loans must be accompanied by a valuation certificate for insurance purposes, alongside a maintenance manual and conservation plan. • No more appropriate agency exists to house the artwork. <p>Proposed Donation: Kathy Cavaliere print, "Transient Collage, 2000" (printed 2016), limited edition 3/3. Other editions are in HOTA and the Cruthers Collection of Women's Art in Western Australia - UWA.</p> <p>Kathy Cavaliere was an Italian-born Australian artist working across performance, installation, photography, video, film, and drawing. Cavaliere's work is held in the collections of the Art Gallery of NSW, Art Gallery of South Australia, National Gallery of Victoria, Heide Museum of Modern Art, Museum of Old and New Art, Artbank, University of Queensland Art Museum, Monash Gallery of Art, and numerous regional galleries. She died in 2012.</p> <p>Her bequest also funds awards for performance artists to develop new work. This work, made in Clovelly, is of significant merit to the artist's practice and brings merit to Waverley's broader collection. The provenance is clear, it is an unconditional donation, and council would need to frame the work, but this has been identified within the existing arts and culture budget.</p> <p>The committee provides feedback on the artwork.</p>	
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			<p>The recommendation to acquire is granted on the provision that the maintenance is suitable for the council collection.</p> <p>Tanya Goldberg gives an update on a proposed public artwork gift for the council's collection. The proposal was presented to the former Public Art Committee in August 2023. The artwork is a bronze sculpture to commemorate Pauline Menczer in bronze, driven by the 'Pauline in Bronze' (PIB) committee. PIB formed after the 2021 film "Girls Can't Surf" to better recognize Pauline as Bondi's first world surfing champion.</p> <p>There is strong community support for this project. PIB is working to develop an artist's concept for the work. Given the nature of this acquisition as a gift, Waverley Council is not involved in the creation of the work. Council has facilitated the process and identified an appropriate location for the potential gift. The design proposal is for a naturalistic sculpture of Pauline.</p> <p>PIB has raised \$31,000 to date and believes that Pauline's book, book launch, and a proposal will help generate further funds.</p> <p>The WACCAC committee will be kept updated on the status of the project, and a design will come to the committee in the future for approval.</p>	
6.	General business	Update on Waverley Artist Studios	<ul style="list-style-type: none"> Update on Waverley Artist Studios. Dennis Golding + Carmen Glynn-Braun (Re-Right collective) have moved into the Bondi Pav Artist Studio, the rest of the selected artists have moved into the Waverley Woollahra Art School Dennis Golding: POWER – The Future is Here – is the next exhibition in the Bondi Pavilion Gallery – everyone will have received an invite, feel free to join us for the event on Friday 22 March, 6pm 2024 Nib Award judge EOI will be opening shortly, please consider who in your networks might be worth sharing with 	Chair



7.	Meeting close		7:34 meeting called to a close.	
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Links:

- 1. [Arts, Culture and Creativity Advisory Committee Terms of Reference](#)
- 2. [Waverley Council Code of Meeting Practice](#)
- 3. [Waverley Arts and Culture Plan 2021-2026](#)
- 4. [Waverley Public Art Policy](#)
- 5. [Waverley Art Collection Acquisition and Deaccessioning Guidelines](#)
- 6. [Waverley Public Art in the Private Domain Guidelines](#)

REPORT
CM/7.9/24.04

Subject: Multicultural Advisory Committee Meeting - 14 February 2024 - Minutes

TRIM No: A24/0249

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council notes the minutes of the Multicultural Advisory Committee meeting held on 14 February 2024 attached to the report.

1. Executive Summary

This report provides information about Council's Multicultural Advisory Committee (MAC) meeting held on 14 February 2024. The minutes of the meeting are attached to this report.

2. Introduction/Background

The MAC has been established in support of Council's vision and strategies that:

- Promote human rights, address discrimination and disadvantage.
- Actively encourage participation, social connections and a sense of belonging.
- Deliver fair and equitable services, facilities and resources to our culturally diverse community.
- Promote relationships based on understanding and respect.

3. Relevant Council Resolutions

Nil.

4. Discussion

The MAC has been active for many years, providing input and advice on a range of issues relating to culturally and linguistically diverse communities. The terms of reference were updated in 2023, and a new MAC term began in May 2023.

5. Financial impact statement/Time frame/Consultation

The operations of the MAC are covered in Council's operational budget.

6. Conclusion

This report provides meeting minutes of the MAC held on 14 February 2024 for information and noting before being placed on Council's website.

7. Attachments

1. MAC - 14 February 2024 - Minutes [↓](#) .

MULTICULTURAL ADVISORY COMMITTEE MINUTES

Wednesday 14 February 2024
6pm – 8pm



1. Welcome and Acknowledgement of Country

Acknowledgement of Country was conducted by The Mayor, Councillor Paula Masselos.

Present

Councillors	
Clr Paula Masselos	Mayor of Waverley
Clr Ludovico Fabiano	Councillor
Council Officers	
Ben Thompson	Director, Community, Culture and Customer Experience
Annette Trubenbach	Executive Manager, Community Programs
Madly Bodin	Community Development Officer, Diversity
Rebecca Rodwell	Manager, Community Planning & Partnerships
Elizabeth Reidy	Curator and Visual Arts Coordinator
Community Member/Organisations	
Anna Friedman	Community Member
Emily Bogue	Community Member
Lana Kofman	JewishCare
Margaret Teed	City East Community College
Marcia Monje de Castro	Community Member
Raphael Crowe	Community Member
S. Marie Denizard	Community Member
Valentina Baú	Community Member
Linda Deutsch	Expert Member
Baris Atayman	Australian Turkish Mutual Alliance
Robert Farotto	Community Member

2. Apologies

Clr Angela Burrill, Rozy Dorizas

3. Acceptance of previous minutes & business arising

Minutes were moved by Valentina and seconded by Emily via email.
No business arising.



4. Declarations of Pecuniary and Non-Pecuniary Interests

NA

5. Dawn Reflection - Feedback

For those who were not in attendance, the Mayor described the event on January 26 at 5:30 am at Bondi Beach. It was encouraging to see an even greater number of people joining us on the beach and observing other Councils marking the day in a similar way. Several MAC members attended and shared positive feedback about the event:

‘I was happy to be part of this moment. It was really, really beautiful.’

‘It was a very profound experience.’

‘Very well hosted.’

‘The crowd was very respectful.’

‘This will be a family tradition.’

6. Presentation on Whale Dreaming Bondi Pavilion Public artwork

The Mayor welcomed Elizabeth Reidy who provided a presentation on the ‘Whale Dreaming’ Public Art Project at Bondi Pavilion. Liz presented an early update of the project and noted robust processes were used to ensure adherence to cultural protocols and to seek appropriate cultural authority.

Members responded positively to the concept, noting the colour contrast would add brightness to the Pavilion. The committee raised the following questions:

- How will the story be told? Suggestions around storytelling opportunities, music, interactive information.
- Will the light refraction be difficult for people’s vision? A sun study will be undertaken to determine where light is refracted.
- What is the material being used? Anodized aluminium will form the suspended piece and there will be tarnished markings in the footpath.
- Can people touch the markings in footpath? Markings will be robust enough to be walked on/touched.

7. Cultural Diversity Strategy 2021 – 2031 – Report

- Community engagement activities with artists

Madly outlined the projects that engaged the artists who were successful in the anti-racism sea wall art competition.

Leila shared her story through an art project with a group of Ukrainian Women’s Circle, with support from a counsellor and Leila who participated in the 2022 art competition. 23 people attended with extremely positive feedback from everyone.

Nawras has written a children’s book about her story she will be sharing through ‘storytime’ at some of Council’s early education centres. She will incorporate drawing activities into the storytime session.



- International Friends in Bondi

Our final 2023 event in Bronte attracted about 20 people from all over the world. Thanks to S. Marie for volunteering. Anyone is welcome to attend, with the target groups being international students and students on temporary visas. The activities are inclusive - some neurodiverse participants have joined us on the day. Another event will be organised soon, and the activities are promoted amongst uber riders, couch surfing websites, migration agents, educational institutions and via word of mouth.

- Language Assistance Program

Council Officers who expressed interest in becoming Language Assistants have successfully passed their language assistance accreditation and have been inducted into the updated program.

8. Council's anti-racism campaign – Stage 2

- Social Cohesion Grant

Council will be applying for a 'NSW Social Cohesion Grant for Local Government' through the Department of Communities and Justice. The proposed 'Culture Waves' program will work with local young people to co-design a process for improving understanding, empathy, and cohesion in the Waverley area.

- Brainstorm

Connected to the grant application, the committee were asked to discuss the following in pairs and record their responses:

*Thinking about your younger self/ your children, or young family members...
What would you like them to know/feel/do about their culture?*

Responses included:

- | | |
|--|---|
| • Literature in Language | • Promotion of strength of diverse places |
| • Theatre, film and music | • Continuing traditions |
| • Connecting with Language | • Photos |
| • Food/cuisine | • Family trees |
| • Look for common practices between cultures | • Participation |
| • Connect through food, music, tv shows | • Having a mentor |
| • Celebrate national days | • Inviting other people from other cultures |
| • Recipes and videos of cooking to maintain food tradition | • It's cool to speak more than 1 language |
| • Annual family/cultural reunion | • Opportunities to share aspects of their culture |
| • Pride in culture, history, story (good and bad), language, music and film, tradition | • Come from a place of strength and pride |
| • Maintain contact with family to understand history | • Connection |
| • 'I am different but still belong' | • Encourage to engage in parts of culture they like |
| | • Empower |



- Build self esteem and come from a place of strength
- Common practices – provide opportunity for kids to find
- Story of light (different cultures)
- We are universal and can connect as neighbours
- Culture is alive, relevant, grows and is dynamic
- Encourage kids to go and experience roots and connect with culture/country of origin

9. Council Motion

The Mayor spoke about a December resolution of Council seeking to addressing antisemitism locally and consulting the MAC on this issue. Addressing the motion, qualified and experienced consultants will be approached to undertake research exploring:

- Community activities conducted by private organisations and public institutions based in Australia and overseas to combat antisemitism.
- A gap analysis based on the above focused on Sydney
- Understanding how organisations/institutions have implemented the IHRA working definition of antisemitism in a practical way.

The Mayor has also been in touch with relevant stakeholders identified in the resolution. Support services are being provided by Jewish Care and Jewish House.

A brief discussion raised various issues and opinions, with members providing feedback on the IHRA definition; community safety and the role of Police; other racist behaviour or homophobia being on the rise; feeling safe in public spaces.

The issues under discussion are complex and need to be managed sensitively. Council's role is focused on keeping everyone safe.

10. Events coming up

- Global Table - 19 May. We will be sharing an expression of interest with local performers who may be interested – please let Madly know if you have suggestions.
- WALU Western Sydney Anti-Racism Week is being held from the 19-23 February in Merrylands. Madly is presenting on a panel 'Reflections on Anti-Racism Initiatives' as the co-convenor of the Local Government Multicultural Network.
- Waverley is holding an International Women's Day event on 8 March.
- Author talk with Simon Tedeschi - 23 May.
- Marks Park Dawn Sunrise Service of Reflection as part of the Sydney Gay and Lesbian Mardi Gras Festival - 24 February.
- First Waverley Mardi Gras float on Saturday 2 March.

Madly will send information about upcoming events and activities.

Meeting Closed 8pm

REPORT
CM/7.10/24.04

Subject: Reconciliation Action Plan Advisory Committee Meeting -
30 November 2023 - Minutes

TRIM No: A14/0173

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council notes the minutes of the Reconciliation Action Plan Advisory Committee meeting held on 30 November 2023 attached to the report.

1. Executive Summary

This report provides the minutes of the Reconciliation Action Plan (RAP) Advisory Committee meeting held on 30 November 2023 for Council's noting. The minutes are attached to the report.

2. Introduction/Background

The RAP Advisory Committee was established to support implementation of Council's Innovate Reconciliation Action Plan. The objective of the Committee is to provide cultural advice, guidance, feedback and support around implementation and monitoring of actions, projects and commitments identified in the RAP.

3. Relevant Council Resolutions

Nil.

4. Discussion

Previous meetings discussed and prioritised recommendations arising from the 2022 Cultural Audit carried out by the Gujaga Foundation. Themes emerging from the audit related to recognition and protection of significant cultural sites, sharing stories and acknowledging local culture and language. The committee discussed the development of Waverley's Aboriginal Heritage Study which had recently been approved and would be supported by a Council submission for heritage grant funding. Planning for Council's Dawn Reflection event was also progressed.

5. Financial impact statement/Time frame/Consultation

Nil.

6. Conclusion

This report provides the minutes of the RAP Advisory Committee meeting held on November 2023 to Council for noting.

7. Attachments

1. RAP - 30 November 2023 - Minutes [↓](#) .

Reconciliation Action Plan Advisory Committee

Meeting Minutes



Thursday 30 November 2023

6pm-8pm

Queens Park Room

1. Welcome and Acknowledgement of Country

Councillor WY Kanak acknowledged country.

