



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

COUNCIL MEETING

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

7.00 PM, TUESDAY 17 OCTOBER 2023

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

Emily Scott
General Manager

Waverley Council
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Statement of Ethical Obligations

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

Live Streaming of Meetings

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

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

The Mayor will read the following Acknowledgement of Indigenous Heritage:

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

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OBITUARIES CM/3/23.10

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/5.1/23.10



Subject: Confirmation of Minutes - Council Meeting - 12 September 2023

TRIM No: SF23/16

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Council meeting held on 12 September 2023 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 - 12 September 2023 .



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 12 SEPTEMBER 2023**

Present:

Councillor Paula Masselos (newly elected Mayor) (Chair)	Lawson Ward
Councillor Ludovico Fabiano (newly elected Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan (outgoing Deputy Mayor)	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 7.01 pm, those present were as listed above.

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

Cr Masselos, the outgoing Mayor, chaired the meeting up to and including item CM/7.1/23.09 and relinquished the chair to the Returning Officer to conduct the mayoral and deputy mayoral elections.

Cr Masselos, the newly elected Mayor, assumed the chair following the election of the Mayor and Deputy Mayor.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Kay declared a significant non-pecuniary interest in item CM/5.2/23.09 – Adoption of Minutes – Waverley Traffic Committee Meeting – 24 August 2023 – TC/V.01/23.08 – 12 Penkivil Street, Bondi – ‘P Motor Bikes Only’ Parking Zone and informed the meeting that his mother-in-law owns a nearby property, and that he will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Burrill declared a pecuniary interest in item CM/7.12/23.09 – Motion for the 2023 LGNSW Conference – Short-Term Rental Accommodation and the Rental Housing Market and informed the meeting that she has a current Airbnb listing and will leave the meeting for the consideration and vote on this item.
- 2.3 Cr Lewis declared a less than significant non-pecuniary interest in item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that he is a dog owner.
- 2.4 Cr Gray declared a less than significant non-pecuniary interest in item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that she is a dog owner.
- 2.5 Cr Goltsman declared a less than significant non-pecuniary interest in Item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that he is a dog owner.
- 2.6 Cr Fabiano declared a less than significant non-pecuniary interest in item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that he is a dog owner.
- 2.7 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/8.5/23.09 – 53 Francis Street, Bondi Beach – Building Information Certificate and informed the meeting that he has been in discussions with the neighbours of the site regarding the complying development certificate and building information certificate.
- 2.8 Cr Burrill declared a less than significant non-pecuniary interest in item CM/11.1/23.09 – CONFIDENTIAL REPORT – Wairoa Baby Health Clinic, North Bondi – Community Tenancy Lease and

informed the meeting that she is a committee member of Bondi Beach Playgroups, which is in the same building.

3. Obituaries

Antony Ennis
Jeremy Jones

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

There were no addresses by members of the public.

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/5.1/23.09 | Confirmation of Minutes – Council Meeting – 15 August 2023. |
| CM/7.5/23.09 | Audit, Risk and Improvement Committee Meeting – Minutes – 8 June 2023. |
| CM/7.6/23.09 | Arts and Culture Advisory Committee Meetings – Minutes – 27 March 2023 and 17 July 2023. |
| CM/7.7/23.09 | Public Art Committee Meeting – Minutes – 10 August 2023. |
| CM/7.8/23.09 | Motion for the 2023 LGNSW Conference – Cost-Shifting. |
| CM/7.9/23.09 | Motion for the 2023 LGNSW Conference – Local Government's Contribution to Arts and Culture. |
| CM/7.10/23.09 | Motion for the 2023 LGNSW Conference – Early Education and Care. |
| CM/7.14/23.09 | Motion for the 2023 LGNSW Conference – Private Certification. |
| CM/7.16/23.09 | Motion for the 2023 LGNSW Conference – Tourism Impacts. |
| CM/7.17/23.09 | Motion for the 2023 LGNSW Conference – Hostile Vehicle Mitigation. |
| CM/8.2/23.09 | Parking Permits – Adult Education Centres and Local Businesses. |
| CM/8.3/23.09 | Repair Cafe – Repair Skill-Sharing and Upcycling. |

- CM/8.5/23.09 53 Francis Street, Bondi Beach – Building Information Certificate.
- CM/11.2/23.09 CONFIDENTIAL REPORT – Oxford Street Mall – Small Umbrellas – Procurement Exemption.

5. Confirmation and Adoption of Minutes

CM/5.1/23.09 Confirmation of Minutes - Council Meeting - 15 August 2023 (SF23/16)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council meeting held on 15 August 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/23.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 August 2023 (SF23/19)

Cr Kay declared a significant non-pecuniary interest in this item and informed the meeting that his mother-in-law owns a nearby property. Cr Kay was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 August 2023 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/23.09 Election of Mayor and Deputy Mayor by Councillors (SF23/196)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that the term of office of the Mayor elected at this meeting is up to and including 13 September 2024.
2. Agrees to elect a Deputy Mayor to hold office up to and including 13 September 2024.

3. Notes the procedure for the election of Mayor and Deputy Mayor by Councillors outlined in the report.
4. Determines the method of voting for the election of Mayor and Deputy Mayor to be the open voting method.

Election of Mayor

The election of the Mayor was conducted by the Returning Officer as follows:

The Returning Officer informed the meeting that two written nominations in the prescribed form had been received and sought any further nominations before closing nominations.

At the close of nominations, the following nominations had been received:

Cr Kay and Cr Masselos.

The election of Mayor proceeded by means of open voting and the following votes were recorded:

Cr Kay

5 votes – Crs Betts, Burrill, Goltsman, Kay and Nemesh.

Cr Masselos

7 votes – Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Cr Masselos was declared elected as Mayor of Waverley Council up to and including 13 September 2024.

Election of Deputy Mayor

The election of the Deputy Mayor was conducted by the Returning Officer as follows:

The Returning Officer informed the meeting that two written nominations in the prescribed form had been received and sought any further nominations before closing nominations.

At the close of nominations, the following nominations had been received:

Cr Fabiano and Cr Nemesh.

The election of Deputy Mayor proceeded by means of open voting and the following votes were recorded:

Cr Nemesh

5 votes - Crs Betts, Burrill, Goltsman, Kay and Nemesh.

Cr Fabiano

7 votes - Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Cr Fabiano was declared elected as Deputy Mayor of Waverley Council up to and including 13 September 2024.

CM/7.2/23.09

Appointment of Councillors to Committees (SF23/196)

MOTION

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Disestablishes the Surf Life Saving Club Committee for the reasons set out in the report.
2. Appoints Councillors to the committees listed in section 4 of the report, as amended, up to and including 13 September 2024.
3. Appoints delegates to the organisations listed in section 4 of the report, as amended, up to and including 13 September 2024.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 2 AND 3 AND TO THE MEMBERSHIP OF THE MULTICULTURAL ADVISORY COMMITTEE.

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

UNANIMOUS DECISION

That Council:

1. Disestablishes the Surf Life Saving Club Committee for the reasons set out in the report.
2. Appoints Councillors to the committees as listed below up to and including 13 September 2024.
3. Appoints delegates to the organisations as listed below up to and including 13 September 2024.

COUNCIL COMMITTEES

Committee name: **Finance, Operations and Community Services Committee**

No. of Councillors to be appointed: All Councillors are members of this committee.

Chair of Committee: The Mayor unless s/he declines in which case Council will appoint the Chair.

Membership: Crs Wy Kanak (Chair), Murray (Deputy Chair) and all other Councillors.

Committee name: **Strategic Planning and Development Committee**

No. of Councillors to be appointed: All Councillors are members of this committee.

Chair of Committee: The Mayor unless s/he declines in which case Council will appoint the Chair.

Membership: Crs Lewis (Chair), Fabiano (Deputy Chair) and all other Councillors.

TECHNICAL COMMITTEES

Committee name:	<u>Traffic Committee</u>
No. of Councillors to be appointed:	Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.
Chair of Committee:	The Chair of the Committee is Council's voting representative.
Membership:	Cr Masselos (Chair), Crs Kay and Fabiano (Deputy Chairs).

ADVISORY COMMITTEES

Committee name:	<u>Access and Inclusion Advisory Panel</u>
No. of Councillors to be appointed:	Mayor and three councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Keenan (Chair), Gray (Deputy Chair), Fabiano and Kay.

Committee name:	<u>Arts, Culture and Creativity Advisory Committee</u>
No. of Councillors to be appointed:	The Mayor and up to two councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Masselos (Chair), Keenan (Deputy Chair) and Kay.

Committee name:	<u>Audit, Risk and Improvement Committee</u>
No. of Councillors to be appointed:	One and an alternate. The Mayor cannot be a member of this Committee.
Chair of Committee:	An Independent Member (non-Councillor).
Membership:	Cr Wy Kanak, alternates: Crs Murray and Betts.

Committee name:	<u>Cycling Advisory Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and two Councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor

shall nominate a Councillor to chair the Committee.

Most recent membership: Crs Lewis (Chair), Keenan (Deputy Chair) and Goltsman.

Committee name: **Sustainability Expert Advisory Panel**

No. of Councillors to be appointed: Mayor (or Mayor's nominee) and three Councillors.

Chair of Committee: A Councillor appointed by Council.

Membership: Crs Keenan (Chair), Masselos (Deputy Chair), Fabiano and Nemesh.

Committee name: **Housing Advisory Committee**

No. of Councillors to be appointed: The Mayor (or the Mayor's nominee) and three councillors.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Masselos (Chair), Keenan (Deputy Chair) and Betts.

Committee name: **Multicultural Advisory Committee**

No. of Councillors to be appointed: The Mayor (or the Mayor's nominee) and up to three Councillors.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Masselos (Chair) and Fabiano (Deputy Chair) and Goltsman.

Committee name: **Reconciliation Action Plan Advisory Committee**

No. of Councillors to be appointed: Mayor (or Mayor's nominee) and three councillors.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Masselos (Chair), Wy Kanak (Deputy Chair) and Gray.

**APPOINTMENT OF COUNCILLORS AS DELEGATES
TO ORGANISATIONS**

Name: **NSW Public Libraries Association**

No. of Councillors to be appointed: One.

Membership:	Cr Lewis.
Name:	<u>Southern Sydney Regional Organisation of Councils – Board</u>
No. of Councillors to be appointed:	A maximum of two delegates and two alternates (one delegate to be the Mayor).
Membership:	Crs Masselos (Mayor) and Fabiano (Deputy Mayor), alternates: Crs Keenan and Murray.
Name:	<u>Southern Sydney Regional Organisation of Councils – Program Delivery Committee</u>
Description:	Deals with asset management, public works, procurement, waste management and SSROC financial reports.
No. of Councillors to be appointed:	One.
Membership:	Cr Masselos (Mayor), alternate: Cr Wy Kanak.
Name:	<u>Southern Sydney Regional Organisation of Councils – Sustainability Program Committee</u>
Description:	Deals with regional planning, environmental management, transport planning and management, and community development.
No. of Councillors to be appointed:	One.
Membership:	Cr Fabiano (Deputy Mayor), alternate: Cr Murray.
Name:	<u>Sydney Coastal Council Group – Delegate</u>
No. of Councillors to be appointed:	One Councillor (no alternate).
Membership:	Cr Wy Kanak.
Name:	<u>Sydney Coastal Council Group – Executive Committee</u>
No. of Councillors to be appointed:	One Councillor (no alternate and must not be the delegate).
Membership:	Cr Masselos (Mayor).