Present

Councillors	
Clr Dominic WY Kanak	Councillor (Chair)
Clr Ludovico Fabiano	Councillor
Council Officers	
Emily Scott	General Manager, Waverley Council
Ben Thompson	Director, Community, Culture and Customer Experience
Annette Trubenbach	Executive Manager, Community Programs
Rebecca Rodwell	Manager, Community Planning & Partnerships
Matilda Brown	Aboriginal and Torres Strait Islander Community Development Officer
Anne McGoverne	Strategic Planner (Heritage)
Community Member/Organisations	
Earl Weir	Member
Gene Ross	Member
Dr Sarah Jane Moore	Member
Brad Franks	Member

2. Present/Apologies

Clr Paula Masselos, Kirsty Beller, Liz Tierney, Walangari Karntawarra, Micheal Mahoney

Damien Barnes resigned from the committee effective 1 November 2023.

3. Acceptance of previous minutes and matters arising



Minutes 20 September 2023 were moved and accepted via email

Moved – Earl **Seconded** – Gene

No matters were raised.

4. Referendum Outcome

The committee discussed the impact of the referendum and considered how the momentum and positive contributions from supporters of the 'yes' campaign could lead to action and change. The committee will continue to work on this in the coming months.

For anyone requiring support/someone to talk to, 13 Yarn is available for Aboriginal people.

<https://www.13yarn.org.au/>

The support from the committee in Council's Referendum Education Campaign was noted.

5. Whale Dreaming Project

This item was carried over.

6. Cultural Audit and Heritage Study Discussion

Anne McGoverne attended the meeting. Anne is Waverley's Heritage Strategic Planner and project officer for the Aboriginal Cultural Heritage Study which has recently been approved by the executive leadership team. Anne is also working on a Heritage Grant to seek funding to support the project.

The committee members who attended the briefing about Bronte Surf Club were impressed with the extensive research that had been prepared by Jefa Greenaway. It was agreed that the committee would seek a briefing with Jefa and that the Cultural Heritage Study could potentially build on this research.

The committee suggested that:

- Many Aboriginal perspectives need to be represented.
- It should be written by Aboriginal people.
- Oral and aural sources should be sought.
- Truth telling is a key component.
- Consider working with Woollahra and Randwick for a Coastal Sydney perspective.
- The tangible and intangible should be reflected.
- Important to include local stories ie Yalunga Festiva, Building Bridges Concert, Survival Day and Ruby Hunter connection.
- Heritage as an act of resistance.

The study will need to meet requirements of the NSW Planning System, and an important aspect will be how we manage significant sites now and in the future.



7. Event Planning and Feedback

Dawn Reflection

Planning for the event is underway with the Gamay Dancers and Uncle Lloyd Walker confirmed. We are still confirming event details and have sourced an improved sound system. We will invite participation from la Perouse Elders and will make transport available if needed.

Gene will follow up with the Surf Club regarding the BBQ.

We will organise an online catch up in early January to update the committee on progress for the event.

8. Other Items

Elsa Dixon Trainees

We have had three Aboriginal students from Matraville undertaking work experience at Council over two weeks. This experience is to determine whether these students are interested in undertaking a school based traineeship with Council in 2024/25. The students are working in the Open Space and Early Education areas.

Hey Kunanyi

Last weekend, Dr Moore performed her one woman show at the Bondi Pavilion Theatre with eight songs telling eight stories about navigating nature. Aboriginal attendees made up 23% of the audience. The piece was developed through an Artistic Residency at the Pavilion when it reopened in 2022. Dr Moore indicated that this was a great experience both culturally and professionally. She hopes to take the show to Garma and Archie Roach Festivals. Ben congratulated Dr Moore on her performance.

9. Meetings in 2024

To be confirmed.

REPORT CM/7.11/24.04



Subject: Planning Proposal - Council Advertising on Public Domain Assets - Post-Exhibition

TRIM No: PP-2/2023

Manager: George Bramis, Executive Manager, Urban Planning

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise the planning proposal on Council advertising on public domain assets attached to the report (Attachment 1) and to amend the *Waverley Local Environmental Plan 2012*.
2. Writes to all those who made submissions advising them of Council's decision.

1. Executive Summary

Council is seeking to upgrade some of its public domain assets, inclusive of bus shelters, and erect multi-functional communications panels. These upgrades include the provision of digital advertising. To do so, amendments to the *Waverley Local Environmental Plan (WLEP)* are required via a planning proposal.

In 2023, a planning proposal was prepared and subsequently endorsed by Council in December 2023 to be submitted to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination. A Gateway determination was received in January 2024 and the planning proposal was exhibited for a period of 28 days throughout February and March.

This report provides a discussion of submissions received and responses to issues raised and subsequently recommends proceeding to finalising the planning proposal.

2. Introduction/Background

At its meeting on 17 May 2022, Council resolved to investigate opportunities for bus shelter upgrades, including advertising installations. The subsequent findings of the investigation included the need to prepare a planning proposal to facilitate further opportunities for the provision of public domain infrastructure, inclusive of upgraded bus shelters and communications panels with advertising. Consequently, a report detailing the findings was presented to the Strategic Planning and Development Committee on 4 April 2023 where Council resolved to prepare a planning proposal to implement the changes.

In 2023, a planning proposal was prepared and subsequently approved by Council in December 2023 to be submitted to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination. A Gateway determination (Attachment 2) was received in January 2024 and the planning proposal was exhibited from for a period of 28 days throughout February and March. The Gateway determination

specified Council to be the Local Plan Making Authority, therefore Council has the final say whether to proceed with the proposal.

The exhibition of the planning proposal implements the Council resolution, and the report provides a summary of feedback provided during public exhibition.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 6 February 2024	PD/5.3/24.02	That Council: <ol style="list-style-type: none"> Approves the draft list of communication panel locations, as set out in the report, for the purposes of tendering. Approves the advertisement content criteria for the communication panels, as set out in the report. Notes that Council will determine the exact location of the communication panels and bus shelters in its evaluation of the bus shelter advertising tender, which will be reported to Council.
Strategic Planning and Development Committee 5 December 2023	PD/5.1/23.12	That Council: <ol style="list-style-type: none"> Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition, subject to the following amendment: <ol style="list-style-type: none"> Page 27 of the agenda, part 2, 'Signage – Council communications panels advertising' – Add the following new clause 8: 'Must not include any political advertising.' Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> to amend the <i>Waverley Local Environmental Plan 2012</i>. Notes that Council will determine the location of multi-functional communication panels as part of a separate process and that the request for tender documentation will detail specifications, including location, size and content, which will come to Council for approval prior to inviting

		tenders from the open market.
Strategic Planning and Development Committee 4 April 2023	PD/5.6/23.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Prepares a planning proposal to insert exempt provisions for advertising into the <i>Waverley Local Environmental Plan 2012</i>, provided that the advertising: <ol style="list-style-type: none"> (a) Must either not extend beyond 10 m from the perimeter of a bus shelter or must be directly attached to freestanding communication panels. (b) Must not contain flashing or neon signage. (c) Must not be located on land that comprises a heritage item. (d) Must not be located in a heritage conservation area (excluding Birrell Street, Blair Street, Bondi Road, Bronte Road, Campbell Parade, Macpherson Street and Oxford Street). (e) Must be erected by, or on behalf of, Council. 2. Refers the planning proposal to the Waverley Local Planning Panel for advice, with officers to prepare a report to Council on the advice prior to lodging the proposal with the NSW Department of Planning and Environment. 3. Notes that Council will receive a further report with the proposed advertising locations for approval prior to inviting tenders on the open market.

4. Discussion

Consultation

The planning proposal was publicly exhibited between 6 February and 5 March 2024, which included:

- Have Your Say page including a feedback survey.
- Council e-newsletters.
- Email notifications to Precincts.

Including feedback from agencies, four submissions were received, two objected to standalone communications panels and one provided constructive feedback.

Table 1. Public submissions received and responses.

Submission	Waverley Response
<p>1. It is noted that the advertising structure must be located wholly within zones E1, E2, or MU1.</p> <p>Has consideration been given to requiring signage to be in proximity to a lot which is also in one of these zones?</p> <p>By way of example, the provisions as currently written would allow the installation of this signage along 4-16 Blair Street which in my view is prima facie inappropriate.</p> <p>Could the clause be amended to simply read 'wholly within an employment or mixed use zone'?</p> <p>2. The provisions prevent structures from 'obstruct[ing] existing footpaths, approved outdoor dining or access for people with a disability'. It is presumed that the intent of this clause is to prevent structures from being installed in the centre of a footpath. In my view this clause is open to conflicting interpretations where a nature strip does not exist. For instance, consider a local centre where the entire width of the footway is paved (as was seen in City of Sydney). It should not be possible for Council to reduce the trafficable width to some unspecified amount by way of exempt development.</p>	<p>1. Consideration will be given to ensuring that the standalone panels are not within proximity of residential zones. No provision to this effect is proposed to be included as there is adequate measures in place to ensure appropriate place. This includes Council having consider and approve the high-level locations of proposed advertising. Council will also consider and approve any precise locations.</p> <p>It is not intended for any advertising to be located within proximity of residential zones. Generally standalone communications panels will be located in areas of high visibility which have high commercial viability.</p> <p>It is also not proposed to include any standalone panels within the area of Blair Street.</p> <p>2. Panels and bus stops will be installed in line with Council's streetscape design manual as well as the relevant Austroad Guidelines. The use of these documents, alongside the proposed draft provisions in the LEP will ensure that any communications panels or bus stop advertising will be placed in appropriate locations with appropriate trafficable width being provided.</p>
<p>3. Objection is made to standalone advertising structures not associated with bus shelters. These types of structures were the cause of significant issue within the City of Sydney. Furthermore, they are a source of visual pollution which should not be encouraged in the public domain. This is particularly the case for local centres, however these advertising structures remain inappropriate across the board. Advertising within the public domain</p>	<p>3. Objection is noted. Council has reviewed the City of Sydney experience, and the planning proposal responds to concerns by proposing provisions to ensure standalone panels are only placed in appropriate locations and have prescribed dimensions to ensure visual pollution is limited and they are not obstructing footpaths.</p> <p>4. Bus stops will be designed in accordance with relevant Australian Standards and best practice, to ensure improved</p>

<p>should not be increased.</p> <p>4. The committee more generally requests that Council bus stop design should be in accordance with State Government best practice principles. Particular reference is made to the bus stop at Parramatta and Missenden Rds, Camperdown as an example of best practice.</p>	<p>accessibility and user experience. One of the main aims of the upgrading of Council's bus stops is to align the design of them with best practice and modern standards.</p>
<p>5. I do not support freestanding advertising!</p> <p>And if most residents knew about this proposal, they wouldn't either.</p>	<p>5. Objection is noted. Advertising on communications panels will not be 'freestanding advertising' but will rather integrated into multi-functional communications panels which will be required to have other uses than just advertising.</p>

A submission was also received from Transport for New South Wales in line with the Gateway determination to consult with the government agency.

Feedback is provided in Attachment 1 and is addressed in Table 2 below.

Table 2. Transport for New South Wales feedback.

Submission	Waverley Response
<p>TfNSW notes the Planning Proposal seeks to enable the introduction of exempt provisions in the Waverley Local Environmental Plan (LEP) 2012 for advertising on Council bus stops and communications panels. Experience across other LGAs has shown that the placement of advertising panels has tended to prioritise the visibility of these panels to passing motorists over the convenience and comfort of waiting passengers or footpath users. In this regard, bus shelter advertising placement and design must not obstruct the driver's view of the road, must not be illuminated to a level that has the potential to dazzle or distract drivers, should not distract a driver at a critical time and must ensure adequate clearance for pedestrian and wheelchair access (including compliance to the Disability Discrimination Act).</p>	<ul style="list-style-type: none"> • Inclusion of recommendation i. in relation to the State Environmental Planning Policy (Industry and Employment) 2021 would not allow Council to implement the intent of the Planning Proposal. The Planning Proposal has been prepared due to limitations within the State Environmental Planning Policy (SEPP). Inclusion is not supported. • The inclusion of the guidelines outlined in i-iv is not recommended due to the following reasons: <ul style="list-style-type: none"> ○ Detailing the specific guidelines in the LEP which are regularly updated would be problematic. This could mean exempt development standards would either need to comply with old documents (if updated and replaced) or an LEP amendment would be required. ○ Council's transport team has reviewed the documents outlined in ii-iv and notes that proposed locations and advertising structures will align with the guidelines listed. There will be some instances where components of the guidelines cannot be met due to existing constraints such as historical development and existing footpath widths.

<p>To ensure future advertising does not compromise pedestrian or road safety or cause distraction to approaching road users, it is recommended that the following provisions (in addition to Council's recommended provisions) be considered within the Exempt development provisions of the Waverley LEP 2012:</p> <p><i>Signage – Bus shelter advertising</i></p> <ul style="list-style-type: none"> • <i>Must meet the requirements of the:</i> <ul style="list-style-type: none"> <i>i. State Environmental Planning Policy (Industry and Employment) 2021</i> <i>ii. Transport Corridor Outdoor Advertising & Signage Guidelines 2017.</i> <i>iii. Walking Space Guide, Towards Pedestrian Comfort and Safety 2020.</i> <i>iv. Design of roads and streets, A guide to improve the quality of roads and streets in NSW 2023</i> 	
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A summary of consultation has been provided in this report and responses are provided to the issues raised. Council has undertaken the requirements of the Gateway determination, and no changes are recommended to the planning proposal or proposed draft provisions which were exhibited (as provided in Attachment 1) based on feedback received. The proposed provisions to be included in schedule 2 of the WLEP are as follows:

Signage—Council bus shelter advertising

1. *Must not extend beyond 5m from the perimeter of a bus shelter.*
2. *Must not contain flashing or neon signage.*
3. *Must not hinder sight lines for drivers, cyclists and pedestrians.*
4. *Must not be located on land that comprises a heritage item.*
5. *Must not be located in a heritage conservation area excluding shelters with a frontage on the following -*
 - (a) *Birrell Street*
 - (b) *Blair Street*
 - (c) *Bondi Road*
 - (d) *Bronte Road*
 - (e) *Campbell Parade*
 - (f) *Macpherson Street*
 - (g) *Oxford Street.*
6. *Must be erected by, or on behalf of, Council.*

Signage— Council communications panel advertising

1. *Must only be part of a structure erected by or on behalf of the Council.*

2. *If located outside of a pedestrianised mall, must not be part of a structure that exceeds the following specifications –*
 - (a) 2200mm in height
 - (b) 1150mm in width
 - (c) 500mm in depth
3. *Must not contain flashing or neon signage.*
4. *Must not be part of a structure that:*
 - (a) *hinders sight lines.*
 - (b) *obstructs existing footpaths, approved outdoor dining or access for people with a disability.*
 - (c) *is used solely for the purpose of advertising.*
5. *Must be part of a structure that is located only within the E1 Local Centre, E2 Commercial Centre or MU1 Mixed Use zones.*
6. *Must not be part of a structure on land that comprises a heritage item.*
7. *Must not be part of a structure on land within a heritage conservation area, excluding on structures with a frontage on the following—*
 - (a) *Birrell Street*
 - (b) *Blair Street*
 - (c) *Bondi Road*
 - (d) *Bronte Road*
 - (e) *Campbell Parade*
 - (f) *Macpherson Street*
 - (g) *Oxford Street.*
8. *Must not include any political advertising.*

The provisions are draft in nature and specific wording may be refined and in consultation with Parliamentary Counsel.

The planning proposal provides the regulatory pathway for Council to be able to erect advertising associated with bus stops and communications panels. The specific decisions around the exact locations and contractual arrangements will be brought to Council as part of a separate decision-making process, separate to the planning proposal process.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

All costs related to the preparation and exhibition of the planning proposal have been covered through existing budgets. The benefits of implementing the planning proposal would result in increased revenue for Council which would enable council to provide improved infrastructure and services to the community.

Time frame

The finalisation of the planning proposal is dependent on working with Parliamentary Counsel. However, an indicative timeline is provided in Table 2 below.

Table 3. Indicative timeframe for finalisation of proposal.

Tasks	Time frame and/or date
Drafting of amendment with Parliamentary Counsel	April-May 2024
Gazettal of LEP amendment	June 2024

Consultation

See section 4 of this report.

6. Conclusion

Council aims to upgrade public domain assets and include digital advertising on bus stops and standalone communications panels. The proposed changes will facilitate new and improved infrastructure and ongoing revenue.

To do this, amendments to the WLEP are required. Following the issuing of a Gateway Determination in January 2024, the proposal was exhibited during February and March and the feedback received has been discussed and address in this report. It is recommended that Council support adoption of the planning proposal which may be progressed under the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

7. Attachments

1. Planning proposal - Waverley Council Advertising [↓](#)
2. Gateway determination [↓](#) .



PLANNING PROPOSAL

Waverley Council Advertising
PP-2/2023

Planning proposal Information

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Planning proposal – Exempt provisions for Council advertising

Council versions:

No.	Date	Version
1	14.08.2023	For the Waverley Local Planning Panel
2	22.11.2023	For the Strategic Planning and Development Committee
3.	07.12.2023	For submission to the Department of Planning and Environment
4.	09.04.2024	Post-exhibitor

EXECUTIVE SUMMARY

At its 17 May 2022 Council Meeting, Council resolved to investigate opportunities for bus shelter upgrades, including advertising installations. The subsequent findings of the investigation included the need to prepare a planning proposal in order to facilitate further opportunities for the improved provision of public domain infrastructure, inclusive of upgraded bus shelters and communications panels with advertising. A report was presented to Council's Strategic Planning and Development Committee with the findings where on 4 April 2023, it was resolved:

That Council:

1. Prepares a planning proposal to insert exempt provisions for advertising into the Waverley Local Environmental Plan 2012, provided that the advertising:

(a) Must either not extend beyond 10 m from the perimeter of a bus shelter or must be directly attached to freestanding communication panels.

(b) Must not contain flashing or neon signage.

(c) Must not be located on land that comprises a heritage item.

(d) Must not be located in a heritage conservation area (excluding Birrell Street, Blair Street, Bondi Road, Bronte Road, Campbell Parade, Macpherson Street and Oxford Street).

(e) Must be erected by, or on behalf of, Council.

2. Refers the planning proposal to the Waverley Local Planning Panel for advice, with officers to prepare a report to Council on the advice prior to lodging the proposal with the NSW Department of Planning and Environment.

3. Notes that Council will receive a further report with the proposed advertising locations for approval prior to inviting tenders on the open market.

At the Strategic Planning and Development Committee on December 5 2023 Council resolved:

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition, subject to the following amendment:

(a) Part 2 – Signage – (Pg 27) Council communications panel advertising – Add new clause 8 'Must not include any political advertising'.

2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.

3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979 to amend the Waverley Local Environmental Plan 2012.

4. Notes that Council will determine the location of multi-functional communication panels as part of a separate process. Notes that the RFT documentation will detail specifications including location, size and content and this will come to council for approval prior to inviting tenders to the open market.

The proposal has been updated in accordance with the abovementioned resolution.

INTRODUCTION

a. Background to this Planning proposal

Under the Waverley LEP 2012, advertising on bus shelters and communications panels would either be defined as ‘signage’ or ‘advertising structure’ where advertising structures are a type of signage. The definitions are as follows:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- a) an advertising structure,*
- b) a building identification sign,*
- c) a business identification sign,*

but does not include a traffic sign or traffic control facilities.

advertising structure has the same meaning as in the Act.

Note: The term is defined as a structure used or to be used principally for the display of an advertisement. Accordingly, advertising structures are a type of signage.

These two land uses, signage and advertising structure, are not currently permissible in any of the land use zones. Waverley Council currently has 85 bus shelters. Of these, Council owns 44 non-advertising bus shelters of varied styles ranging from faux heritage style to brick and contemporary aluminium and glass. In addition, there are 41 steel and glass bus shelters with advertising displays. The advertising displays relate to development consent dating back to the early 2000s. This consent was provided on the basis that at the time, roads were not zoned and therefore permissibility around advertising in these locations was not a consideration. Since this time, roads now have now been zoned, typically given the adjacent land use zone, and advertising structures that accompany bus shelters would no longer be permissible in the relevant zone under the Waverley LEP. Any renewal or expansion of bus shelters with advertising is now only able to be considered under existing use rights – but shelters without existing advertising would not be able to be modified to include advertising.

In addition, the Industry and Employment State Environmental Planning Policy (SEPP) provides provisions for advertising and signage visible from a public place with or without development consent, the SEPP contains restrictions on the application of the SEPP in certain areas, as detailed in Clause 3.8 as follows:

3.8 Prohibited advertisements

(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions—

- environmentally sensitive area*
- heritage area (excluding railway stations)*

Planning proposal – Exempt provisions for Council advertising

- *natural or other conservation area*
- *open space*
- *waterway*
- *residential (but not including a mixed residential and business zone, or similar zones)*
- *scenic protection area*
- *national park*
- *nature reserve*

It is noted that under clause 3.4 of the SEPP that the above provisions do not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it. This means that an amendment to the WLEP would result in the desired outcomes Council is seeking.

The proposed approach outlined in this report is considered similar to those implemented in other Councils in Greater Sydney in recent years and would provide Council with greater flexibility than is available under the Industry and Employment SEPP. If the proposal is implemented, it will allow Council to install contemporary bus shelters that will be compliant with modern accessibility standards, replace dilapidated assets and provide sympathetic and consolidated advertising panels and providing community communication boards at key strategic locations. The primary side of the communication panel would be designed for Council's exclusive use and include features such as:

- Directory map of local area including 'you are here' and places of interest.
- Electronic bulletin panels for the promotion of local community services, special events and public posting of messages.
- Default display of alternating Council messages.
- Bus timetables or live transport messaging.

The secondary side would be dedicated to advertising activity consistent with the bus shelter advertising. Examples of some of the outcomes that the proposal could achieve are illustrated in *Figure 1* and *Figure 2* below.

Planning proposal – Exempt provisions for Council advertising



Figure 1 – Digital bus shelter advertising in the City of Sydney



Figure 2 ‘LinkNYC’ communications panel infrastructure in New York City (Source: New York Times).

b. Local Planning Panel

Planning proposal – Exempt provisions for Council advertising

The Planning Proposal was reported to the Waverley Local Planning Panel on 23 August 2023.

The Minutes of this meeting are provided in Appendix 1 and reproduced below.

Resolution

The Panel advises:

1. *It is recommended that Council inform itself of the environmental, social and economic impacts the bus shelter advertising and communication panels have had on other LGAs such as City of Sydney. The Panel notes that Woollahra Council exempt provisions relate to bus shelter signage only.*
2. *Council to confirm that the prohibition of advertising signage across the relevant Zones does not preclude the carrying out of exempt development as contemplated by the Planning Proposal.*
3. *That the Planning Proposal include further details of public benefit.*
4. *That the following themes be further considered:*
 - *Size restrictions*
 - *Access requirements for outdoor dining, access for people with disabilities*
 - *Separation distance to avoid clustering and limit the number to avoid proliferation*
 - *Locations to avoid hindering sight lines*

The Panel is unable to address the site specific and strategic merit of the Planning Proposal given the lack of information regarding exactly where the stand alone communication panels will be located. The Panel considers signage on bus shelters to be acceptable but has concerns about identifying stand alone communication panels as exempt development.

Furthermore, the Panel advises Council to consider the following changes to the explanation of provisions in the Planning Proposal [in bold and italics]:

Signage—bus shelter advertising

1. *Must ~~either~~ not extend beyond **more than 5m** ~~10m~~ from the perimeter of a bus shelter.*
2. *Must not contain flashing or neon signage.*
3. *Must not be located on land that comprises a heritage item.*
4. *Must not be located in a heritage conservation area excluding shelters with a frontage on the following -*
 - (a) *Birrell Street*
 - (b) *Blair Street*
 - (c) *Bondi Road*
 - (d) *Bronte Road*
 - (e) *Campbell Parade*

Planning proposal – Exempt provisions for Council advertising

(f) *Macpherson Street*

(g) *Oxford Street.*

5. *Must be erected by, or on behalf of, Council.*

A response to the issues raised are addresses in the Table x.

Table 1 Response to WLPP Feedback.

Matter	Response
1. Council be informed of the recent City of Sydney experience with advertising.	<ul style="list-style-type: none"> • Council officers are aware of the issues surrounding the rollout of advertising in the City of Sydney in recent times. In particular the issues were caused by large advertising panels not associated with bus stops being placed on footpaths where they ultimately obstructed the footpath and caused nuisance for footpath users. This was well publicised in the media. • Whilst the bus shelter advertising will be of a similar size as existing advertising panels, following feedback from the WLPP, provisions have been included in the updated Planning Proposal around the maximum size of structures which communications panel advertising can be present on. These size restrictions are narrower than what was implemented in the City of Sydney. • In addition, provisions around sizing and their relationship with pedestrians, cyclists, drivers and other uses on the footpath (such as outdoor dining) has been included in the updated Planning Proposal.
2. Council to confirm that exempt provisions can be used if the use is prohibited in the zone.	<ul style="list-style-type: none"> • The proposal is not inconsistent with what exists in other Council's LEPs where in which the use is prohibited but permissible as exempt development within the relevant schedule. The SEPP provides general requirements for exempt development and none of these requirements relate to land use permissibility. The provisions in the LEP essentially serve as an extension of the Code SEPP and as long as the proposed exempt development aligns with the requirements of the SEPP it is deemed appropriate.
3. Include further details of the public benefit for the communications panel advertising.	<ul style="list-style-type: none"> • Further details in the updated Planning Proposal have been included.
4. For communications panel advertising, further consideration of: <ul style="list-style-type: none"> • size restrictions, • access requirements for 	<ul style="list-style-type: none"> • Provisions were already included around size restrictions. Furthermore, provisions have been included regarding access requirements and sight lines in the updated Planning Proposal.

Planning proposal – Exempt provisions for Council advertising

outdoor dining, access for people with disabilities, • locations to avoid hindering sight lines, and • separation distance to avoid clustering and limit the number to avoid proliferation.	
5. The panel being unable to address site specific and strategic merit based on lack of information about locations for communications panels advertising.	• This has been addressed and responded to further in Part 3 of the updated Planning Proposal, specifically by including prescribed zones in which the communications panel advertising can be present with. This includes commercial zones only (E1, E2 and MU1 zones).
6. Consider proposed change for bus shelter advertising to be no further than 5m from the shelter structure as against the proposed 10m.	• This change has been accepted.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This proposal intends to amend Schedule 2 of the WLEP to permit signage in the form of bus shelter advertising and on communications panels. The proposal aims to ensure that the signage is compatible with the desired visual character of the Waverley Local Government Area (LGA). Permitting bus shelter advertising as exempt development will overcome any limitations of the Industry and Employment SEPP which prohibits the display of advertisements in certain areas.

PART 2 – EXPLANATION OF PROVISIONS

The proposal seeks to amend Schedule 2 of the WLEP to permit as exempt development:

- Signage – Council bus shelter advertising
- Signage – Council communications panel advertising

The recommended draft provisions to be included in Schedule 2 of the WLEP are detailed as follows. The provisions are draft in nature and may be refined following public exhibition and in consultation with Parliamentary Counsel if deemed appropriate.