CM/7.3/23.09

Floodplain Management Committee (A23/0567)

MOTION

Mover: Cr Lewis

Seconder: Cr Keenan

That Council:

1. Reinstates the Floodplain Management Committee.
2. Adopts the Terms of Reference for the Floodplain Management Committee attached to the report.
3. Appoints the Mayor and Crs Fabiano and Kay to the Committee up to and including 13 September 2024.
4. Calls for expressions of interest for up to four community representatives to be appointed to the Committee for a two-year term.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSE 2 AND THE ADDITION OF TWO NEW CLAUSES.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

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:
 - (a) Page 48 of the agenda, section 4, 'Principles', clause 4.5 – Amend to read as follows: '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.'
 - (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.'
 - (c) Page 50 of the agenda, section 11, 'Membership' – Amend the number of Council staff from six to four.
 - (d) Minor grammatical corrections, which can be undertaken as an administrative update.
3. Notes that the Floodplain Management Committee Constitution was adopted by Council in August 2018.
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.
5. Appoints the Mayor and Crs Fabiano and Kay to the Committee up to and including 13 September 2024.

6. Calls for expressions of interest for up to four community representatives to be appointed to the Committee for a two-year term.

CM/7.4/23.09 Draft Financial Statements 2022-23 (A23/0026)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That:

1. Council, in relation to the financial statements required by section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ending 30 June 2023 attached to the report:
 - (a) Have been properly drawn up in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of the Council's knowledge and belief, present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign:
 - (a) The Statement by Councillors and management for the General Purpose Financial Statements and Special Purpose Financial Statements on page 6 of the Annual Financial Statements attached to the report.
 - (b) The Statement by Councillors and management for the Special Purpose Financial Statements on page 3 of the Special Purpose Financial Statements attached to the report.
 - (c) The financial statements attached to the report.
4. Council sends the signed financial statements to Council's auditor for final clearance.
5. Council forwards a copy of the audited financial statements to the Office of Local Government.
6. Council gives public notice of the audited financial statements and presents them at a Council meeting, in accordance with sections 418 and 419 of the *Local Government Act 1993*.

**CM/7.5/23.09 Audit, Risk and Improvement Committee Meeting - Minutes - 8 June 2023
(SF23/1014)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 8 June 2023 attached to the report.

**CM/7.6/23.09 Arts and Culture Advisory Committee Meetings - Minutes - 27 March 2023 and 17
July 2023 (A23/0237)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the minutes of the Arts and Culture Advisory Committee meetings held on 27 March 2023 and 17 July 2023 attached to the report.

CM/7.7/23.09 Public Art Committee Meeting - Minutes - 10 August 2023 (A20/0106)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the minutes of the Public Art Committee meeting held on 10 August 2023 attached to the report.

CM/7.8/23.09 Motion for the 2023 LGNSW Conference - Cost-Shifting (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW increases its advocacy to oppose any cost-shifting that impacts member councils, including returning 100% of income from the waste levy to all NSW councils and reimbursing councils for the mandatory pensioner rate rebates.

**CM/7.9/23.09 Motion for the 2023 LGNSW Conference - Local Government's Contribution to
Arts and Culture (A13/0314)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with State and Federal government decision-makers, including at the newly established federal Creative Australia agency, Create NSW and Destination NSW, to support urgently needed recognition and support of the significant contribution made by local government to the arts and culture sector.

CM/7.10/23.09 Motion for the 2023 LGNSW Conference - Early Education and Care (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW:

1. Establishes a taskforce to work collaboratively with the State and Federal governments on urgently needed sector reforms following this year's early childhood education and care services inquiries by the Australian Competition and Consumer Commission, the Independent Pricing and Regulatory Tribunal and Deloitte.
2. Advocates to the NSW Government to set up a dedicated local government funding stream in recognition of councils' significant role and status in the early education and care sector.

CM/7.11/23.09 Motion for the 2023 LGNSW Conference - Unaffordable Rents and Rent Increases (A13/0314)

MOTION

Mover: Cr Gray
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with decision-makers, government agencies, the newly established office of Rental Commissioner and the broader community to support urgently needed rental reforms, intervention and innovation across the housing system to effectively address escalating rents and the lack of renters' rights through measures that ensure rents do not increase faster than inflation and that promote longer and more secure tenure.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That the motion be amended to read as follows:

'That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with decision-makers, government agencies, the newly established office of Rental Commissioner and the broader community to support urgently needed rental reforms, intervention and innovation across the housing system to effectively address escalating rents and

the lack of renters' rights through measures that promote longer and more secure tenure.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with decision-makers, government agencies, the newly established office of Rental Commissioner and the broader community to support urgently needed rental reforms, intervention and innovation across the housing system to effectively address escalating rents and the lack of renters' rights through measures that ensure rents do not increase faster than inflation and that promote longer and more secure tenure.

CM/7.12/23.09 Motion for the 2023 LGNSW Conference - Short-Term Rental Accommodation and the Rental Housing Market (A13/0314)

Cr Burrill declared a pecuniary interest in this item and informed the meeting that she has a current Airbnb listing. Cr Burrill was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That Council defers this item pending further information about the financial impact of short-term rental accommodation in the Waverley local government area.

CM/7.13/23.09 Motion for the 2023 LGNSW Conference - Rezoning Reviews and Local Strategic Planning Statements (A13/0314)

MOTION (WITHDRAWN)

Mover: Cr Lewis
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW:

1. Notes the importance of the Local Strategic Planning Statements (LSPS) as councils' key strategic planning document setting the vision for its area.
2. Notes that there have been rezoning review decisions that have directly contravened councils' LSPS.
3. Advocates to the NSW Department of Planning and Environment to adopt changes that ensure that:
 - (a) When planning proposals are inconsistent with a council's adopted LSPS, then a planning proposal should not be allowed to proceed to a rezoning review.

- (b) A representative from the Greater Cities Commission is involved in any rezoning review decision to ensure the LSPS is being considered.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSE 3(a) SUCH THAT IT NOW READS AS FOLLOWS:

‘Should a council resolve not to support a planning proposal, the proposal should not be allowed to proceed to a rezoning review.’

THE MOVER OF THE MOTION THEN WITHDREW THE MOTION AND MOVED THE FOLLOWING MOTION, WHICH WAS PUT AND DECLARED CARRIED UNANIMOUSLY:

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Betts

That Council defers this item for further consideration and officers prepare a report to Council.

CM/7.14/23.09 Motion for the 2023 LGNSW Conference - Private Certification (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW requests the NSW Government to take steps towards abolishing or substantially reforming the private certification system so that:

1. Compliance powers are returned to councils for developments up to \$30 million.
2. A transition period is determined to allow councils to plan, fund and deliver this responsibility.
3. Pending the above, the regulatory role of Council is clarified in dealing with complaints about building works being conducted under a principal certifying authority.
4. Mechanisms are established for councils to report poor performance directly to the Private Certification Board for disciplinary action.

CM/7.15/23.09 Motion for the 2023 LGNSW Conference - Electric Vehicle Chargers (A13/0314)

MOTION / DECISION

Mover: Cr Murray

Seconder: Cr Gray

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW:

1. Urgently advocates to the NSW Government against the mandatory requirement for councils to undergo an assessment and produce a review of environmental factors (REF) for on-street electric

vehicle (EV) chargers under the new *State Environmental Planning Policy (Transport and Infrastructure) Amendment (Electric Vehicles) 2023*.

2. Notes that while LGNSW fully supports the NSW Government's efforts to promote electric mobility and reduce greenhouse gas emissions, it believes that this particular regulatory requirement is unnecessary and will significantly delay the roll-out of EV chargers across NSW.

CM/7.16/23.09 Motion for the 2023 LGNSW Conference - Tourism Impacts (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW increases its advocacy to ensure local councils receive fair funding from both the Federal and State governments in order to manage security-related risks and anti-social behaviour, including removal of user pays for government services, and to meet the additional costs from waste and cleansing from the impacts of tourism, in particular the influx of visitors to the local area.

CM/7.17/23.09 Motion for the 2023 LGNSW Conference - Hostile Vehicle Mitigation (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW advocates to the State and Federal governments to support councils' risk and safety requirements as specified by the Federal Government by funding programs to protect the community at identified crowded places.

8. Notices of Motions

CM/8.1/23.09 Dog Control Enforcement - Bondi Beach (A21/0449)

Crs Fabiano, Goltsman, Gray and Lewis declared a less than significant non-pecuniary interest in this item and informed the meeting that they are dog owners.

MOTION

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Notes that dogs are prohibited from beaches unless otherwise signposted under the *Companion Animals Act 1998*.
2. Organises morning patrols of Bondi Beach by Council Rangers, especially between 6 am and 8 am, to

provide community education on rules about dogs on the sand.

3. Installs informational signage at Bondi Beach for dog owners, as appropriate, in alignment with Council's current Signage Review project.
4. Evaluates the effectiveness of these morning patrols through data collection and public feedback received.
5. Officers prepare a report summarising the results and insights from these patrols and recommending further actions.
6. Notes that officers will update Council's website to reflect better responsible dog ownership, specifically for dogs in prohibited areas, such as beaches.
7. Notes that officers will implement an education program on responsible dog ownership, which will be led by Council Rangers and include 'open days' to engage the public on-site. The beach and surrounding areas of Bondi Beach will be prioritised.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 6.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes that dogs are prohibited from beaches unless otherwise signposted under the *Companion Animals Act 1998*.
2. Organises morning patrols of Bondi Beach by Council Rangers, especially between 6 am and 8 am, to provide community education on rules about dogs on the sand.
3. Installs informational signage at Bondi Beach for dog owners, as appropriate, in alignment with Council's current Signage Review project.
4. Evaluates the effectiveness of these morning patrols through data collection and public feedback received.
5. Officers prepare a report summarising the results and insights from these patrols and recommending further actions.
6. Notes officers will update the Council's website to better reflect responsible dog ownership, specifically for dogs in prohibited areas such as the beaches.
7. Notes that officers will implement an education program on responsible dog ownership, which will be led by Council Rangers and include 'open days' to engage the public on-site. The beach and surrounding areas of Bondi Beach will be prioritised.