Signage—Council bus shelter advertising

1. *Must not extend beyond 5m from the perimeter of a bus shelter.*
2. *Must not contain flashing or neon signage.*
3. *Must not hinder sight lines for drivers, cyclists and pedestrians.*
4. *Must not be located on land that comprises a heritage item.*

Planning proposal – Exempt provisions for Council advertising

5. *Must not be located in a heritage conservation area excluding shelters with a frontage on the following -*
 - (h) Birrell Street*
 - (i) Blair Street*
 - (j) Bondi Road*
 - (k) Bronte Road*
 - (l) Campbell Parade*
 - (m) Macpherson Street*
 - (n) Oxford Street.*
6. *Must be erected by, or on behalf of, Council.*

Signage— Council communications panel advertising

1. *Must only be part of a structure erected by or on behalf of the Council.*
2. *If located outside of a pedestrianised mall, must not be part of a structure that exceeds the following specifications –*
 - (a) 2200mm in height*
 - (b) 1150mm in width*
 - (c) 500mm in depth*
3. *Must not contain flashing or neon signage.*
4. *Must not be part of a structure that:*
 - (a) hinders sight lines.*
 - (b) obstructs existing footpaths, approved outdoor dining or access for people with a disability.*
 - (c) is used solely for the purpose of advertising.*
5. *Must be part of a structure that is located only within the E1 Local Centre, E2 Commercial Centre or MU1 Mixed Use zones.*
6. *Must not be part of a structure on land that comprises a heritage item.*
7. *Must not be part of a structure on land within a heritage conservation area, excluding on structures with a frontage on the following—*
 - (a) Birrell Street*
 - (b) Blair Street*
 - (c) Bondi Road*
 - (d) Bronte Road*
 - (e) Campbell Parade*
 - (f) Macpherson Street*
 - (g) Oxford Street.*

Planning proposal – Exempt provisions for Council advertising

8. *Must not include any political advertising.*

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

Section A – Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

The proposal is considered to have strategic merit when considered against the criteria detailed in the *Local Environmental Plan Making Guidelines* as detailed below.

1. Is the planning proposal a result of any strategic study or report?

No. The proposal is not the result of a specific strategic study. However, a review of the opportunities for advertising in the Waverley LGA informed Council's resolution to prepare this planning proposal. The proposal aligns with various actions of a number of Council's strategic documents as detailed further throughout this report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is the best means of achieving the intended outcome. An amendment to the Waverley LEP 2012 is required to permit advertising on bus shelters and communications panels beyond the limitations of the Industry and Employment SEPP.

Section B – Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal aligns with the objectives and actions of the Region Plan *A Metropolis of Three Cities* and the *Eastern City District Plan*.

A Metropolis of Three Cities

The planning proposal is broadly consistent with the directions and objectives of Greater Sydney Region Plan: A Metropolis of Three Cities, particularly Objective 12 under the Direction: A city of great places:

Objective 12: Great places that bring people together

This objective seeks to maintain and build on the unique characteristics of places in a way that reflects shared community values and culture. The proposed amendment to the WLEP seeks to permit advertising on bus shelters and communications panels whilst including provisions that respects our community's commitment to heritage conservation and maintains the amenity of the LGA. Furthermore the amendment would facilitate the promotion of local community services, special events and public posting of messages, as well as promote places of interest.

Planning proposal – Exempt provisions for Council advertising

Each location will be carefully selected to consider its local environment and situational context.

Eastern City District Plan

The planning proposal is generally consistent with the planning priorities and actions of the Eastern City District Plan, particularly Planning Priority E6 under the theme Liveability:

Planning Priority E6: Creating and renewing great places and local centres, and respecting the District’s heritage

The planning proposal will contribute to the liveability of the Waverley LGA as it will introduce exempt development provisions for advertising on bus shelters and communications panels. This advertising can only be erected by or on behalf of Council, not permissible on heritage items and not be located in most heritage conservation areas. The advertising structures will be well designed and consistent with the desired visual character of the Waverley LGA.

9. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Waverley Local Environmental Plan 2012

The WLEP has 16 main aims that all planning proposals and development should be consistent with where applicable. This proposal is consistent with the following aims WLEP:

10. *to identify, conserve and enhance the cultural, environmental, natural, aesthetic, social and built heritage, and existing scenic and cultural landscapes of Waverley, including the curtilage of Centennial Park, for current and future generations*

11. *to achieve high quality public domain with significant tree canopy and accessible open space*

(l) to improve connectivity and accessibility in Waverley and prioritise development that enables walking, cycling and the use of public transport

Waverley Local Strategic Planning Statement (March 2020)

An assessment of the proposal against the relevant Planning Priority and actions has been outlined in Table 1.

Table 1 – Assessment of the Proposal against the Local Strategic Planning Statement

Direction: A collaborative City	
Planning Priority 3: Digitally manage infrastructure to ensure it is efficient, fit for purpose, and well maintained	
5. Investigate and implement new funding streams to deliver infrastructure	This proposal will provide Council with an opportunity to tender for a new contract for modern, more accessible bus shelters and communications panels with integrated advertising.
7 Review the planning framework to find opportunities to enable and prepare for rapid changes in the urban environment created by changing technologies	This proposal will provide Council with opportunities for new advertising technologies to be integrated into public domain infrastructure.

Planning proposal – Exempt provisions for Council advertising

Waverley Community Strategic Plan 2022-2032

This proposal aligns with the community vision which is:

“Waverley is a vibrant and resilient community. We take care of each other, our natural environment and local places. Our community is empowered to collaborate for a sustainable and connected Waverley for future generations.”

The proposal also aligns with the strategies presented in Table below:

Table 2 – Assessment of Proposal against Waverley Community Strategic Plan

2.6 Control and manage development to protect the intrinsic values of the community including aesthetics, size, heritage and population	
Strategies	Consistency
2.6.6. Celebrate the heritage and character of our centres and heritage sites, and protect and enhance their character	The proposal excluding advertising from most Heritage Conservation Areas and therefore ensures the character of these areas can remain.
2.9 Manage traffic, transport and parking in a balanced way	
Strategies	Consistency
2.9.1. Leverage technologies and regulations to provide better transport and parking outcomes	The updated advertising provisions will complement the procurement of new bus shelters and communications panels which provide better public transport outcomes for patrons.
2.10 Build, maintain and renew well-designed, accessible and sustainable assets and infrastructure, to improve the liveability of neighbourhoods	
Strategies	Consistency
2.10.1. Ensure Council's infrastructure assets are operated, maintained, renewed and upgraded to meet the levels of service set by the community	<p>The Proposal will facilitate the renewal of Waverley's bus shelter infrastructure and the permissibility of advertising on communications panels will assist in Council in developing integrated asset solutions to provide community benefits.</p> <p>In addition, new digital advertising structures will also allow for Council to advertise community events and services and important community messages, among other advertisements.</p>
3.2 Deliver the Waverley community excellent customer service, with services delivered efficiently, and with innovation	
Strategies	Consistency
3.3.2 Deliver long-term financial, environmental and economic programs that improve financial and environmental sustainability.	The proposal will allow Council with opportunities to increase its revenue stream and consequentially provide better services to the community with the increased revenue.

12. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant State or regional studies or strategies.

13. Is the planning proposal consistent with applicable SEPPs?

This planning proposal is consistent with applicable State Environmental Planning Policies. Table assessed the planning proposal against the State Environmental Planning Policies (SEPPs).

Planning proposal – Exempt provisions for Council advertising

Table 3 – Assessment of Proposal against the SEPPs

Title	Applicable	Consistent
Housing SEPP	N/A	Not inconsistent
Transport and Infrastructure SEPP	N/A	Not inconsistent
Primary Production SEPP	N/A	Not inconsistent
Biodiversity and Conservation SEPP	N/A	Not inconsistent
Resilience and Hazards SEPP	N/A	Not inconsistent
Industry and Employment SEPP	Yes	Consistent. The planning proposal seeks to permit bus shelter and communications panel advertising as exempt development. This will facilitate advertising on bus shelters and communications panels in land use zones or descriptions that are prohibited under the SEPP.
Resources and Energy SEPP	N/A	Not inconsistent
Planning Systems SEPP	N/A	Not inconsistent
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	Not inconsistent
Codes SEPP	N/A	Consistent, the provisions seek to update Schedule 2 of the WLEP as it relates to the Code SEPP.

14. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979, as outlined in the below table.

Table 3 – Consistency with relevant Section 9.1 Ministerial Directions.

Section 9.1 Ministerial Direction		
Ministerial Direction	Relevance	Consistency
1.1 Implementation of Regional Plans	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions</p>	The proposal is consistent with the objectives of the Regional Plans as discussed earlier in this report.

Planning proposal – Exempt provisions for Council advertising

3.2 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and indigenous heritage significance.</p> <ol style="list-style-type: none"> 1) A planning proposal must contain provisions that facilitate the conservation of: <ol style="list-style-type: none"> (a) Item, places, buildings, works, relics moveable objects or precinct of the environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area. (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and <p>Aboriginal area, Aboriginal objects, Aboriginal places or landscape identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>The proposal is consistent with this Direction as it includes a provision that states bus shelter and communications advertising must not be located on land that comprises a heritage item. This advertising will also be restricted in most heritage conservation areas.</p>
6.1 Residential Zones	<p>The directions are:</p> <ol style="list-style-type: none"> 1) A planning proposal must include provisions that encourage the provision of housing that will: <ol style="list-style-type: none"> (a) Broaden the choice of building types and locations available in the housing market, and (b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design. 2) A planning proposal must, in relation to land to which this direction applies: <ol style="list-style-type: none"> (a) Contain a requirement that residential development is not permitted until land is adequately serviced (b) No contain provisions which will reduce the permissible residential density of land. 	<p>The proposal is consistent with this requirement and only seeks to permit advertising on bus shelters and communications panels as exempt development and will not reduce the permissible residential density of land. The proposal does not contain a provision which is contrary to this direction.</p>

3.2 Site Specific Merit

The proposal is considered to have site-specific merit when considered against the criteria detailed in the *Local Environmental Plan Making Guidelines* as detailed below.

Section C – Environmental, social and economic impact

*Planning proposal – Exempt provisions for Council advertising***8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

This Planning proposal would not have any adverse impacts on threatened species, populations or ecological communities.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Yes. There are potential impacts as advertising on bus shelters and communications panels may be distracting to vehicular traffic on main roads. These potential impacts will be managed in accordance with the Transport Corridor Outdoor Advertising Signage Guidelines.

Furthermore, in response to feedback provide by the WLPP, draft provisions have been included to ensure council communications panel advertising.

- only occurs in appropriate zones as specified,
- does not conflict with other uses in the public domain, including pedestrians, outdoor dining and accessibility requirements,
- does not hinder sightlines.

10. Has the planning proposal adequately addressed any social and economic effects?

No adverse economic or social impact is anticipated.

Section D – Infrastructure (Local, State and Commonwealth)**11. Is there adequate public infrastructure for the planning proposal?**

This consideration is not applicable to the Planning proposal.

Section E – State and Commonwealth Interests**12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Not applicable at this stage. This section will be completed following consultation with public authorities identified in the gateway determination.

PART 4 – MAPPING

No mapping is required for this change to the WLEP.

PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a display on Council's Have Your Say website. The Gateway Determination will specify the level of public consultation that must be undertaken in relation to the planning proposal. Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the Gateway Determination for the proposal. The Planning Proposal Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing (if required).

PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to the WLEP will be completed by May 2024.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

Table 4 – Indicative Project Timeline

Tasks	Timeframe and/or date
Report to WLPP	August 2023
Consideration by Council	December 2023.
Gateway Determination	December 2023 - February 2024.
Pre-exhibition	February 2024.
Public Exhibition	February 2024
Consideration of submissions	March 2024
Post-exhibition Review	March 2024
Submission to the Department for finalisation (where applicable)	April 2024
Gazettal of LEP amendment	May 2024

APPENDIX A – Minutes of the Local Planning Panel

The Panel advises:

1. It is recommended that Council inform itself of the environmental, social and economic impacts the bus shelter advertising and communication panels have had on other LGAs such as City of Sydney. The Panel notes that Woollahra Council exempt provisions relate to bus shelter signage only.
2. Council to confirm that the prohibition of advertising signage across the relevant Zones does not preclude the carrying out of exempt development as contemplated by the Planning Proposal.
3. That the Planning Proposal include further details of public benefit.
4. That the following themes be further considered:
 - o Size restrictions
 - o Access requirements for outdoor dining, access for people with disabilities
 - o Separation distance to avoid clustering and limit the number to avoid proliferation
 - o Locations to avoid hindering sight lines

The Panel is unable to address the site specific and strategic merit of the Planning Proposal given the lack of information regarding exactly where the stand alone communication panels will be located. The Panel considers signage on bus shelters to be acceptable but has concerns about identifying stand alone communication panels as exempt development.

Furthermore, the Panel advises Council to consider the following changes to the explanation of provisions in the Planning Proposal [in bold and italics]:

Signage—bus shelter advertising

1. *Must ~~either~~ not extend ~~beyond~~ more than 5m ~~10m~~ from the perimeter of a bus shelter.*
2. *Must not contain flashing or neon signage.*
3. *Must not be located on land that comprises a heritage item.*
4. *Must not be located in a heritage conservation area excluding shelters with a frontage on the following -*
 - (a) *Birrell Street*
 - (b) *Blair Street*
 - (c) *Bondi Road*
 - (d) *Bronte Road*
 - (e) *Campbell Parade*
 - (f) *Macpherson Street*
 - (g) *Oxford Street.*
5. *Must be erected by, or on behalf of, Council.*



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2023-2752): *planning proposal to amend Schedule 2 of the Waverley Local Environmental Plan 2012 to permit Council to develop bus shelter advertising and communication panels as exempt development.*

I, the Manager, Place and Infrastructure at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Waverley Local Environmental Plan 2012 to amend Schedule 2 to permit Council to develop bus shelter advertising and communication panels as exempt development should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

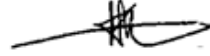
- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 8 November 2024.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. Consultation is required with Transport for NSW under section 3.34(2)(d) of the Act. Transport for NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 18 January 2024



Kelly McKellar
Manager, Eastern and South Districts
Metro Easter and South
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

PP-2023-2752 (IRF24/62)

REPORT

CM/7.12/24.04



Subject: Planning Agreement - 140-142 Curlewis Street, Bondi Beach

TRIM No: SF24/314

Manager: George Bramis, Executive Manager, Urban Planning

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Approves the planning agreement attached to the report applying to land at 140-142 Curlewis Street, Bondi Beach, offering a total monetary contribution of \$731,000, with \$548,250 (75%) to be allocated to the Curlewis Street Streetscape Upgrade and \$182,750 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

1. Executive Summary

This report seeks Council's approval to execute the attached draft planning agreement associated with the approved development application DA- 355/2021/A at 140-142 Curlewis Street, Bondi Beach. The application was approved as follows:

Table 1. Approval details.

Item	Approved DA-355/2021/A
Development description	The proposed development comprises demolition of buildings and construction of a new 4-storey shop top housing building with retail at ground, residential units above, basement parking and modification to provide one additional unit and expand an approved unit at the uppermost level and consolidate plant
Maximum permissible GFA and FSR	2334 sqm GFA, equating to an FSR of 2:1
Approved GFA and FSR under DA-355/2021/A	2504 sqm GFA, equating to an FSR of 2.14:1, resulting in the modified development exceeding the permissible GFA by 7%.

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

2. Introduction/Background

The draft planning agreement offers a total monetary contribution of \$731,000 in accordance with Council's Planning Agreement Policy.

3. Relevant Council Resolutions

Nil.

4. Discussion

Planning agreement's monetary contribution to a public purpose

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The draft planning agreement offers a total monetary contribution of \$731,000, with \$548,250 (75%) to be allocated to the Curlewis Street Streetscape Upgrade and \$182,750 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.

The contribution is expected to support infrastructure improvements within Bondi Beach and affordable housing across the local government area. The decision to allocate funding is based on a review of feedback received from consultation to confirm community needs and wants and target additional funding to maximise benefit to the community.

Public exhibition of the draft planning agreement

The draft planning agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft planning agreement and explanatory note were exhibited from 21 February 2024 to 22 March 2024, and included:

- Advertising on Council's Have Your Say (HYS) website.
- Email notice to Precincts and Councillors
- Feature in HYS newsletter.

Submissions

Four submissions were received during the exhibition period:

- Two submissions were supportive of the planning agreement, mentioning a need for more housing as well as support for funding going towards a new cycleway.
- One submission was critical of the agreement, stating that the allocation should be reversed (75% for affordable housing and 25% for streetscape upgrades).
- One submission commented on the built form of the development, which is not relevant to this exhibition as the development application has been approved. The submission then commented that the contribution amount is insufficient compensation. The submission also requests that Council includes 'serious tree canopy', stressing the need for shade and green space. This request aligns with the proposed allocation of the monetary contribution.

5. Financial impact statement/Time frame/Consultation

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$731,000, in accordance with Council's Planning Agreement Policy 2014. Payment would be prior to the issue of any occupation certificate for the development.

6. Conclusion

The draft planning agreement has been placed on exhibition in accordance with section 7.5 of the EP&A Act. It is recommended that Council approves the planning agreement.

7. Attachments

1. Planning agreement [↓](#) .

WAVERLEY COUNCIL

(Council)

AND

**HSN PROPERTY GROUP PTY LTD
(ACN 632 854 810)**

(Developer)

AND

**CURLEWIS INVESTMENT BY HSN PTY LTD
(ACN 646 316 396)**

**CURLEWIS ST BONDI PTY LTD
(ACN 646 270 662)**

(Landowner)

PLANNING AGREEMENT

(Development Contribution)

**WAVERLEY COUNCIL
Council Chambers
Cnr Bondi Road & Paul Street
BONDI JUNCTION NSW 2022
DX 12006 BONDI JUNCTION
Phone: 02 9083 8000
Facsimile: 02 9387 1820**

23.01.24:aim:p2024_0435_9901659_002.docx

PLANNING AGREEMENT NO. _____***Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2024

PARTIES

WAVERLEY COUNCIL of Cnr Paul Street and Bondi Road, Bondi Junction NSW 2022
ABN 12 502 583 608 ("**Council**")

AND

HSN PROPERTY GROUP PTY LTD (ACN 632 854 810) of Level 2, 59 Wentworth Avenue,
Kingston ACT 2604 ("**Developer**")

AND

CURLEWIS INVESTMENT BY HSN PTY LTD (ACN 646 316 396) of Level 2, 59 Wentworth
Avenue, Kingston ACT 2604

CURLEWIS ST BONDI PTY LTD (ACN 646 270 662) of Level 12, 167 Hastings Parade, North
Bondi NSW 2026 ("**Landowner**")

BACKGROUND/RECITALS

- A.** The Developer is the Applicant in respect of the Development Application.
- B.** Curlewis Investment By HSN Pty Ltd (ACN 646 316 396) and Curlewis St Bondi Pty Ltd (ACN 646 270 662) are the registered proprietors of the Land as tenants in common in equal shares, herein collectively referred to as the Landowner.
- C.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- D.** On 3 September 2021 the Developer made a development application, DA-355/2021, to Council for development consent to carry out development on the Land. Development consent was granted on 25 May 2022.

- E. On 4 October 2022 the Developer made Development Application DA-355/2021/A to Council to modify development consent, DA-355/2021.
- F. On 29 March 2023 the Developer made an offer, with the consent and agreement of the Landowner, to enter into this Agreement to make the Development Contribution to be applied towards a public purpose in accordance with Council's Planning Agreement Policy.
- G. The Development Consent was granted on 17 April 2023.
- H. This Agreement is consistent with the Developer's offer referred to in Recital F.

OPERATIVE PROVISIONS:

1 PLANNING AGREEMENT UNDER THE ACT

The parties agree that this Agreement is a planning agreement governed by Section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the Development proposed in the Development Application, as may be modified.

3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as possible after the Development Consent is granted and prior to any Construction Certificate issuing for the Development.

4 DEFINITIONS AND INTERPRETATION

4.1 Definitions

In this Agreement unless the context otherwise requires:

"Act" means the *Environmental Planning and Assessment Act 1979* (NSW);

"Agreement" means this agreement;

"Bank Guarantee" means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Development Contribution amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

"Business Day" means a day that is not a Saturday, Sunday or public holiday, on which banks are open for general services in Sydney, New South Wales;

“Caveat Form” means an irrevocable authority to Waverley Council to register and maintain a caveat on the Land, in a form acceptable to Council and executed by the Landowner, or such other form of owner’s consent to caveat as may be required by Council;

“Certifying Authority” means any accredited private certifier including where appropriate, a Principal Certifying Authority (PCA) appointed or to be appointed to certify the Development or any aspect of it;

“Council” means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Land is located within;

“Construction Certificate” means any construction certificate as referred to in s 6.4 of the Act in respect to the Development;

“Development” means the development the subject of the Development Application described in item 4 of the Schedule;

“Development Application” means the development application referred to in item 3 of the Schedule;

“Development Consent” means the development consent granted in respect of the Development Application described in item 3 of the Schedule;

“Development Contribution” means the amount of money referred to in item 5 of the Schedule;

“Development Contribution Date” means the time the Development Contribution is to be paid as specified to in item 7 of the Schedule;

“GST” has the same meaning as in the GST Law;

“GST Law” has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

“Land” means the land described in item 2 of the Schedule and any consolidation or subdivision thereof;

“Landowner” means the registered proprietor(s) of the Land;

“Occupation Certificate” means any occupation certificate as referred to in s 6.4 of the Act in respect to the Development;

“Party” means a party to this Agreement including their successors and assigns;

“Public Purpose” for the purpose of this Agreement means the public purpose described in item 6 of the Schedule;

“Registration Application” means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

“Schedule” means the schedule to this Agreement.

4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT

- 5.1 The Developer and Landowner agree to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer and Landowner must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.

6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

7 APPLICATION OF S7.11 AND S7.12 OF THE ACT TO THE DEVELOPMENT

- 7.1 This Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the Development.
- 7.2 The Development Contribution to be paid under this Agreement will not be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.

8 REGISTRATION OF THIS AGREEMENT

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer and Landowner warrant that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer and Landowner warrant that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
 - (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
 - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Within 14 days of entering into this Agreement and in any event prior to the issue of a Construction Certificate for the Development, the Developer and Landowner will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
 - (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the Landowner and any other person the subject of the warranty in clause 8.3;

- (b) provide the Council with a cheque in favour of NSW Land Registry Services, NSW for the registration fees for registration of this Agreement;
 - (c) provide the Council with a cheque in favour of the Council for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and
 - (d) and take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate for the Development.
- 8.5 Upon compliance with clause 8.4 by the Developer and Landowner the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution, the Developer and Landowner may request in writing the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer and Landowner pay all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution occur upon the date of this Agreement and prior to issue of a Construction Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.
- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

9 BANK GUARANTEE

9.1 Provision of Bank Guarantee

- (a) Subject to clause 8.8, prior to the issue of a Construction Certificate for the Development, the Developer and Landowner must deliver to the Council a Bank Guarantee, which must be:
 - (i) in a form and from an institution approved by the Council;
 - (ii) irrevocable and unconditional;
 - (iii) with no expiry date;
 - (iv) issued in favour of the Council;
 - (v) for an amount equivalent to the Development Contribution set out in Item 5 of the Schedule;

(vi) drafted to cover all of the Developer and Landowner's obligations under this Agreement; and

(vii) on the terms otherwise satisfactory to the Council.

- (b) The Developer and Landowner acknowledge that the Council enters into this Agreement in consideration of the Developer and Landowner providing the Bank Guarantee as a security for the performance of all of the Developer and Landowner's obligations under this Agreement, including without limitation the delivery of the Development Contribution to Council in accordance with this Agreement.

9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer and/or Landowner:
- (i) fail to make a payment of any part of the Development Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
 - (ii) breach any other term or condition of this Agreement,
- and fail to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer and Landowner's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer and Landowner's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer and Landowner will be required to pay to the Council any outstanding balance of the Development Contribution and other amounts payable under this Agreement.

9.3 Return of Bank Guarantee

Subject to clause 9.2, provided that the Developer and Landowner have complied with their obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer or Landowner.

10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

11 DISPUTE RESOLUTION

11.1 Notice of dispute

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

11.2 Response to notice

Within ten business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 The nominated representative must:

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 Further notice if not settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (ii) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must:
 - (a) Have reasonable qualifications and practical experience in the area of disputes; and
 - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or

duty before his appointment;

- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (vii) In relation to costs and expenses
 - (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
 - (a) Agreed upon and appointed jointly by the Council and the Developer and Landowner; or
 - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party,

in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

11.7 **Litigation**

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

11.8 **Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

12 **ENFORCEMENT**

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer or Landowner) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued and the Developer and Landowner must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement; and
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid;
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer and Landowner acknowledge and agree that:

- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council;
- (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a)), until the Development Contribution and any other monies due to Council under

this Agreement are paid in full to Council;

- (d) unless the Development Contribution is paid to Council upon entering into this Agreement, the Landowner shall provide Council with the Caveat Form; and
- (e) Upon payment of the Development Contribution, Landowner may request in writing the removal of the caveat from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer and Landowner pay all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.

13 NOTICES

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that Party at its address set out below in Item 8 of the Schedule;
 - (b) faxed to that Party at its fax number set out below in Item 8 of the Schedule;
 - (c) emailed to that Party at its email address set out below in Item 8 of the Schedule.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address, fax number or email address.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
 - (b) If it is sent by post, 2 business days after it is posted.
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
 - (d) If delivered by email, when received by the recipient's email server, unless the sender receives an automated notice that delivery has failed.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14 APPROVALS AND CONSENT

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that

Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 ASSIGNMENT AND DEALINGS

Until the Development Contribution is paid in full, the Landowner cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so.

16 COSTS

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer and Landowner. The Developer and Landowner shall be responsible to pay their own costs and any stamp duty arising from this Agreement or its preparation.