CM/8.2/23.09 Parking Permits - Adult Education Centres and Local Businesses (A23/0529)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council, in order to support workers of local businesses, adult students attending local art school/colleges and residents in a more equitable way, and as part of the comprehensive review of the resident parking scheme being undertaken this financial year:

1. Investigates the possibility of a daily parking permit within the hours of 9 am and 5 pm for adult students attending local adult education centres.
2. Investigates the parking problems associated with employees of small businesses within the local government area.

CM/8.3/23.09 Repair Cafe - Repair Skill-Sharing and Upcycling (A18/0410)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the recent ABC program *War on Waste* has increased interest in the repair and reuse of materials.
2. Investigates the possibility and opportunity for a repair café, repair skill-sharing and/or upcycling location and facilities within the Waverley local government area.
3. Officers prepare a report to Council on the outcome of the investigation, including potential locations for the repair cafe, constraints and opportunities in implementing it, and possible grant and funding opportunities.

CM/8.4/23.09 Bondi Skatepark (A02/0634)

MOTION

Mover: Cr Gray

Seconder: Cr Murray

That Council:

1. Notes that in 2016, Council undertook extensive consultation to develop a feasibility study for the redevelopment of Bondi Skatepark.
2. Subject to funding, engages skatepark specialists to review the feasibility work completed in 2016 and update the costing for the redevelopment of Bondi Skatepark.
3. Officers present the results of the review and updated costing at a Councillor briefing session.
4. Following confirmation of feasibility and cost estimates, considers including the project in the Long Term Financial Plan when it comes to Council in early 2024.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 5.

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

UNANIMOUS DECISION

That Council:

1. Notes that in 2016, Council undertook extensive consultation to develop a feasibility study for the redevelopment of Bondi Skatepark.
2. Subject to funding, engages skatepark specialists to review the feasibility work completed in 2016 and update the costing for the redevelopment of Bondi Skatepark.
3. Officers present the results of the review and updated costing at a Councillor briefing session.
4. Following confirmation of feasibility and cost estimates, considers including the project in the Long Term Financial Plan when it comes to Council in early 2024.
5. Notes that the current Bondi Skatepark design features a stylised shark that honours nearby First Nations sandstone rock engravings.

CM/8.5/23.09 53 Francis Street, Bondi Beach - Building Information Certificate (BC-48/2022)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he has been in discussions with the neighbours of the site regarding the complying development certificate and building information certificate.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes the motion, background and resolution of Council dated 15 November 2022 (CM/8/1/22.11) concerning a complying development certificate issued by a privately appointed registered certifier for 53 Francis Street, Bondi Beach.
2. Places on file the previous and recent submissions from Mr Wright and other persons who raised concerns and objections with the construction process leading to the proponent's present building information certificate for 53 Francis Street.
3. Requests that officers consider these previous concerns and submissions, and extend the time frame for receiving current submissions, in their assessment of the building information certificate.
4. Officers provide an update on how Council's website has been updated to provide information on the complying development certificate process, including links to the NSW Fair Trading website on how to make complaints about registered certifiers.
5. Continues to advocate to Local Government NSW (LGNSW) at the 2023 annual conference and supports conference resolutions seeking changes in the public interest to the complying development, private certification and building information certificate legislation and regulations.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/23.09 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Nemesh

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/11.1/23.09 CONFIDENTIAL REPORT - Wairoa Baby Health Clinic, North Bondi - Community Tenancy Lease

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

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

At 8.47 pm, Council moved into closed session.

CM/11.1/23.09 CONFIDENTIAL REPORT - Wairoa Baby Health Clinic, North Bondi - Community Tenancy Lease (A17/0117)

Cr Burrill declared a less than significant non-pecuniary interest in this item and informed the meeting that she is a committee member of Bondi Beach Playgroups, which is in the same building.

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
Seconder: Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Grants a lease to the South Eastern Sydney Local Health District for part of the Wairoa Baby Health Clinic building at 2B Brighton Boulevard, North Bondi, on the terms and conditions set out in the report, subject to the rent being set at the current contribution level for the duration of the lease.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.2/23.09 CONFIDENTIAL REPORT - Oxford Street Mall - Small Umbrellas - Procurement Exemption (A19/0820)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Approves a procurement exemption to engage Xtreme Awnings to supply and replace the small umbrellas along Oxford Street Mall, Bondi Junction.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

12. Resuming in Open Session

CM/12/23.09 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council resumes in open session.

At 8.56 pm, Council resumed in open session.

Resolutions from closed session made public

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

13. Meeting Closure

THE MEETING CLOSED AT 8.59 PM.

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SIGNED AND CONFIRMED
MAYOR
17 OCTOBER 2023

CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/23.10



Subject: Adoption of Minutes - Waverley Traffic Committee Meeting - 28 September 2023

TRIM No: SF23/19

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 September 2023 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 September 2023 .

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE
MEETING HELD VIA VIDEO CONFERENCE ON
THURSDAY, 28 SEPTEMBER 2023**



Voting Members Present:

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

Also Present:

Mr B Gidies	Transdev John Holland – Traffic and Events Manager
Mr R Mucciacciaro	Transdev John Holland
Cr L Fabiano	Waverley Council – Deputy Chair
Cr T Kay	Waverley Council – Deputy Chair
Mr N Zervos	Waverley Council – Executive Manager, Infrastructure Services
Mr A Karki	Waverley Council – Traffic Engineer
Mr K Magistrado	Waverley Council – Traffic Engineer

At the commencement of proceedings at 10.03 am, those present were as listed above.

Apologies

Apologies were received from Ms K Lewis (Transport for NSW – Manager, Communication and Stakeholder Engagement).

Declarations of Interest

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

Adoption of Previous Minutes by Council - 24 August 2023

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 24 August 2023 were adopted by Council at its meeting on 12 September 2023.

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.02/23.09 Bronte Road, Bronte – Council Authorised Vehicle Parking Zone.

TC/C.03/23.09 Chesterfield Lane, Bronte – 'No Stopping' Restrictions.

TC/C.04/23.09 9 Pacific Avenue, Tamarama – Construction Zone.

TC/C.05/23.09 88-94 Ebley Street, Bondi Junction – 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.01/23.09 Ebley Street, Bondi Junction - Temporary Road Closure for Crane Dismantling (A02/0617-07)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Approves the temporary closure of Ebley Street, Bondi Junction, between Bronte Road and Ann Street, from 5 am to 7 pm on Sunday, 5 November 2023, in accordance with the Traffic Management Plan attached to the report, subject to the applicant:
 - (a) Notifying NSW Police, NSW Ambulance Service, NSW Fire and Rescue and Transdev John Holland buses.
 - (b) Notifying local residents and businesses seven days prior to the event.
 - (c) Using traffic controllers accredited by Transport for NSW.
 - (d) Providing Council with a pre- and post-dilapidation report of the condition of road pavements, kerb and adjacent assets along the truck access route.
 - (e) Covering all costs associated with closing the road, including traffic control.
 - (f) Employing user-pays police for the duration of the closure.
2. Delegates authority to the Executive Manager, Infrastructure Services, to amend the planned closure date if needed.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to the addition of a new clause 1(g) such that the recommendation now reads as follows:

That Council:

1. Approves the temporary closure of Ebley Street, Bondi Junction, between Bronte Road and Ann Street, from 5 am to 7 pm on Sunday, 5 November 2023, in accordance with the Traffic Management Plan attached to the report, subject to the applicant:
 - (a) Notifying NSW Police, NSW Ambulance Service, NSW Fire and Rescue and Transdev John Holland buses.
 - (b) Notifying local residents and businesses seven days prior to the event.
 - (c) Using traffic controllers accredited by Transport for NSW.
 - (d) Providing Council with a pre- and post-dilapidation report of the condition of road pavements, kerb and adjacent assets along the truck access route.
 - (e) Covering all costs associated with closing the road, including traffic control.
 - (f) Employing user-pays police for the duration of the closure.
 - (g) Applying for a road occupancy licence.
2. Delegates authority to the Executive Manager, Infrastructure Services, to amend the planned closure date if needed.

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

TC/C.02/23.09 Bronte Road, Bronte - Council Authorised Vehicle Parking Zone (A14/0145)

COUNCIL OFFICER'S PROPOSAL:

That Council installs a 5.4 metre 'No Parking, Council Authorised Vehicles Excepted, 7 am-7 pm' zone on the northern side of Bronte Road, Bronte, at the start of the Bronte Beach parking area.

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.03/23.09 Chesterfield Lane, Bronte - 'No Stopping' Restrictions (A14/0145)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Relocates the 'No Stopping, 5 am– 9 am Fridays' zone in Chesterfield Lane, Bronte, adjacent to 78 Chesterfield Parade, 3 metres to the south.
2. Changes the 'No Stopping, 5 am– 9 am Fridays' zone on the north-eastern corner of 78 Chesterfield Parade to a 'No Stopping' zone.

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.04/23.09 9 Pacific Avenue, Tamarama - Construction Zone (A03/2514-04)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 12 metre 'No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in front of 9 Pacific Avenue, 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/C.05/23.09 88-94 Ebley Street, Bondi Junction - Construction Zone (A03/2514-04)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 22.5 metre 'No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in Gray Street, Bondi Junction, adjacent to 88–94 Ebley Street.

2. 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

Nil.

TC/CV ELECTORATES OF COOGEE AND VAUCLUSE

**TC/CV.01/23.09 Electric Vehicle Charging Stations on Street Poles - Parking Restrictions
(A11/0853)**

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs electric vehicle charging stations on street poles at the following locations for a 12-month trial:
 - (a) Simpson Park on the southern side of Macpherson Street, Bronte, opposite 34-36 Macpherson Street.
 - (b) Barracluff Park on the southern side of Warners Avenue, North Bondi, adjacent to 1-3 Warners Avenue.
 - (c) Queens Park on the southern side of Queens Park Road, Queens Park, opposite 66 Queens Park Road.
 - (d) Eastern side of Bronte Road, Waverley, opposite 137 Bronte Road.
 - (e) Northern side of King Street, Bondi, adjacent to 16 Bennett Street.
 - (f) Northern side of Murrivier Road, North Bondi, opposite 73A Murrivier Road.
 - (g) Northern side of O'Donnell Street, North Bondi, adjacent to 37-39 O'Donnell Street.
 - (h) Eastern side of Wiley Street, Waverley, adjacent to 50 Wiley Street.
2. Installs poles, line marking and '4P, 8 am–10 pm, Electric Vehicles Only While Charging' signage for one car space at each of these locations.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the signage should on-site circumstances warrant changes.