17 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 NON FETTER

The Developer and Landowner acknowledge and agree that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer or Landowner's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

22 REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

23 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

25 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

26 GOODS & SERVICES TAX

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

27 EXECUTION IN TRIPLICATE

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the Act. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	HSN PROPERTY GROUP PTY LTD (ACN 632 854 810)
	Landowner	CURLEWIS INVESTMENT BY HSN PTY LTD (ACN 646 316 396) CURLEWIS ST BONDI PTY LTD (ACN 646 270 662)
2	Land	140 – 142 Curlewis Street, Bondi Beach NSW 2026 (1 – 8 in SP 31173 and CP/SP 31173 and 2/3/747)
3	Development Application	DA 355/2021/A
4	Development (description)	Demolition of buildings and construction of a new 4-storey shop top housing building with retail at ground, residential units above, basement parking and modification to provide one additional unit and expand an approved unit at the uppermost level and consolidate plant
5	Development Contribution	\$731,000
6	Public Purpose	Waverley Affordable Housing Program (25%) and Curlewis Street Streetscape Upgrade (75%)
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development
8	Developer and Landowner Address	Suite 2, Level 1, 10-12 Elizabeth St Paddington NSW 2021

Developer and Landowner Fax	N/a
Developer and Landowner Email	rafi@hsnpropertygroup.com.au
Council Address	Corner Paul Street and Bondi Road, Bondi Junction NSW 2022
Council Fax	(02) 9387 1820
Council Email	info@waverley.nsw.gov.au

DRAFT

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council
affixed pursuant to a resolution of Waverley Council on**

EMILY SCOTT

General Manager

CLR PAULA MASSELOS

Mayor

EXECUTED by

HSN PROPERTY GROUP PTY LTD

(ACN 632 854 810)

In accordance with section 127 of the
Corporations Act 2001

RAFFI ASSOULINE

Sole Director/Secretary

EXECUTED by
CURLEWIS INVESTMENT BY HSN PTY LTD
(ACN 646 316 396)

In accordance with section 127 of the
Corporations Act 2001

RAFI ASSOULINE
Sole Director/Secretary

EXECUTED by
CURLEWIS ST BONDI PTY LTD
(ACN 646 270 662)

In accordance with section 127 of the
Corporations Act 2001

NICHOLAS DAVID MOLNAR
Director

GABRIELLE MEGAN MOLNAR
Director

REPORT
CM/7.13/24.04

Subject: NSW Beachwatch Program

TRIM No: A02/0123

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Supports the NSW Beachwatch Program as a fully funded State program without shifting costs to Sydney coastal councils.
2. Supports the Sydney Coastal Councils Group in its advocacy on this matter.
3. Informs the NSW Government that Council has not allocated funds to pay for the Beachwatch Program in its 2024–25 budget.

1. Executive Summary

This report recommends that Council continues opposition to the proposed changes to funding of the NSW Beachwatch Program and objects to the cost-shifting of this activity from the State Government to local government. It also seeks approval to support the Sydney Coastal Councils Group (SCCG) and its advocacy on this matter. The group is scheduled to meet with the NSW Government on this issue.

2. Introduction/Background

The NSW Government Beachwatch Program has undertaken a comprehensive water quality monitoring at Sydney's beaches since 1989. In December 2023, the NSW Department of Planning and Environment (now known as the Department of Climate Change, Energy, the Environment and Water) wrote to Council and all other Sydney councils proposing a fee for service model to continue the Beachwatch program.

On 8 February 2024, the Mayor wrote to the Minister for the Environment objecting to the proposal to shift the cost from the NSW Government to Council and other Sydney councils.

3. Relevant Council Resolutions

Nil.

4. Discussion

The NSW Beachwatch Program currently monitors three locations in the Waverley local government area: Bronte, Tamarama and Bondi Beach. These results are then reported frequently on the Beachwatch website and annual reports are produced.

In the [2022-23 State of the Beaches Report](#), all three of Council's beaches received an overall 'good' rating. The Department of Planning, Housing and Infrastructure proposed three different options to Waverley Council to resource the Beachwatch service as summarised in the table below.

Table 1. Options to resource Beachwatch.

Option	Description	Payment to NSW Government requested	Cost to Council to implement
1	Council collect water samples for three beaches and test and analyse water data. DPE prepare Beachwatch reports.	\$0	Staff collection cost ~\$21,000 plus laboratory costs of ~\$14,000 = \$35,000
2	Council collect water samples for three beaches and send to DPE lab for analysis. DPE prepare Beachwatch reports.	\$4,231 for 1 year.	Laboratory costs of around \$14,000
3	Full DPE service. DPE undertake sampling, testing, analysis and reporting.	\$19,402 for 1 year	0

The table above outlines the fee and resourcing options proposed by the NSW Government for Council to contribute to the Beachwatch Program. Options 1 and 2 propose that Council undertake the water sampling collection. For Option 1, the laboratory costs would also be covered by Council. Estimates of these costs are shown in the above table in the last column.

Council currently has a target of a 'good' rating for Bronte, Tamarama and Bondi Beaches and uses the independent Beachwatch report as the rating.

Sydney Coastal Councils Group has commenced advocacy on this issue and their letter to the NSW Government Minister is attached to this report.

5. Financial impact statement/Time frame/Consultation

Council has ambitious environmental targets that are aimed to be achieved through environmental programs outlined in the Environmental Action Plan – 2022-2032. In addition, Council improves water quality at our beaches via stormwater quality improvement devices such as gross pollutant traps (GPTs) and raingardens, which require a significant budget to manage. The proposed cost shifting of this service is not reflected in the draft 2024-25 budget.

6. Conclusion

It is recommended that Council supports the continuation of the Beachwatch program and objects to the proposal to shift the cost of this on to local government in Sydney.

7. Attachments

1. SCCG letter to Minister - 8 March 2024 [↓](#) .

SYDNEY COASTAL COUNCILS GROUP Inc.
PO Box 999, Manly NSW 1655
Email: info@sydneycoastalcouncils.com.au
Web: www.sydneycoastalcouncils.com.au
ABN: 39 638 876 538



Reference: 002-24
DCCEEW Ref: CM9: SF23/120790

8 March 2024

The Hon. Penny Sharpe MLC
Minister for the Environment
52 Martin Place
SYDNEY NSW 2000

cc. Minister for Water

Dear Minister

Re: Proposed changes to NSW Beachwatch Program

The Sydney Coastal Councils Group (SCCG) writes to you in response to a letter from the Department of Planning and Environment (now Department of Climate Change, Energy, the Environment and Water) of 8 December 2023 regarding the future of the NSW Beachwatch program. The SCCG and its individual member councils are disappointed and concerned with the proposed change to now require councils in the Sydney region to pay for the program.

We seek your urgent attention to this unwelcome shifting of costs to local government for a service that benefits the NSW community and the national and international tourism industry and which should remain a state responsibility. SCCG has the following specific concerns.

1 Lack of consultation with coastal councils and recognition of budgetary cycles

Our member councils were not consulted on the proposed change and given no forewarning prior to receiving letters in December 2023. Although a strategic document '[Beachwatch 2022-32 – Our vision for the future](#)' was released in 2022 which stated that the Beachwatch program would be expanded across NSW it does not mention that this will be done by requiring councils in the Sydney region to financially contribute. No consultation occurred with our member councils on this document.

In addition, your department failed to recognise the budgetary cycles of councils. The budgets of the majority of councils are set by December prior to the next financial year. Councils have not made any allowance for providing Beachwatch services in the 2024/25 financial year

2 Unclear rationale for decision

From our meetings with staff from Department of Planning and Environment (DPE) and Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 19 December 2023 and 31 January 2024, we are led to believe that the decision to have Sydney coastal councils pay for the NSW Beachwatch program was made by previous state government on the basis of findings from an independent assurance review of the program in 2021.



Selected statements from the independent assurance review are quoted in the 'Beachwatch 2022-32 – Our vision for the future' document. We were told, however, that the review is not publicly available and cannot be made available under the provisions of the *Government Information (Public Access) Act 2009*.

We therefore question the rationale for the decision and strongly disapprove of the lack of transparency.

3 No legal obligation for council councils to undertake water quality monitoring of beaches and ocean pools

The SCCG is disappointed that the NSW Government has assumed that the Beachwatch program should rest with Sydney councils when there is no legal basis for this assumption. We are mystified that the government has not sought its own legal advice as confirmed to us at our meeting with DCCEE staff on 31 January 2024.

The Office of Local Government (OLG) has confirmed that the *Local Government Act 1993* and specifically the OLG's [Practice Note 15 - Water Safety](#) does not obligate councils to undertake water quality monitoring for public health and safety. There is no other legislation under which councils are obliged to undertake water quality monitoring for public safety.

From a liability perspective, the key issue is control and management. Councils have no control or management over the land or waterbodies below mean high water where Beachwatch monitoring is conducted. Councils also have no control over or management of sewers which, as discussed below, are the primary source of bacteriological contamination of waterways. Like other water safety activities such as shark mitigation, this responsibility rests with state agencies.

Even where councils have control and management of ocean pools, the council cannot be responsible for monitoring water quality when the contaminant source is out of the council's control. The *Public Health Act 2010* imposes no obligations for water quality monitoring in ocean pools, given ocean pools are filled with untreated ocean water and do not have circulation systems.

4 Sydney Water responsibility for monitoring

Research conducted by the University of Technology Sydney has confirmed that sewage is the primary source of bacteriological contamination in our coastal waterways¹. Given Sydney Water's responsibility for the sewerage system, including sewer overflows, SCCG believes that Sydney Water has a significant role to play in monitoring water quality for public health and safety beyond what is currently required of Sydney Water under its operating licence and environmental protection licences.

It should be noted that the situation in Sydney differs from non-metropolitan coastal areas where councils act as sewerage service providers and have responsibility for providing clean and safe waterways. It is therefore not appropriate to justify the Beachwatch program becoming an equitable model across councils in NSW when Sydney councils do not have a responsibility for the sewage and sewerage infrastructure that is the primary cause of poor water quality ratings.

We understand that Sydney Water has not been approached to discuss what responsibility and role it may have for water quality monitoring at swim sites. We believe this is a significant oversight.

¹ Refer to [Williams et al 2022, 'Molecular microbiological approaches reduce ambiguity about the sources of faecal pollution and identify microbial hazards within an urbanised coastal environment'](#)



5 Financial impost on coastal councils to the detriment of local ratepayers

The proposed quotes from the NSW Government for providing Beachwatch services represent a significant financial impost on the majority of our member councils. Our councils are already grappling with increasing community demand for services, constrained budgets and other forms of cost-shifting.

Councils with a greater number of Beachwatch sites like Northern Beaches, Sutherland Shire, Randwick and Waverley Councils, are disproportionately affected by the proposed change. It is considered unfair for these councils to fund a service for internationally recognised beaches such as Manly, Bondi, Coogee and Cronulla beaches that are enjoyed by local communities and visitors alike, to the detriment of services provided to their own local communities.

6 NSW Coastal and Estuaries Grants Program funding for monitoring not appropriate or guaranteed

The DPE letter identifies that funding assistance for councils to pay for monitoring may be available through the NSW Coastal and Estuaries Grants Program. This is dependent on monitoring being listed as an approved action within a certified coastal management program (CMP), however, the majority of our member councils are at least three years away from completing their CMPs.

More importantly, it is not appropriate for councils to attempt to obtain funding for ongoing long-term monitoring using an annual grants program. Discussions with DCCEE staff indicate it is unlikely that the ongoing monitoring will be eligible for grant funding based on current grant guidelines.

7 Risk of compromising the integrity of NSW Beachwatch Program

The Beachwatch Program's success has been built on the expertise and impartiality of its monitoring activities. It is imperative that the program remains independent and free from any external influences, especially financial ones.

By requiring local councils to fund the monitoring, there is a risk that the program's integrity may be compromised or questioned. For instance, council staff undertaking the testing could face issues around conflicts of interest, lack of training, quality control, chain of custody, auditing, etc. This may lead to the community questioning the reliability of the program.

8 Recommendations

In light of the above, we strongly urge you to:

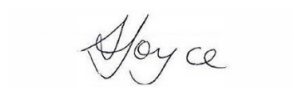
1. Maintain the NSW Beachwatch Program as a fully-funded state program without shifting costs to Sydney coastal councils
2. In consultation with the Minister for Water, consider Sydney Water's role in monitoring at Beachwatch sites
3. Release the 2021 independent audit review of the NSW Beachwatch Program

We would welcome the opportunity to discuss our concerns and recommendations with you in person.



In the meantime, if you have any queries, please do not hesitate to contact me on 0407 733 075 or at executiveofficer@sydneycoastalcouncils.com.au.

Yours sincerely



Sarah Joyce
SCCG Executive Officer



REPORT
CM/7.14/24.04

Subject: Floodplain Management Committee - Terms of Reference
- Review

TRIM No: A23/0567

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Rescinds the constitution of the Floodplain Management Committee attached to the report (Attachment 1).
2. Adopts the terms of reference for the Committee attached to the report (Attachment 2).
3. Notes that the Mayor and Crs Fabiano and Kay have been appointed as the Councillor members of the Committee up to and including 13 September 2024.
4. Appoints the Mayor as chair of the Committee and Cr [INSERT NAME] as deputy chair.
5. Notes that the Combined Precincts have appointed Peter Quartly (North Bondi Precinct) and Lynne Cossar (Bondi Precinct) as the Precinct representatives on the Committee.

1. Executive Summary

The Floodplain Management Committee was created in 2018 for the term of the Waverley Local Government Area (LGA) Flood Study and has not met since the Flood Study was approved by Council in April 2021. On 12 September 2023, Council reinstated the Committee.

It is proposed for the purpose of consistency and clarity that Council rescinds the Committee's constitution and adopts updated terms of reference in line with Council's other committees.

This report therefore seeks Council approval for the adoption of the updated Floodplain Management Committee terms of reference, and the appointment of the Mayor as chair and a Councillor as deputy chair (to be determined at the Council meeting) of the Committee, as outlined in this report.