4. Officers prepare a report to the Traffic Committee following the trial with findings and recommendations.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/CV.02/23.09 Sculpture by the Sea 2023 - Special Event (A19/0394)

COUNCIL OFFICER'S PROPOSAL:

That Council approves the Traffic Control Plans for the Sculpture by the Sea 2023 event attached to the report, subject to the applicant:

1. Obtaining NSW Police Force approval.
2. Submitting a Traffic Management Plan to Transport for NSW in accordance with the NSW Government's Guide to Traffic and Transport Management for Special Events.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

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

That Council:

1. Approves the Traffic Management Plans for the Sculpture by the Sea 2023 event attached to the report, subject to:
 - (a) The applicant obtaining NSW Police Force approval.
 - (b) The applicant submitting a Traffic Management Plan to Transport for NSW in accordance with the NSW Government's Guide to Traffic and Transport Management for Special Events.
 - (c) The applicant amending the Traffic Guidance Scheme to include additional water-filled barriers and cones to narrow the entrance of Mirimar Avenue at the intersection of Hewlett Street.
 - (d) Council officers notifying all active construction sites within the Traffic Management Plan of the following:
 - (i) Permit restrictions for large vehicle access.
 - (ii) Strict compliance with the one-way arrangement.
 - (iii) Compliance checks will be undertaken throughout the duration of the event.
 - (iv) All permit applications will be assessed based on impact to the one-way arrangement and any alternative access requirements approved by Council must be adhered to.

- (v) Any additional traffic control measures needed for site access will be at the cost of the permit applicant, including traffic controllers at the Hewlett Street and Mirimar Avenue intersection.

- 2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the traffic control measures as necessary.

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

PART 2 – TRAFFIC ENGINEERING ADVICE

NOTE: The matters listed under this part of the agenda seek the advice of the WTC only and do not propose that Council exercise its delegated functions at this point in time (though they may or may not require it in the future).

TC/TEAC STATE ELECTORATE OF COOGEE

Nil.

TC/TEAV STATE ELECTORATE OF VAUCLUSE

Nil.

TC/TEACV ELECTORATES OF COOGEE AND VAUCLUSE

Nil.

THE MEETING CLOSED AT 10.19 AM.

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SIGNED AND CONFIRMED
MAYOR
17 OCTOBER 2023

MAYORAL MINUTES CM/6/23.10

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/7.1/23.10

Subject: Public Interest Disclosure Policy - Adoption

TRIM No: A23/0504

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council adopts the Public Interest Disclosure Policy attached to the report.

1. Executive Summary

The new *Public Interest Disclosures Act 2022* (NSW) (PID Act) commenced on 1 October 2023. It replaces the *Public Interest Disclosures Act 1994*.

The Act enables public officials to report serious wrongdoing in a way that minimises the risk of reprisal. This reporting is often known as whistleblowing.

The commencement of the Act requires a new public interest disclosure policy, as well as training and awareness for staff.

2. Introduction/Background

The main objects of the PID Act are to:

- Facilitate the disclosure by public officials of serious wrongdoing in or affecting the public sector.
- Promote a culture in which public interest disclosures are encouraged.
- Protect public officials, witnesses and other persons from detriment or liability that might arise as a result of public interest disclosures.

The Act imposes obligations on agencies to investigate disclosures, maintain confidentiality and take corrective action, if required. It also imposes penalties against those who take detrimental action.

The rationale of the Act is that those working in an agency are usually best placed to see and report wrongdoing. If they do not speak up, the wrongdoing may continue undetected. The Act aims to reduce the barriers to reporting, such as fear of reprisal or the belief that reports will not be taken seriously. In doing so, it helps preserve the integrity of the public sector.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Operations Committee 5 April 2016	OC/5.3/16.04	That Council adopts the Internal Reporting Policy attached to this report.

4. Discussion

Changes from old Act

Some of main changes from the old Act include:

- Allowing managers to receive PIDs.
- Redefining the types of PID as voluntary PIDs, mandatory PIDs and witness PIDs.
- Allowing the head of an agency to deem a disclosure as a voluntary PID even if it would not otherwise meet the definition.
- Expanding the definition of serious misconduct to include privacy contraventions.
- Lowering the threshold for what is considered detrimental action.
- Increasing the penalties for detrimental action.
- Ongoing training and awareness obligations.

Key concepts

Public officials

Reports can only be made by 'public officials' of NSW agencies, including staff, Councillors and advisory committee members, as well as those providing services or exercising functions on behalf of an agency, such as contractors and volunteers. It does not extend to contractors providing services to an agency.

Serious wrongdoing

A person making a PID must honestly, and on reasonable grounds, believe that the disclosure shows or tends to show 'serious wrongdoing.' This means one or more of the following:

- Corrupt conduct.
- A government information contravention.
- A local government pecuniary interest contravention.
- Serious maladministration.
- A privacy contravention.
- A serious and substantial waste of public money.

It excludes:

- Disagreements over policy.
- Grievances that do not have significant implications beyond matters personally affecting an individual.
- Reasonable management action.

A disclosure can be made orally or in writing. A person making a disclosure does not need to state that they are making a PID or identify the type of wrongdoing. It is also not necessary for them to provide conclusive evidence that serious wrongdoing has occurred. However, a bare allegation or suspicion that is unsupported by any relevant evidence would not be sufficient. Whether a report meets the criteria of a voluntary PID is objective, and therefore the Ombudsman recommends that agencies err on the side of caution when assessing reports.

Protections

A public official who makes a report has special protections under the Act; namely:

- Protections from detrimental action, including:
 - It being a criminal offence to take detrimental action against a person who has made or is proposing to make a PID.
 - A right to compensation.
 - Injunctions.
- Immunity from civil and criminal liability that might otherwise arise because they made the report; for example, disclosing confidential information.

Recipients of PIDs

There are multiple pathways to report serious wrongdoing. A voluntary PID can be made internally to one or more of the following:

- The head of the agency. For Council, this is the General Manager.
- Disclosure officers. These are staff who are identified as such in the PID Policy. Their role includes receiving disclosures and referring them to the disclosure coordinator. The most senior employee who ordinarily works at a permanently maintained worksite is also automatically a disclosure officer.
- The disclosure coordinator (if listed in the policy). This is the senior disclosure officer. At Council, this role is performed by the Executive Manager, Governance. The disclosure coordinator is responsible for assessing and managing disclosures, in consultation with the General Manager where appropriate.
- The person's manager. In a major change to the Act, staff who supervise or manage other staff can now receive PIDs. The role of managers includes receiving reports and referring them to a disclosure officer or the disclosure coordinator.

Public officials can also make their report externally to:

- The head of any agency (including integrity agencies such as the ICAC and Ombudsman).
- A disclosure officer of any agency.
- A Minister or a member of a Minister's staff.
- A member of Parliament or a journalist (in limited circumstances).

Voluntary PIDs are confidential, but they can also be made anonymously.

If a disclosure is not made via one of the pathways above or does not meet the other criteria of a voluntary PID, it will generally not be a PID and the person will not be protected by the PID Act—subject to the deeming power of the head of the agency.

Policy

All agencies are required to have a public interest disclosure policy that explains how they will receive, assess and handle PIDs under the Act. Council's policy, previously known as the Internal Reporting Policy, was last reviewed in August 2021.

With the new Act, the NSW Ombudsman has developed a revised model policy. Officers have drafted a new policy that follows the model (Attachment 1). It will replace the 2021 policy. Changes or additions to the model are shown in red.

The policy is primarily about voluntary PIDs; that is, a PID where the report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know. However, the policy also explains the other types.

The policy must list the agency's disclosure officers. It is up to agencies to determine their disclosure officers. Agencies should ensure that there is a sufficient number across their organisation to facilitate reporting. The list has been revised and expanded accordingly.

Training

Under the Act, agencies must ensure that appropriate training is provided to the head of the agency, disclosure officers and managers on their responsibilities under the Act. Initial training must be completed by 1 April 2024, which is six months after the Act commences on 1 October 2023.

The Ombudsman has developed two e-learning modules, which will be rolled out between October 2023 and April 2024.

Training will also be provided on an ongoing basis to new staff who are managers or existing staff who subsequently become managers or disclosure officers. Refresher training will take place at least every three years, as required by the Act.

Communications and awareness

An agency has to ensure that all public officials associated with the agency are aware of:

- How to make a PID.
- The PID Policy.
- Their review rights.

An internal communications plan has been developed to satisfy this requirement. The focus is to encourage staff to report all wrongdoing; i.e. see something, say something.

5. Financial impact statement/Time frame/Consultation

Financial impact

There are currently no external costs to rolling out the new policy.

Time frame

The new PID Act commenced on 1 October 2023.

Consultation

The draft policy was approved by the Executive Leadership Team on 28 September 2023 and presented to the Consultative Committee on 11 October 2023.

The policy does not need to be publicly exhibited.

6. Conclusion

The PID Act is the framework that facilitates public interest reporting of wrongdoing in the NSW public sector. The Public Interest Disclosure Policy sets out how Council will receive, assess and handle PIDs under the new Act.

7. Attachments

1. Public Interest Disclosure Policy [link](#) .



WAVERLEY
COUNCIL

Public Interest Disclosure Policy

Public Interest Disclosure Policy

Policy owner	Executive Manager, Governance
Approved by	Council
Date approved	
File reference	A23/0504
Next revision date	October 2027
Relevant legislation	<i>Public Interest Disclosures Act 2022</i>
Related policies/procedures/guidelines	Code of Conduct Fraud and Corruption Control Framework
Related forms	

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Purpose

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

At Council, we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- How Council will support and protect you if you come forward with a report of serious wrongdoing.
- How we will deal with the report and our other responsibilities under the PID Act
- Who to contact if you want to make a report.
- How to make a report.
- The protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- Protecting those who speak up from detrimental action.
- Imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with the Code of Conduct, HR procedures and the Fraud and Corruption Control Framework.

Accessibility of this policy

This policy is available on Council's publicly available website as well as on [the intranet \(The Junction\)](#).

A copy of the policy is also sent to all staff of Council on their commencement. A hard copy of the policy can be requested from the [Governance Department](#).

Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- A person employed in or by an agency or otherwise in the service of an agency.
- A person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate.
- An individual in the service of the Crown.

- A statutory officer.
- A person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer.
- An employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions.
- A judicial officer.
- A Member of Parliament (MP), including a Minister.
- A person employed under the *Members of Parliament Staff Act 2013*.

The **General Manager, disclosure coordinator**, nominated disclosure officers and managers within Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

Who does this policy not apply to?

This policy does not apply to:

- People who have received services from an agency and want to make a complaint about those services.
- People, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1(i) of this policy for more information).

However, you can still make a complaint to Council. This can be done **under the Complaint Management Policy or Code of Conduct**.

Compliance with the PID Act

This policy will be reviewed at least every four years. The policy will be monitored by the Governance Department.

What is contained in this policy?

This policy will provide you with information on the following:

- Ways you can make a voluntary PID to Council under the PID Act.
- The names and contact details for the nominated disclosure officers in Council.
- The roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Council.
- What information you will receive once you have made a voluntary PID.
- Protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you.
- Council's procedures for dealing with disclosures.