2. Introduction/Background

The Floodplain Management Committee was established in 2018 to assist Council in the development and implementation of floodplain management studies and plans. Committee membership comprised Councillors, community representatives, Council staff and State Government representatives. The Committee provided advice to Council and made recommendations on flooding-related policies and objectives as well as the implementation of the floodplain management process. The Waverley LGA Flood Study was endorsed by Council in April 2021 and the Committee has not met since then.

On 12 September 2023, Council resolved to reinstate the Floodplain Management Committee and call for an expression of interest for up to four community representatives to be appointed to the Committee for a two-year term. The community representatives were appointed at the Finance, Operations and Community Services Committee on 5 December 2023.

In January 2024 Council engaged Kellogg Brown & Root Pty Ltd to execute the next stage of the floodplain management process, the Flood Risk Management Study and Plan for the LGA and the 12 hotspot areas identified in the 2021 LGA-wide Flood Study.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 5 December 2023	FC/5.4/23.12	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats the attachments to the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as they relate to a matter specified in section 10A(2)(e) of the <i>Local Government Act 1993</i>. The attachments contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. 2. Appoints the following individuals to the Floodplain Management Committee for a term of up to two years from December 2023: <ol style="list-style-type: none"> (a) Robert McLellan. (b) Sharon Labi. (c) Jack Kilavuz. (d) Douglas Fletcher. 3. Appoints David Lesmond and Adam Richards as alternate voting members and allows them to attend meetings. 4. Notes that the two Precinct representatives on the Committee will be appointed at the Combined Precincts meeting on 7 December 2023.
Council 12 September 2023	CM/7.3/23.09	<p>That Council:</p> <ol style="list-style-type: none"> 1. Reinstates the Floodplain Management Committee. 2. Adopts the Terms of Reference for the Floodplain Management Committee attached to the report, subject to the following amendments: <ol style="list-style-type: none"> (a) Page 48 of the agenda, section 4, 'Principles', clause 4.5 – Amend to read as follows: 'The Committee and its members will continuously

		<p>identify opportunities for the improvement of the operation of the Committee and may, as a result, recommend an update to these Terms of Reference.'</p> <p>(b) Page 49 of the agenda, section 5, 'Decision-making' – Add the following: 'The minutes of the Committee are to be circulated to the Committee within 10 business days of the meeting and then submitted to Council for noting.'</p> <p>(c) Page 50 of the agenda, section 11, 'Membership' – Amend the number of Council staff from six to four.</p> <p>(d) Minor grammatical corrections, which can be undertaken as an administrative update.</p> <p>3. Notes that the Floodplain Management Committee Constitution was adopted by Council in August 2018.</p> <p>4. Notes that the fourth dot point on page 46 of the agenda has been included in error, as the nomination of the Chair is covered by the Constitution for the Committee and there is therefore no proposed update to the Terms of Reference.</p> <p>5. Appoints the Mayor and Crs Fabiano and Kay to the Committee up to and including 13 September 2024.</p> <p>6. Calls for expressions of interest for up to four community representatives to be appointed to the Committee for a two-year term.</p>
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4. Discussion

Officers have reviewed the terms of reference of the Floodplain Management Committee in conjunction with the constitution and recommend for the purpose of consistency and clarity that Council:

- Rescinds the constitution of the Committee (Attachment 1).
- Adopts updated terms of reference for the Committee (Attachment 2) in line with Council's other committees and to incorporate provisions from the constitution.
- Appoints the Mayor as chair and another Councillor member as deputy chair.

The main change to the terms of reference is the appointment of the chair and deputy chair of the Committee. This is to be consistent with Council's other committees.

Further updates/changes are considered minor and have been highlighted in the terms of reference. These changes do not have a material impact on the intent and function of the Committee.

5. Financial impact statement

Council has received financial support from the State Floodplain Management Program, managed by the Environment and Heritage Group (EHG) of Department of Planning and Environment, to undertake a Flood Risk Management Study and Plan.

There is \$148,200 grant funding towards the project and the remainder of the cost will be covered by the Strategic Asset Management Plan.

Consultation

Council officers are working closely with the consultant to develop and provide a final draft of the communications and engagement plan for the Floodplain Risk Management Study and Plan by the end of April.

Time frame

The first Floodplain Management Committee for the Floodplain Risk Management Study and Plan will be held on 18 April 2024.

6. Conclusion

This report recommends that Council adopts the updated Floodplain Management Committee terms of reference and rescinds the existing constitution. To bring the Floodplain Management Committee in line with other Council committees, it is also recommended that the Mayor be appointed as chair and a Councillor member of the Committee be appointed as deputy chair.

7. Attachments

1. Flood Management Committee - Constitution - [↓](#)
2. Floodplain Management Committee - Terms of Reference [↓](#) .



CONSTITUTION

WAVERLEY COUNCIL FLOODPLAIN MANAGEMENT COMMITTEE

1. Name

This Committee shall be called the Waverley Council Floodplain Management Committee.

2. Term of Office

Membership shall commence on the day of appointment as a Committee Member.

Membership will be determined in accordance with the Terms of Reference for the Waverley Council Floodplain Management Committee.

3. Office Bearers

The Committee shall be chaired by an elected representative of Waverley Council.

At the first meeting of the Committee, a Chairperson shall be elected.

4. Duties of Chairperson

Generally speaking, the Chairperson is responsible for guiding and controlling the meeting, ensuring that the decisions that need to be made occur and that debate is fair and reasonable.

In the absence of the Chairperson, a member of the Committee may be elected to Chair the meeting by the members present.

5. Staff

Waverley Council Floodplain Management Committee does not have the power to appoint staff.

The General Manager of Council will appoint staff to service the Committee. Unless otherwise determined by Council, appropriate staff must be present at any meeting of the Committee for the meeting to be valid.

Secretarial support for the Committee will be provided by Council staff.

6. Presence at a meeting

A member of the Committee cannot participate in a meeting of a Committee unless personally present at the meeting.

7. Minutes

The Waverley Council Floodplain Management Committee shall cause Minutes to be kept of all its meetings.

8. Meetings

Meetings of the Waverley Council Floodplain Management Committee shall be held as required to undertake the business of the Committee.

At least five working days notice in writing shall be given to all members of every meeting of the Waverley Council Floodplain Management Committee. This notice shall include the agenda for the meeting.

9. Quorum

The quorum for a meeting of the Committee shall be a simple majority of the members of the Committee who hold office for the time being and are not otherwise disentitled from voting for whatever reason.

10. Voting and voting entitlements

Each member of the Committee is entitled to one vote, with no proxies being accepted.

At any meeting of the Waverley Council Floodplain Management Committee, the Chairperson, in addition to their primary vote shall, in the event of equality of votes, have a casting vote.

11. Decisions

A decision of an advisory Committee is a recommendation to Council.

12. Correspondence

Except as otherwise permitted by the General Manager, the Committee shall not correspond with any outside person or body except through the General Manager.

13. Alteration of Constitution and Rules

No alteration shall be made to the Constitution of the Waverley Council Floodplain Management Committee except by the resolution of a majority of delegates present at the meeting of which five (5) working days written notice of the proposed alteration shall have been given to all members.



WAVERLEY
COUNCIL

Floodplain Management Committee Terms of Reference

Floodplain Management Committee Terms of Reference

Policy owner	Executive Manager, Infrastructure Services
Approved by	Council
Date approved	
TRIM reference	D24/029853
Next revision date	
Relevant legislation	
Related policies/procedures/guidelines	Council's Code of Conduct Part 7 of Council's Code of Conduct for Council Committee Members and Other Council Officials. Council's Code of Meeting Practice
Related forms	

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1. Name

The Committee shall be known as the Floodplain Management Committee.

2. Objectives

The objective of the Committee is to oversee the implementation of the State Government's Flood Prone Land Policy in entire area of Waverley Council. That is:

To reduce the impact of flooding and flood damages on individual owners and occupiers of land.

To reduce private and public losses resulting from flooding.

To ensure that flood liable land is recognized as a valuable resource.

To utilize environmentally positive methods wherever possible.

3. Strategies

The strategies that are to be employed by the Committee to meet the objectives are:

- 3.1 Commission Flood Studies or build on existing studies.
- 3.2 Define Hydraulic and Hazard Categories
- 3.3 Determine Management options via Floodplain Management Studies.
- 3.4 Develop and update a Floodplain Management Plan.
- 3.5 Establish development control options.

4. Principles

This Committee will operate under the following guiding principles:

- 4.1 The Committee will work in partnership with Council and other community and government organisations while working within the bounds of the above objectives and the roles and responsibilities referred to below.
- 4.2 The Committee and its members will actively liaise with the local community and council and will regularly communicate its activities and decisions to council.
- 4.3 The Committee will form a view on matters before it and shall respond in a timely manner. In those instances where requests for comment are made by Council, the Committee can request the Council to incorporate such views into council reports being prepared on the subject.
- 4.4 The Committee and its members will seek to reach a consensus position on all issues and matters dealt with by the Committee.
- 4.5 The Committee and its members will continuously identify opportunities for the improvement of the operation of the Committee and may, as a result, recommend an update to these Terms of Reference.

5. Decision - making

The Committee shall be an advisory body, operating on a consensus basis, which submits recommendations for consideration by Waverley Council.

Where formal voting is required, each member of the Committee shall have one vote, **with no proxies being accepted**. In the event of an equality of votes the Chairperson shall have a casting vote.

The minutes of the Floodplain Management Committee are to be circulated to the Committee within 10 business days of the meeting and then submitted to Council for noting.

The Waverley Council Floodplain Management Committee shall cause Minutes to be kept of all its meetings.

6. Council's Code of Conduct

Committee members agree to abide by Council's adopted Code of Conduct a copy of which will be provided to all Committee members.

7. Values

Committee members agree to abide by Council's adopted values, which are as follows:

- Care
- Respect
- Integrity
- Innovation
- Collaboration

8. Responsibilities of members

Committee members are asked to contribute their time and views on matters listed on the agenda of Committee meetings, free of bias. Committee members are required to comply with the Committee adopted Terms of Reference and to abide by Council's Code of Conduct and Values.

9. Responsibilities of Council

Council will provide secretariat support, including minute taking and professional officer support as appropriate.

10. Delegated authority

Delegations are functions carried out by the Council that are delegated to employees or other bodies (including community Committees) to carry out on its behalf.

Generally speaking Council's community Committees are advisory and, as such, do not have any delegated authority from Council.

This Committee has not been delegated authority by Council. Any decisions of the Committee must be referred to Council as a recommendation or implemented by a member of staff with an appropriate delegation.

11. Chair of the Committee

The Mayor (or the Mayor's nominee) is the Chair of the Committee.

The Chair is to have precedence over the control and management of the meetings.

In relation to any procedural matter, the ruling of the Chair shall be final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

Should the Mayor or the Mayor's nominee be unable to chair a meeting or part of a meeting, prior to the meeting the Mayor or the Mayor's nominee will nominate one of the Councillor members to act as Chair for the meeting, or that part of the meeting as the case may be.

12. Appointment of Waverley Council Staff

Waverley Council Floodplain Management Committee does not have the power to appoint staff.

The General Manager of Council will appoint staff to service the Committee. Unless otherwise determined by Council, appropriate staff must be present at any meeting of the Committee for the meeting to be valid.

Secretarial support for the Committee will be provided by Council staff.

13. Term of Office

Membership shall commence on the day of appointment as a Committee Member.

14. Membership

The Committee shall consist of the following members:

Representative		Number	Method of appointment
Waverley Council	Mayor & Councillors	3	Resolution of Council
	Community representatives	4	Criteria specified below
	Council Staff	4	By job position
	Precincts	2	Nominated by Precincts
	Centennial Parklands	1	Nominated by Centennial Parklands
	State Emergency Service (SES)	1	Nominated by SES
	Sydney Water	1	Nominated by Sydney Water
	NSW Department of Planning and Environment (DPE)	1	Nominated by DPE

Community representatives will be sought through existing community organisations such as the local Precinct Committee and the local Chamber of Commerce and self-nomination. The criteria taken into consideration for membership of the Committee as a community representative are:

- 14.1 Interest in issues relating to flooding and disaster management
- 14.2 Commitment to the interest of the community in flooding issues.
- 14.3 Interest in conserving, maintaining or protecting the natural environment.
- 14.4 Appreciation of Council's role and capabilities.
- 14.5 Ability to be part of the team and meet the common objective of the Committee.
- 14.6 Ability to represent community views in the floodplain management process and inform the community of the outcomes of the floodplain management process.

15. Meetings

Meetings of the Waverley Council Floodplain Management Committee shall be held as required to undertake the business of the Committee.

At least five working days notice in writing shall be given to all members of every meeting of the Waverley Council Floodplain Management Committee. This notice shall include the agenda for the meeting.

16. Presence at a meeting

A member of the Committee cannot participate in a meeting of a Committee unless personally present at the meeting.

A member of the Committee may participate in a meeting either in person or remotely, provided they are personally present, either physically or virtually, at the meeting

17. Correspondence

Except as otherwise permitted by the General Manager, the Committee shall not correspond with any outside person or body except through the General Manager.

18. Amendments to terms of reference

These Terms of Reference shall only be amended by a resolution by Waverley Council.