- Council's procedures for managing the risk of detrimental action and reporting detrimental action.
- Council's record-keeping and reporting requirements.
- How Council will ensure it complies with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- Confidentially contact **the disclosure coordinator** or a nominated disclosure officer within Council.
- Contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- Access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

1. How to make a report of serious wrongdoing

(a) Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy. **If it is not a PID, we will deal with it in accordance with the Code of Conduct and/or our HR procedures.**

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

(b) When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. Voluntary PID: this is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. Mandatory PID: this is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. Witness PID: this is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

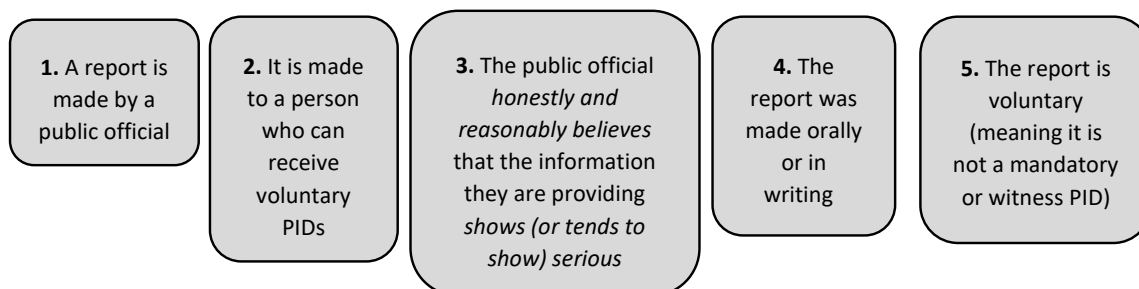
This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing.'

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see ‘Who this policy applies to’. You are a public official if:

- You are employed by Council.
- You are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Council.
- You work for an entity (such as a non-government organisation) who is contracted by Council to provide services or exercise functions on behalf of Council—if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- Corrupt conduct—Such as a public official accepting a bribe.
- Serious maladministration—Such as an agency systemically failing to comply with proper recruitment processes when hiring staff.
- A government information contravention—Such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application.
- A local government pecuniary interest contravention—Such as a senior council staff member recommending a family member for a council contract and not declaring the relationship.
- A privacy contravention—Such as unlawfully accessing a person's personal information on an agency's database.
- A serious and substantial waste of public money—Such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(e) Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Council

You can make a report inside Council to:

- **The General Manager.**
- **The disclosure coordinator.**
- A disclosure officer for Council—A list of disclosure officers for Council and their contact details can be found at Annexure A of this policy
- Your manager—This is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

Making a report to a recipient outside of Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- The head of another agency—This means the head of any public service agency.
- An integrity agency—A list of integrity agencies is located at Annexure B of this policy.
- A disclosure officer for another agency—Ways to contact disclosure officers for other agencies is located in an agency's PID policy, which can be found on their public website.
- A Minister or a member of a Minister's staff but the report *must be made in writing*.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council:
 - Notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - The following information at the end of the investigation period:
 - Notice of Council decision to investigate the serious wrongdoing.
 - A description of the results of an investigation into the serious wrongdoing.
 - Details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- After six months from the previous disclosure being made, or
- After 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

(f) What form should a voluntary PID take?

You can make a voluntary PID:

- In writing—This could be an email or letter to a person who can receive voluntary PIDs, **or via the online reporting form available on our website and on the intranet.**
- Orally—Have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.

- Anonymously—Write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

(g) What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- Date, time and location of key events.
- Names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved.
- Your relationship with the person(s) involved, such as whether you work closely with them.
- Your explanation of the matter you are reporting.
- How you became aware of the matter you are reporting.
- Possible witnesses.
- Other information you have that supports your report.

(h) What if I am not sure if my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of Council's policies for dealing with reports, allegations or complaints.

(i) Deeming that a report is a voluntary PID

The **General Manager** can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to **the General Manager** to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the **General Manager**. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

(j) Who can I talk to if I have questions or concerns?

If you have any question questions or concerns, please contact the General Manager, the disclosure coordinator or a disclosure officer. Your enquiry will be treated confidentially.

2. Protections

(a) How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- Protection from detrimental action.
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
 - Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
 - A person may seek compensation where unlawful detrimental action has been taken against them.
 - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- Immunity from civil and criminal liability.

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

- Confidentiality.

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- Protection from liability for own past conduct.

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

(b) Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- A mandatory PID: this is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- A witness PID: this is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure. 	✓	✓

3. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to:

- Council **via the General Manager, disclosure coordinator, disclosure officer or your manager.**
- To an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

4. General support

If you make a report to Council, you will be supported by the General Manager and/or disclosure coordinator and relevant disclosure officer, who will take steps to protect your interests.

You can also access Council's Employee Assistance Program for wellbeing support, and contact the NSW Ombudsman.

5. Roles and responsibilities of Council employees

Certain people within Council have responsibilities under the PID Act.

(a) General Manager

The General Manager is responsible for:

- Fostering a workplace culture where reporting is encouraged.
- Receiving disclosures from public officials.
- Ensuring there is a system in place for assessing disclosures.
- Ensuring that Council complies with this policy and the PID Act.
- Ensuring that Council has appropriate systems for:
 - Overseeing internal compliance with the PID Act
 - Supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
 - Implementing corrective action if serious wrongdoing is found to have occurred
 - Complying with reporting obligations regarding allegations or findings of detrimental action
 - Complying with yearly reporting obligations to the NSW Ombudsman.

(b) Disclosure coordinator

The disclosure coordinator is responsible for:

- Receiving disclosures from public officials.
- Assessing disclosures to determine whether they should be treated as a voluntary public interest disclosure, and to decide how each disclosure will be dealt with, in consultation with the General Manager where appropriate.
- Being the primary point of contact for reporters.
- Coordinating Council's response to a disclosure.
- Acknowledging disclosures and providing updates and feedback to the reporter.
- Assessing whether it is possible to keep the reporter's identity confidential.
- Assessing the risk of detrimental action that could arise out of a report and developing strategies to manage this risk.
- Providing or coordinating support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report.
- Assisting the General Manager in ensuring that Council complies with the PID Act.
- Providing annual returns to the NSW Ombudsman.

(c) Disclosure officers

Disclosure officers are responsible for:

- Receiving reports from public officials.
- Receiving reports when they are passed on to them by managers.
- Ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant).
- Ensuring that any oral reports that have been received are recorded in writing.

(d) Managers

The responsibilities of managers include:

- Receiving reports from persons that report to them or that they supervise.
- Passing on reports they receive to a disclosure officer.

(e) All employees

All employees must:

- Report suspected serious wrongdoing or other misconduct.
- Use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council.
- Treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

6. How we will deal with voluntary PIDs**(a) How we will acknowledge that we have received a report and keep the person who made it informed**

When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgment will:
 - State that the report will be assessed to identify whether it is a PID.
 - State that the PID Act applies to how Council deals with the report.
 - Provide clear information on how you can access this PID policy.
 - Provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - That we are investigating the serious wrongdoing.
 - That we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral.

- If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - A description of the results of the investigation—That is, we will tell you whether we found that serious wrongdoing took place.
 - Information about any corrective action as a result of the investigation/s—This means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
 - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

(b) How we will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, we will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

The disclosure coordinator will undertake the assessment in consultation with the General Manager, where appropriate.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our **Code of Conduct or HR procedures**, or through an alternative process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. We can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

We may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. **An external investigator may be appointed to assist in this process.** There may be circumstances where we believe an investigation is not warranted—for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

(c) How we will protect the confidentiality of the maker of a voluntary PID

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- Where the person consents in writing to the disclosure.
- Where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker.
- When the public official or we reasonably considers it necessary to disclose the information to protect a person from detriment.
- Where it is necessary the information be disclosed to a person whose interests are affected by the disclosure.
- Where the information has previously been lawfully published.
- When the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information.
- When the information is disclosed for the purposes of proceedings before a court or tribunal
- When the disclosure of the information is necessary to deal with the disclosure effectively
- If it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- Limiting the number of people who are aware of the maker's identity or information that could identify them.
- If we must disclose information that may identify the maker of the PID—still not disclosing the actual identity of the maker of the PID, unless we have their consent to do so.
- Ensuring that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- Ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- Undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- Providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, we will:

- Advise the person whose identity may become known.
- Update our risk assessment and risk management plan.
- Implement strategies to minimise the risk of detrimental action.
- Providing additional supports to the person who has made the PID.
- Remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

(d) How we will assess and minimise the risk of detrimental action

We will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

We will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

We will take steps to assess and minimise the risk of detrimental action by:

- Undertaking a risk assessment and creating a risk management plan.
- Reassessing the risk throughout the entirety of the matter.
- Offering the necessary protections and support.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- Injury, damage or loss.
- Property damage.
- Reputational damage.

- Intimidation, bullying or harassment.
- Unfavourable treatment in relation to another person's job.
- Discrimination, prejudice or adverse treatment.
- Disciplinary proceedings or disciplinary action.
- Any other type of disadvantage.

Detrimental action does not include:

- Lawful action taken by a person or body to investigate serious wrongdoing or other misconduct.
- The lawful reporting or publication of a finding of serious wrongdoing or other misconduct.
- The lawful making of adverse comment, resulting from investigative action.
- The prosecution of a person for a criminal offence.
- Reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

(e) How we will deal with allegations of a detrimental action offence

If we become aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- Take all steps possible to stop the action and protect the person(s).
- Take appropriate disciplinary action against anyone that has taken detrimental action.
- Refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable).
- Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

(f) What we will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- A formal apology.
- Improving internal policies to adequately prevent and respond to similar instances of wrongdoing.
- Providing additional education and training to staff where required.
- Taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand).
- Payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

The General Manager, in consultation with the disclosure coordinator and HR Department, will ensure that corrective action takes place, and will notify the reporter of the action taken.

7. Review and dispute resolution

(a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- That Council is not required to deal with the report as a voluntary PID.
- To stop dealing with the report because we decided it was not a voluntary PID.
- To not investigate the serious wrongdoing and not refer the report to another agency.
- To cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

We will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of our decision. The application should state the reasons why you consider our decision should not have been made. You may also submit any other relevant material with your application.

Internal review applications should be sent to the General Manager or disclosure coordinator, who will refer them to an external reviewer.

(b) Voluntary dispute resolution

If a dispute arises between us and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where we and the maker of the report are willing to resolve the dispute.

8. Other agency obligations

(a) Record-keeping requirements

We must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that we comply with its obligations under the *State Records Act 1998*.

All records relating to disclosures will be stored in our electronic document and records management system in restricted files.

(b) Reporting of voluntary PIDs and Council's annual return to the Ombudsman

Each year we provide an annual return to the NSW Ombudsman which includes:

- Information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July).
- Action taken by Council to deal with voluntary PIDs during the return period.
- How Council promoted a culture in the workplace where PIDs are encouraged.

The disclosure coordinator is responsible for compiling the annual return.

(c) How we will ensure compliance with the PID Act and this policy

Council has a legislative compliance framework. This ensures that we are alerted to changes to legislation and that non-compliance is reported on and addressed.

Any non-compliance with the Act or policy will be reported to the Executive Leadership Team and the Audit, Risk and Improvement Committee.

Compliance with the Act and policy may also be subject to internal audit.

DRAFT

Annexure A – Names and contact details of disclosure officers for Council

General Manager

Name	Phone	Email
Emily Scott	9083 8608	emily.scott@waverley.nsw.gov.au

Disclosure coordinator

Name	Phone	Email
Richard Coelho (Executive Manager, Governance)	9083 8193	richard.coelho@waverley.nsw.gov.au

Disclosure officers

Name	Phone	Email
Assets and Operations		
Cameron Eccles (Senior Project Manager)	9083 8694	cameron.eccles@waverley.nsw.gov.au
Joe Torrisi (Manager, Commercial Waste)	9083 8667	joe.torrisi@waverley.nsw.gov.au
John Andrews (Property Manager)	9083 8659	john.andrews@waverley.nsw.gov.au
Ken Shelston (Manager, Cemetery Services)	9083 8891	ken.shelston@waverley.nsw.gov.au
Mark Woodhead (Manager, Fleet)	9083 8649	mark.woodhead@waverley.nsw.gov.au
Priscilla Felice (Supervisor, Trades)	9083 8691	priscilla.felice@waverley.nsw.gov.au
Robbie Frawley (Infrastructure Programs Coordinator)	0491 983 266	robbie.frawley@waverley.nsw.gov.au
Community, Culture and Customer Experience		
Alan Chan (Senior Project Officer)	0473 004 252	alan.chan@waverley.nsw.gov.au
Rebecca Rodwell (Manager, Community Planning and Partnerships)	9083 8913	rebecca.rodwell@waverley.nsw.gov.au
General Manager's Unit		
Mary Shiner (Manager, Executive Services)	9083 8120	mary.shiner@waverley.nsw.gov.au
Planning, Sustainability and Compliance		
Ben Magistrale (Acting Manager, Development Assessment)	9083 8042	ben.magistrale@waverley.nsw.gov.au
David Chariton (Manager, Ranger Services)	9083 8003	david.chariton@waverley.nsw.gov.au
Suzanne Dunford (Manager, Sustainability and Resilience)	9083 8250	suzanne.dunford@waverley.nsw.gov.au
Tim Sneesby (Manager, Strategic Planning)	9083 8172	tim.sneesby@waverley.nsw.gov.au

Annexure B – List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: oilccec_executive@oilccec.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

REPORT
CM/7.2/23.10

Subject: Annual Returns Disclosing Interests of Councillors and Designated Persons

TRIM No: A23/0171

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council notes the returns of Councillors and designated persons disclosing interests for the period 30 June 2022 to 30 June 2023.

1. Executive Summary

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

2. Introduction/Background

Part 4 of the Code of Conduct requires Councillors and designated persons to lodge an annual return with the General Manager disclosing their interests during the period 1 July to 30 June by 30 September each year. Councillors and designated persons are also required to submit returns within three months after:

- Becoming a Councillor or designated person.
- Becoming aware of an interest that has not previously been disclosed.

A 'designated person' includes:

- The General Manager.
- Senior staff.
- Other staff, as determined by the General Manager, who exercise functions such as regulatory functions or contractual functions that could give rise to a conflict of interest.

The General Manager is required to keep a register of returns and table the returns at the first Council meeting after 30 September each year.

3. Relevant Council Resolutions

Meeting and Date	Item No.	Resolution
Council 18 October 2022	CM/7.12/22.10	That Council notes the returns of Councillors and designated persons disclosing interests for the period 1 July 2021 to 30 June 2022.

4. Discussion

Thirty positions were identified as being required to lodge an annual return: 12 Councillors, the General Manager, four senior staff and 13 other staff. Officers forwarded the prescribed form to each Councillor and designated person and outlined their responsibilities to complete the return for the period 1 July 2022 to 30 June 2023. Table 1 lists the returns received.

Table 1. Returns received for the period 1 July 2022 to 30 June 2023.

Councillors x 12
General Manager
Director, Assets and Operations
Director, Corporate Services
Director, Planning, Sustainability and Compliance
Director, Community, Culture and Customer Experience
Chief Information Officer
Executive Manager, Compliance
Executive Manager, Infrastructure Services
Executive Manager, Development Assessment
Executive Manager, Finance
Executive Manager, Major Projects
Executive Manager, Procurement
Executive Manager, Property and Facilities
Executive Manager, Urban Planning, Policy and Strategy
Manager, Building Certification and Compliance
Manager, Development Assessment x 3

Returns are classified as 'open access information' under the *Government Information (Public Access) Act 2009* and must be made publicly available in accordance with the Act.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

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

Consultation

Not applicable.

Time frame

The returns cover the period from 1 July 2022 to 30 June 2023.

The returns must be lodged with the General Manager by 30 September 2023 and tabled at the next Council meeting after 30 September 2023.

6. Conclusion

The Code of Conduct requires Councillors and designated persons to lodge an annual return disclosing their interests for the period 1 July to 30 June by 30 September each year. The returns must then be tabled at the first Council meeting after 30 September. This report addresses the requirements of the Code of Conduct.

7. Attachments

Nil.

REPORT CM/7.3/23.10



Subject: Investment Portfolio Report - August 2023

TRIM No: A03/2211

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

- Notes the Investment Summary Report for August 2023 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 August 2023, Council's investment portfolio generated \$363,312 in interest.

The interest income for year to date achieved 26.31% (\$726,466) of the current approved budget forecast of \$2,761,652. Council is on track to achieve interest income budgeted for the financial year 2023-24.

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 interest on investment budget for the 2023-24 financial year was adopted by Council at this meeting on 27 June 2023 and was set at \$2,761,652.

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	Actual Monthly (\$)	Actual YTD (\$)	Tracking YTD Current Approved Budget %
July	363,154	363,154	13.15%
August	363,312	726,466	26.31%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 August 2023	CM/7.3/23.08	<p>That Council:</p> <ol style="list-style-type: none"> Notes the Investment Summary Report for July 2023 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 August 2023, Council's cash investment portfolio for the financial year, generated total interest earnings of \$726,466 representing 26.31% of the current approved budget of \$2,761,652.

Council's investment portfolio posted a marked-to-market return of 3.77% pa for the month against the bank bill index benchmark return of 4.39% pa.

Without marked-to-market influences, Council's investment portfolio yielded 4.52% 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. Over the last 12 months, Council's investment portfolio had a 4.19% return, versus the bank bill index benchmark of 3.37%.

During August, Council had \$15 m among five 12-month term deposits matured, which had an average yield of 3.96% pa. Council took advantage of the high interest rate environment, investing \$27.7 m across 10 new term deposits with maturities ranging between 6 and 12 months at an average rate of 5.18% pa, as detailed in the following table 2. The table also compares rates on offer during August 2023 between the non-fossil/green investments and the fossil fuel ADIs.

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
8 August 2023	\$3,000,000	8	5.11%	5.46%
15 August 2023	\$3,000,000	12	5.16%	5.21%
16 August 2023	\$3,000,000	9	5.20%	5.15%
22 August 2023	\$3,000,000	8	5.25%	5.10%
23 August 2023	\$3,000,000	12	5.09%	5.37%
24 August 2023	\$4,000,000	12	5.05%	5.38%
24 August 2023	\$1,000,000	9	5.15%	5.38%
28 August 2023	\$1,700,000	6	5.15%	5.10%
29 August 2023	\$3,000,000	12	5.07%	5.41%
31 August 2023	\$3,000,000	9	5.00%	5.18%

As at 31 August 2023, Council's investment portfolio has a current market value of \$141,771,558, which represents a gain of \$924,652 on the \$140,846,906 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	\$15,056,729	\$15,056,729
Floating Rate Note	\$24,800,000	\$24,775,059
Managed Funds	\$14,290,177	\$14,290,177
Term Deposit	\$86,700,000	\$87,649,593
Total	\$140,846,907	\$141,771,559

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

Reserves	Value
External Restricted Reserves	\$45,836,431
Internal Restricted Reserves	\$75,494,890
Unrestricted fund	\$19,515,586
Total	\$140,846,907

Analysis

Attached to this report is a summary of the investment portfolio for the month of August. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp. The table below compares Council's portfolio return to the bank bill index benchmark.

Table 4. Portfolio return.

Month	Portfolio return %	Ausbond BB index %	Variance %
Sep-22	-0.72	1.79	-2.51
Oct-22	5.84	2.89	2.95
Nov-22	6.09	3.07	3.02
Dec-22	-0.06	2.98	-3.04
Jan-23	7.42	3.18	4.24
Feb-23	2.68	3.18	-0.50
Mar-23	4.66	3.39	1.27
Apr-23	5.21	3.77	1.44
May-23	3.18	3.53	-0.35
June-23	6.12	3.72	2.40
July-23	6.31	4.48	1.83
August-23	3.77	4.39	-0.62
Average % return over the last 12 months	4.20	3.36	0.84

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 August 2023, 70% 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 20% of the portfolio. The remaining 10% is invested with TCorp.

Over the period of 63 months, from July 2018 to August 2023, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 20%, as shown in Figure 1 below.

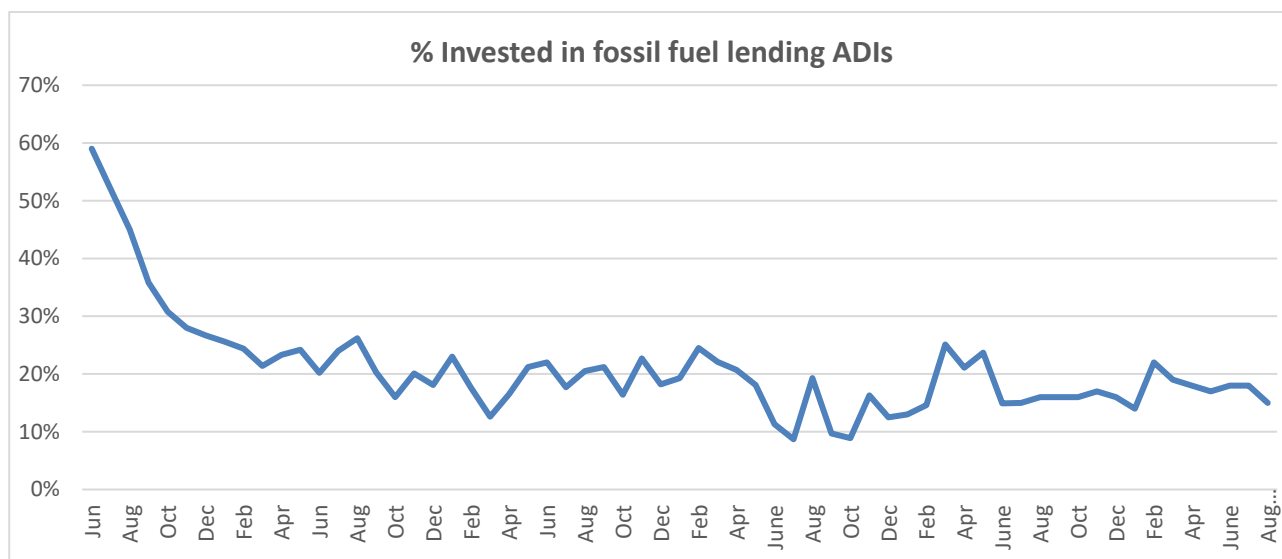


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the Commonwealth Bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 78.31% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 10.33% of the portfolio. The remaining 11.36% is invested with TCorp as displayed in Figure 2 below.