REPORT
CM/7.15/24.04

Subject: Petition - Ruthven Street, Bondi Junction - Rubber Speed Cushion Removal

TRIM No: A03/0821

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council notes:

1. The petition to remove the speed cushions adjacent to 90 and 91 Ruthven Street, Bondi Junction.
2. That the speed cushions were installed as part of the 40 km/h speed limit changes.
3. That the speed cushions have reduced speeds by up to 29%.
4. That concept plans for traffic improvements in Ruthven Street, including angle parking, traffic calming, safety treatments and the removal of the speed cushions, will be publicly exhibited in April/May 2024.
5. That the refined designs, incorporating feedback from the community consultation, will be submitted to a future Traffic Committee meeting for consideration.
6. That the speed cushions will remain in place during the consultation and design process.

1. Executive Summary

Council has received a petition containing 43 signatures requesting removal of the rubber speed cushion installed on 27 November 2021.

The petition should be considered within the context of ongoing work council officers have been undertaking in response to a previous Council resolution to examine broader options for Ruthven Street.

2. Introduction/Background

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

The petition requests the removal of the rubber 'speed hump.' This report uses the term 'speed cushion', which is the technical term used to describe traffic control devices noted in the petition. There is a distinction between the two traffic control devices, so this has been done for clarity. It does not change the recommendations or conclusions of the report.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development 1 September 2020	PD/5.4/20.09	<p>That Council:</p> <ol style="list-style-type: none"> Defers this matter in order to gain more information on the following: <ol style="list-style-type: none"> The costing of intersection treatments, using Park Parade as an example. The consequences of deferring traffic calming in Ruthven Street and an examination of the option of angle parking on Ruthven Street on alternating sides along the street with a vehicle slowing device to create slow points similar to Ashton Street and Denison Street. The consequences of not proceeding with the traffic calming in Bourke Street. Consults NSW Police and Transport for NSW on their flexibility in regard to the nature of what traffic calming devices and techniques Council uses. Seeks clarification from the relevant State departments on available funding and any future funding for this initiative, the first in NSW of this size. Investigates an alternative traffic calming solution along the length of Park Parade consisting of two minimum width travel lanes, with the outcome of the investigation to go to the Waverley Traffic Committee Receives a report by the October Council meeting or earlier.
Traffic Committee 22 October 2020	TC/C.09/20.10	<p><i>Council adopted the recommendation below.</i></p> <p>That the Council Officer's Proposal be adopted subject to amendments to clauses 1 and 2 and the addition of new clauses 3–5, such that the recommendation now reads as follows:</p> <p>That Council:</p> <ol style="list-style-type: none"> Approves the installation of rubber speed cushions in Ruthven Street, Bondi Junction, as shown in Attachment 1 (Option 2) of the report. Delegates authority to the Executive Manager,

		<p>Infrastructure Services, to modify the designs should on-site circumstances warrant changes and remove the speed cushions should they be deemed problematic or contentious.</p> <p>3. Notes the alternative two-lane slow point (chicane) option would result in the loss of at least 11 on-street parking spaces.</p> <p>4. Notes the submissions received from residents of Ruthven Street.</p> <p>5. Officers investigate a long-term traffic calming measure for the entire length of Ruthven Street from Oxford Street to Birrell Street, including consideration of increased on-street parking for residents.</p>
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4. Discussion

The petition states:

We, the undersigned residents of Ruthven St, Bondi Junction request the removal of the rubber speed hump installed 27th November 2021 . Advice from Waverley Council was that the installation of a traffic calming device would result in TfNSW reducing the speed limit in the Ruthven St to 40kph.

Since installation of the rubber speed bump, it has been observed and video recorded:

1. *Generally no reduction in through traffic speed;*
2. *Damage to the rubber mats and loss of protective bolt caps;*
3. *An increase in bad driver behaviour by way of:*
 - a. *Driving down the centre of the road to avoid the rubber bumps, risking head on collision;*
 - b. *Swerving into the parking lanes at speed to avoid the speed bumps, risk of kerb impact and subsequent loss of control.*
4. *A significant increase in through traffic noise due to passage over the rubber mats at speed, in particular by; trades vehicles, delivery and goods transport vehicles loads bouncing due to excessive transit speed;*
5. *A significant increase in through traffic noise due to large vehicles, which exceed the posted 3t limit, on passing over the speed bump accelerating away from the ineffective installation;*
6. *Damage to road surface, in particular near the rubber mats where vehicle wheels impact heavily after becoming airborne as a result of not having slowed sufficiently while passing over the mats.*

Speed limit has not been reduced to 40kph as part of the original plan.

It is also requested that Waverley Council urgently commence its investigation and community consultation to address traffic calming in Ruthven St.

The petition complies with Council's Petitions Policy.

Technical analysis

Ruthven Street currently has a posted speed limit of 50 km/h. Anonymised crowd-sourced data shows vehicles regularly exceeded the speed limit at this location before the installation of the speed cushions. Figure 1 below shows the speed of vehicles along the length of road where the speed cushions are located, both before and after the installation. The figures provide the 85th percentile speed, which means that most vehicles are traveling at or slower than this speed, and that average speeds are even slower. The location of the speed bump is shown using green dashed lines.

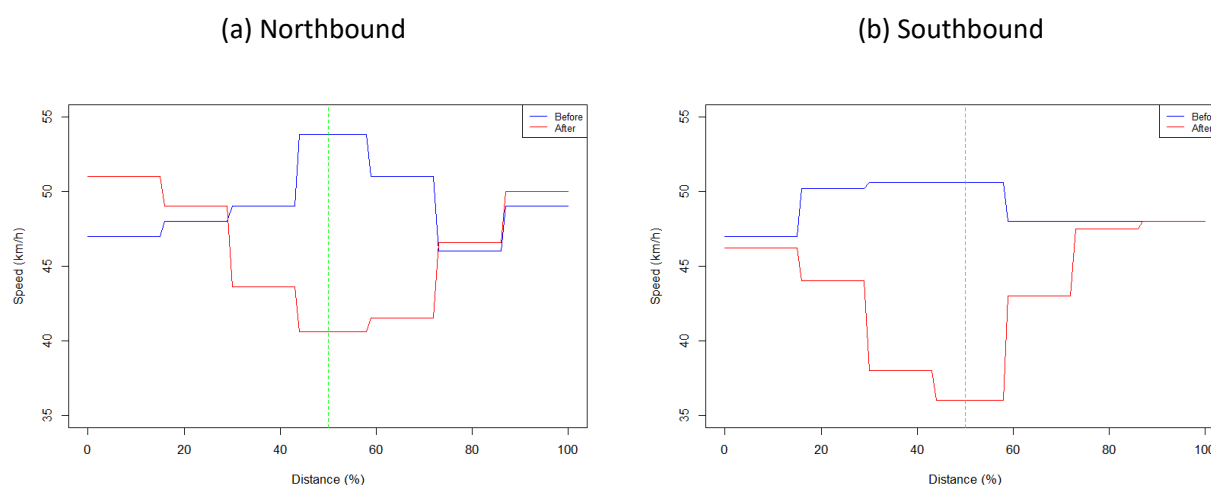


Figure 1. Vehicle speeds before and after. Change in vehicle speed at the location before (blue) and after (red) the installation of the speed bump; location of the speed bump shown with green dashed line; 85th percentile speed used for visualisation

As shown in the figures, there is a significant speed reduction resulting from the installation of the speed cushions. In the north-bound direction, vehicle speeds in proximity to the speed cushions reduced from about 53 km/h, down to 40 km/h after the installation. In the southbound direction, speeds dropped from 51 km/h, down to 36 km/h. This means that vehicle speeds were reduced by up to 29%, and to a level that aligns with the proposed 40 km/h area speed limit change.

Ruthven Street design process

As per resolution PD/5.4/20.09 above, Council directed officers to examine the option of angle parking on Ruthven Street on alternating sides in addition to traffic calming opportunities. In response, officers embarked on a design process for Ruthven Street.

Council officers have drafted a 'baseline option' that incorporates the following key elements:

- Removal of the existing speed cushions.
- Angle and perpendicular on-street parking where space permits.
- Alternating parking locations enabled through a gentle street chicane.
- Updated supportive signage.
- Planted kerb islands with street trees.
- A continuous footpath treatment at Birrell Street.

This draft design is currently being finalised and officers will undertake community consultation on the concept plans. The community consultation process will seek input on the draft baseline option to enable Council to develop a final design that will be presented to a Traffic Committee meeting for consideration. Subject to Traffic Committee advice and subsequent Council approval, officers will proceed to deliver the works.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

There is no unbudgeted cost to Council in receiving the petition and continuing to advance the baseline option design process. The proposed capital works are budgeted in the Strategic Asset Management Plan road infrastructure budget in the 2024-25 financial year. Council officers therefore recommend the speed cushions remain in place during the consultation and design process.

Time frame

- Community consultation – April/May 2024.
- Traffic Committee/Council approval – June/July 2024.
- Construction – September/October 2024.

6. Conclusion

The speed cushions implemented in November 2021 have reduced vehicle speeds by up to 29%. In response to Council's resolution to provide more on-street parking opportunities, and traffic calming opportunities, officers have developed a draft 'baseline option' through the design process.

In response to Council resolution PD/5.4/20.09, officers will proceed with community consultation of draft designs for angle parking in Ruthven Street. The outcome of the community consultation and finalised designs will be presented to the Traffic committee for recommendation to Council for approval and subsequent construction.

Officers recommend the speed cushions remain in place during the consultation and design process.

7. Attachments

Nil .

NOTICE OF MOTION
CM/8.1/24.04**Subject:** Vacluse/Diamond Bay Precinct Neighbourhood Fair**TRIM No:** A24/0286**Submitted by:** Councillor Nemesh
Councillor Betts

MOTION:

That Council:

1. Notes the inaugural Vacluse/Diamond Bay Precinct Neighbourhood Fair on Sunday, 24 March 2024, at the Diamond Bay Bowling Club.
2. Further notes there were over 700 people in attendance, including the Member for Vacluse, Kellie Sloane MP, and the Member for Wentworth, Allegra Spender MP.
3. Writes to the Vacluse/Diamond Bay Precinct Committee, and in particular Gabrielle Pallo, Suellen Bassetti, Diane McDonald and James Gamvrogianis, congratulating them on organising such a successful community event.
4. Informs the Vacluse/Diamond Bay Precinct of this motion as well as the Combined Precincts.

General Manager's comment

Council officers congratulate members of the Vacluse/Diamond Bay Precinct on a very successful Neighbourhood Fair on 24 March 2024. Officers will prepare a congratulatory letter to members of the organising committee.

Emily Scott
General Manager

NOTICE OF MOTION CM/8.2/24.04



Subject: Hollow-Bearing Wildlife - Additional Habitat

TRIM No: A10/0741

Submitted by: Councillor Fabiano

MOTION:

That Council:

1. Notes the importance of mature trees in providing habitat for local fauna.
2. Officers prepare a report to Council that includes the options, feasibility and cost to create additional habitat in the Waverley local government area, such as artificial hollows or nest boxes, to support local fauna.

Background

- Council has recently lost a number of very old trees from storms, old age and development.
- New tree plantings do not immediately replace the loss of natural hollows which take a long time to form.
- Biodiversity corridors listed in Council's Development Control Plan have been particularly hard hit; i.e. Thomas Hogan Reserve, Dickson Park and Bronte Gully.
- Loss of hollows have a very negative impact on kookaburras, possums, lorikeets, cockatoos and owls.
- Wildlife rescuers are seeing an increase in hollow-bearing animals using buildings and houses to find shelter, as well as an increase in roadkill near parks and development sites (i.e. Hall Street and Wellington Street) as possums look for new habitat.
- Woollahra Council is addressing the issue by using a special tool to create hollows in trees, and we would like to investigate a similar approach.
- There is also an opportunity for nest boxes to be installed in Waverley.

General Manager's comment

If resolved by Council, officers can prepare the report.

Fletcher Rayner
Director, Planning, Sustainability and Compliance

NOTICE OF MOTION
CM/8.3/24.04**Subject:** Water Safety - Multicultural Communications Campaign**TRIM No:** A21/0474**Submitted by:** Councillor Masselos

MOTION:

That Council:

1. Develops a multicultural communications campaign to promote water safety that includes:
 - (a) The production of multilingual 'Float to Survive' and 'Swim between the Flags' billboards to be erected on Council bus shelters and advertising panels for the coming year.
 - (b) A multilingual social media campaign.
 - (c) Working in collaboration with those councils from which Waverley beach visitors originate.
 - (d) Support for the campaign from local surf clubs by posting Council social media assets.
2. Uses variable message signage (VMS) boards at Bondi, Bronte and Tamarama beaches for a targeted summer coastal safety education program.

Background

There have been a number of recent drownings of people of culturally and linguistically diverse backgrounds at Waverley's beaches. While Council attended Minister Dibb's recent water safety roundtable, there is a need to more immediate action.

General Manager's comment

If resolved by Council, officers can undertake this work within existing operational budgets.

Sharon Cassidy
Director, Assets and Operations

URGENT BUSINESS
CM/10/24.04**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/11/24.04

Subject: Moving into Closed Session

Author: Emily Scott, General Manager

RECOMMENDATION:

That:

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

CM/11.1/24.04 CONFIDENTIAL REPORT - Trade Debtors - Debt Write Off

This matter is considered to be confidential in accordance with Section 10A(2)(b) 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 discussion in relation to the personal hardship of a resident or ratepayer.

CM/11.2/24.04 CONFIDENTIAL REPORT - Flickerfest 2025 - Financial Assistance

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 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/12/24.04

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.