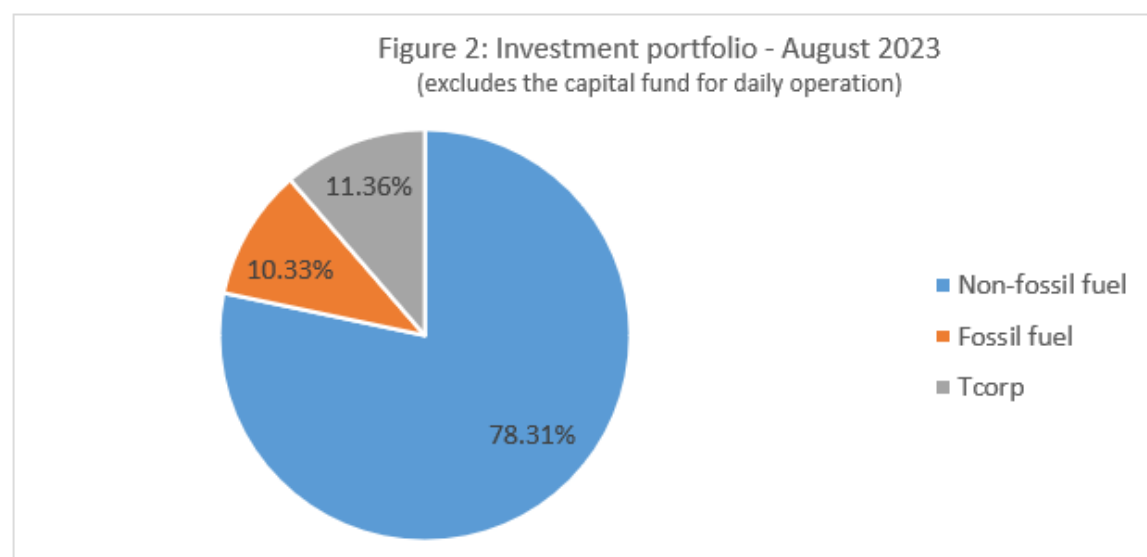


Figure 2. Investment portfolio.

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 \$726,466 for the 2023-24 financial year, representing 26.31% of the approved budget of \$2,761,652.

7. Attachments

1. Investment Summary Report - August 2023 [↓](#) .



Investment Summary Report August 2023

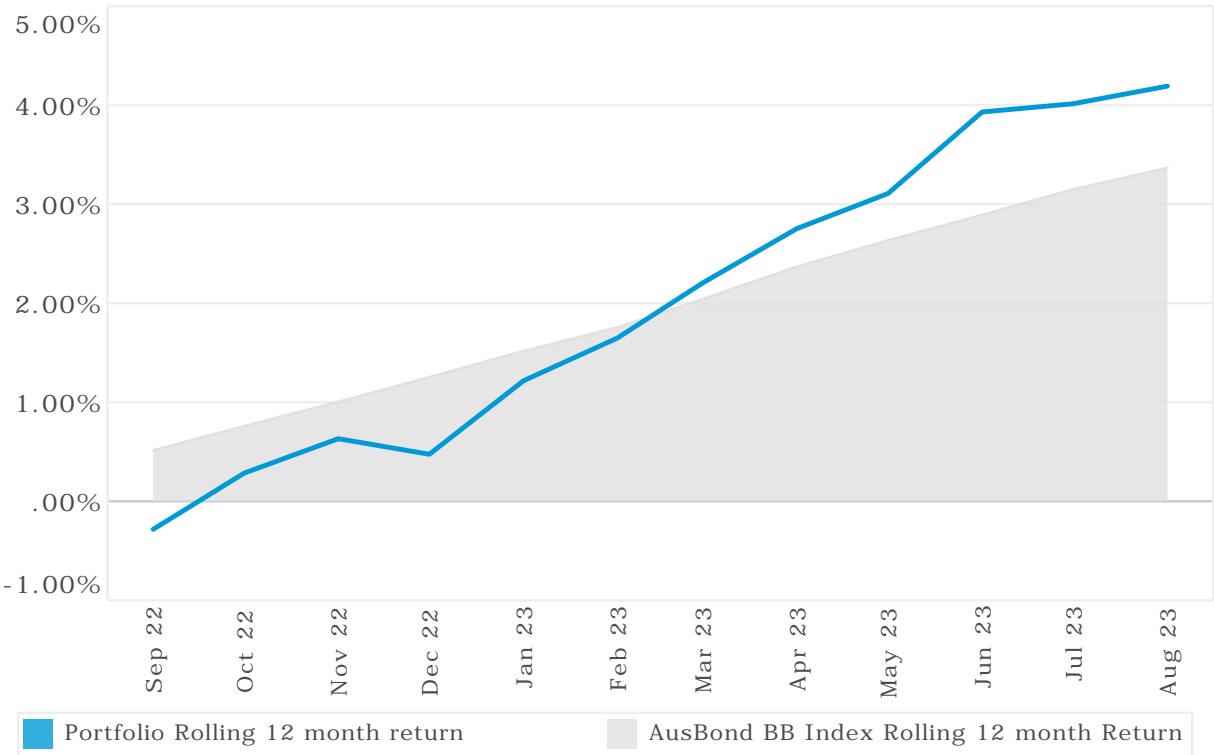
Waverley Council
Executive Summary - August 2023



Investment Holdings

Investment Performance

	Face Value (\$)	Current Value (\$)
Cash	15,056,729	15,056,729
Floating Rate Note	24,800,000	24,775,059
Managed Funds	14,290,177	14,290,177
Term Deposit	86,700,000	87,649,593
	140,846,907	141,771,559

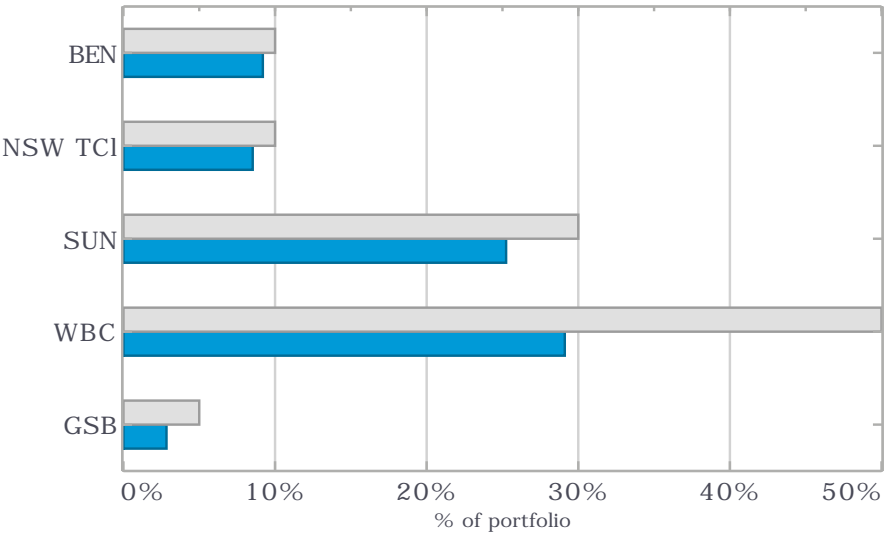
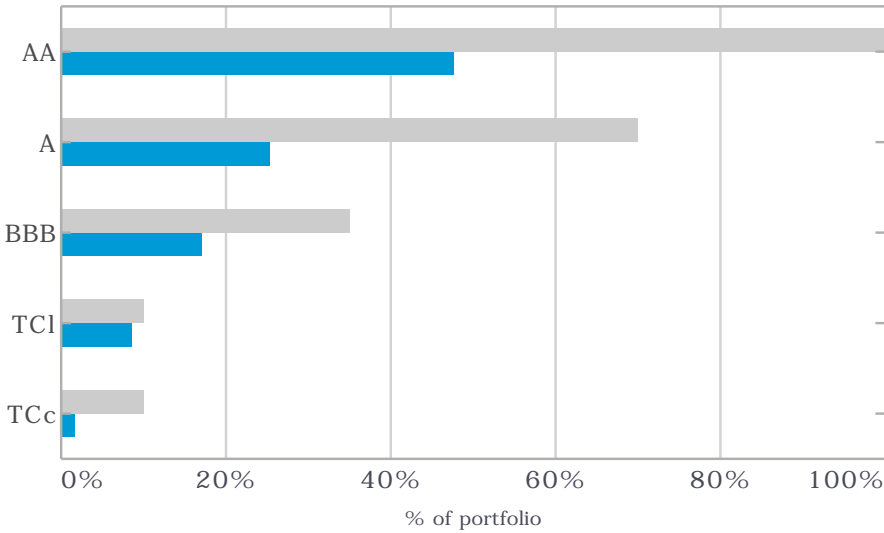


Investment Policy Compliance

Total Credit Exposure

Individual Institutional Exposures

Term to Maturities



	Face Value (\$)	Policy Max
Between 0 and 1 years	112,546,907	80% 100% a
Between 1 and 10 year:	28,300,000	20% 70% a
	140,846,907	

Portfolio Exposure

Investment Policy Limit

Specific Sub Limits			
Between 3 and 10 year:	8,750,000	6% 50% a	
Between 5 and 10 year:	0	0% 25% a	

Waverley Council

Investment Holdings Report - August 2023



Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating		Current Value (\$)	Deal No.	Reference
1,000.00	0.0000%	Commonwealth Bank of Australia	AA-		1,000.00	120800	Eastgate CP
10,697.18	0.0000%	Commonwealth Bank of Australia	AA-		10,697.18	120801	Hollywood Av CP
39,074.00	0.0000%	Commonwealth Bank of Australia	AA-		39,074.00	120796	Cemetery Funds
52,359.06	0.0000%	Commonwealth Bank of Australia	AA-		52,359.06	370151	Library Gift
132,326.98	0.0000%	Commonwealth Bank of Australia	AA-		132,326.98	120797	Depositor Funds
175,441.22	0.0000%	Commonwealth Bank of Australia	AA-		175,441.22	120795	Trust Funds
218,356.21	0.0000%	Commonwealth Bank of Australia	AA-		218,356.21	120799	Library CP
2,235,099.03	0.0000%	Commonwealth Bank of Australia	AA-		2,235,099.03	120794	General Funds
12,192,375.45	4.1000%	Commonwealth Bank of Australia	AA-		12,192,375.45	120789	24hr Call
15,056,729.13	3.3200%				15,056,729.13		

Managed Funds

Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
2,280,754.81	0.5218%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,280,754.81	411310	Builder Deposits
12,009,422.58	-0.2766%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	12,009,422.58	538089	
14,290,177.39	-0.1491%				14,290,177.39		

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
5-Sep-23	3,000,000.00	3.9600%	Suncorp Bank	A+	3,000,000.00	22-Aug-22	3,003,254.79	543202	3,254.79	Annually	
19-Sep-23	3,000,000.00	4.0500%	Suncorp Bank	A+	3,000,000.00	2-Sep-22	3,121,167.12	543280	121,167.12	Annually	
26-Sep-23	2,000,000.00	4.1900%	Westpac Group	AA-	2,000,000.00	21-Mar-23	2,037,652.60	543947	37,652.60	At Maturity	Green
3-Oct-23	3,000,000.00	4.6200%	Westpac Group	AA-	3,000,000.00	30-Sep-22	3,023,922.74	543451	23,922.74	Quarterly	
31-Oct-23	3,000,000.00	4.6200%	Suncorp Bank	A+	3,000,000.00	28-Apr-23	3,047,845.48	544049	47,845.48	At Maturity	
7-Nov-23	3,000,000.00	4.4200%	Westpac Group	AA-	3,000,000.00	9-Nov-22	3,107,533.15	543532	107,533.15	At Maturity	Green
14-Nov-23	2,000,000.00	4.4300%	Suncorp Bank	A+	2,000,000.00	15-Nov-22	2,070,394.52	543558	70,394.52	At Maturity	

Waverley Council

Investment Holdings Report - August 2023



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
19-Dec-23	5,000,000.00	5.1400%	Westpac Group	AA-	5,000,000.00	21-Jun-23	5,050,695.89	544217	50,695.89	At Maturity	Green
23-Jan-24	3,000,000.00	5.4500%	Bendigo and Adelaide Bank	BBB+	3,000,000.00	22-Jun-23	3,031,804.11	544218	31,804.11	At Maturity	
20-Feb-24	2,000,000.00	1.5800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,001,991.23	542328	1,991.23	Quarterly	Green
27-Feb-24	1,700,000.00	5.1500%	Bendigo and Adelaide Bank	BBB+	1,700,000.00	28-Aug-23	1,700,959.45	544434	959.45	At Maturity	
5-Mar-24	4,000,000.00	1.8300%	Westpac Group	AA-	4,000,000.00	9-Mar-22	4,016,846.03	542424	16,846.03	Quarterly	Green
12-Mar-24	3,000,000.00	4.8500%	Westpac Group	AA-	3,000,000.00	3-Mar-23	3,072,550.68	543890	72,550.68	At Maturity	Green
13-Mar-24	3,000,000.00	4.8000%	Auswide Bank	Baa2	3,000,000.00	14-Mar-23	3,067,463.01	543961	67,463.01	At Maturity	
19-Mar-24	3,000,000.00	4.7200%	Suncorp Bank	A+	3,000,000.00	13-Mar-23	3,066,726.58	543932	66,726.58	At Maturity	
2-Apr-24	3,000,000.00	5.1100%	Suncorp Bank	A+	3,000,000.00	8-Aug-23	3,010,080.00	544363	10,080.00	At Maturity	
9-Apr-24	2,000,000.00	5.4700%	Suncorp Bank	A+	2,000,000.00	18-Jul-23	2,013,487.67	544322	13,487.67	At Maturity	
16-Apr-24	3,000,000.00	4.9500%	Suncorp Bank	A+	3,000,000.00	23-May-23	3,041,091.78	544113	41,091.78	At Maturity	
23-Apr-24	3,000,000.00	5.1700%	Great Southern Bank	BBB	3,000,000.00	25-May-23	3,042,068.22	544129	42,068.22	At Maturity	
30-Apr-24	3,000,000.00	5.2500%	Suncorp Bank	A+	3,000,000.00	22-Aug-23	3,004,315.07	544409	4,315.07	At Maturity	
1-May-24	3,000,000.00	4.4600%	Westpac Group	AA-	3,000,000.00	28-Apr-23	3,046,188.49	544048	46,188.49	At Maturity	Green
15-May-24	3,000,000.00	5.2000%	Suncorp Bank	A+	3,000,000.00	16-Aug-23	3,006,838.36	544398	6,838.36	At Maturity	
28-May-24	1,000,000.00	5.1500%	Bendigo and Adelaide Bank	BBB+	1,000,000.00	24-Aug-23	1,001,128.77	544423	1,128.77	At Maturity	
28-May-24	3,000,000.00	5.1800%	National Australia Bank	AA-	3,000,000.00	31-Aug-23	3,000,425.75	544449	425.75	At Maturity	
20-Aug-24	3,000,000.00	5.0900%	Westpac Group	AA-	3,000,000.00	23-Aug-23	3,003,765.21	544416	3,765.21	At Maturity	Green
20-Aug-24	3,000,000.00	5.1600%	Westpac Group	AA-	3,000,000.00	15-Aug-23	3,007,209.86	544392	7,209.86	Quarterly	Green
27-Aug-24	3,000,000.00	5.4100%	Commonwealth Bank of Australia	AA-	3,000,000.00	29-Aug-23	3,001,333.97	544437	1,333.97	At Maturity	
27-Aug-24	4,000,000.00	5.0500%	Westpac Group	AA-	4,000,000.00	24-Aug-23	4,004,427.40	544424	4,427.40	Quarterly	Green
4-Sep-24	4,000,000.00	4.4000%	Westpac Group	AA-	4,000,000.00	2-Sep-22	4,043,879.45	543279	43,879.45	Quarterly	
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,002,545.75	542329	2,545.75	Quarterly	Green
	86,700,000.00	4.5849%			86,700,000.00		87,649,593.13		949,593.13		

Floating Rate Notes

Waverley Council
Investment Holdings Report - August 2023



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	5.0369%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,515,089.78	538331	11,039.78	30-Oct-23	
24-Oct-24	1,000,000.00	5.4775%	GSB Snr FRN (Oct24) BBSW+ 1.12%	BBB	1,000,000.00	24-Oct-19	1,007,902.67	538604	5,852.67	24-Oct-23	
2-Dec-25	2,250,000.00	4.5417%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,253,337.07	540603	25,477.07	4-Sep-23	
24-Feb-26	1,300,000.00	4.5872%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	1,300,000.00	24-Feb-21	1,288,658.04	540958	1,307.04	24-Nov-23	
4-Mar-26	4,000,000.00	4.7026%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	4,000,000.00	4-Mar-21	3,974,951.10	540983	45,351.10	4-Sep-23	
15-May-26	1,000,000.00	5.4216%	BEN Snr FRN (May26) BBSW+ 1.25%	BBB+	1,000,000.00	8-May-23	1,007,545.13	544084	2,525.13	15-Nov-23	
18-Jun-26	4,000,000.00	4.9653%	BEN Snr FRN (Jun26) BBSW+0.65%	BBB+	4,000,000.00	11-Jun-21	3,994,226.54	541523	40,266.54	18-Sep-23	
15-Sep-26	3,750,000.00	4.7160%	SUN Snr FRN (Sep26) BBSW+0.48%	A+	3,750,000.00	9-Sep-21	3,740,130.10	541877	37,792.60	15-Sep-23	
23-Dec-26	5,000,000.00	4.7313%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	21-Sep-21	4,993,218.63	541916	45,368.63	25-Sep-23	
24,800,000.00		4.8261%			24,800,000.00			24,775,059.06	214,980.56		



Waverley Council

Accrued Interest Report - August 2023



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	(% 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	10,694.79	5.04%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	0.00	31	4,652.12	5.48%
BEN Snr FRN (Dec25) BBSW+0.52%	540603		2,250,000.00	2-Dec-20	2-Dec-25	0.00	31	8,679.00	4.54%
SUN Snr FRN (Feb26) BBSW+0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26	14,329.06	31	4,889.30	4.43%
NPBS Snr FRN (Mar26) BBSW+0.63%	540983		4,000,000.00	4-Mar-21	4-Mar-26	0.00	31	15,975.95	4.70%
BEN Snr FRN (May26) BBSW+ 1.25%	544084		1,000,000.00	15-May-23	15-May-26	12,970.49	31	4,498.90	5.30%
BEN Snr FRN (Jun26) BBSW+0.65%	541523		4,000,000.00	18-Jun-21	18-Jun-26	0.00	31	16,868.41	4.97%
SUN Snr FRN (Sep26) BBSW+0.48%	541877		3,750,000.00	15-Sep-21	15-Sep-26	0.00	31	15,020.13	4.72%
CBA Green Snr FRN (Dec26) BBSW+0.41%	541916		5,000,000.00	23-Sep-21	23-Dec-26	0.00	31	20,091.82	4.73%
						27,299.55		101,370.42	4.81%
Managed Funds									
NSW T-Corp Defensive Cash Funds	411310				1-Jul-24	0.00	0	11,838.41	6.32%
						0.00		11,838.41	6.32%
Term Deposits									
Commonwealth Bank of Australia	543178		3,000,000.00	15-Aug-22	15-Aug-23	117,000.00	14	4,487.67	3.90%
Commonwealth Bank of Australia	543208		3,000,000.00	23-Aug-22	23-Aug-23	119,100.00	22	7,178.63	3.97%
Commonwealth Bank of Australia	543240		3,000,000.00	26-Aug-22	24-Aug-23	120,535.89	23	7,637.26	4.04%
Suncorp Bank	543165		3,000,000.00	10-Aug-22	8-Aug-23	117,253.97	7	2,261.09	3.93%
Suncorp Bank	543194		3,000,000.00	18-Aug-22	22-Aug-23	119,495.34	21	6,800.55	3.94%
Suncorp Bank	543202		3,000,000.00	22-Aug-22	5-Sep-23	118,800.00	31	10,089.86	3.96%
Suncorp Bank	543280		3,000,000.00	2-Sep-22	19-Sep-23	0.00	31	10,319.17	4.05%
Westpac Group	543947		2,000,000.00	21-Mar-23	26-Sep-23	0.00	31	7,117.26	4.19%
Suncorp Bank	544049		3,000,000.00	28-Apr-23	31-Oct-23	0.00	31	11,771.51	4.62%
Westpac Group	543451		3,000,000.00	30-Sep-22	3-Oct-23	0.00	31	11,771.51	4.62%
Suncorp Bank	543558		2,000,000.00	15-Nov-22	14-Nov-23	0.00	31	7,524.93	4.43%
Westpac Group	543532		3,000,000.00	9-Nov-22	7-Nov-23	0.00	31	11,261.92	4.42%

Waverley Council

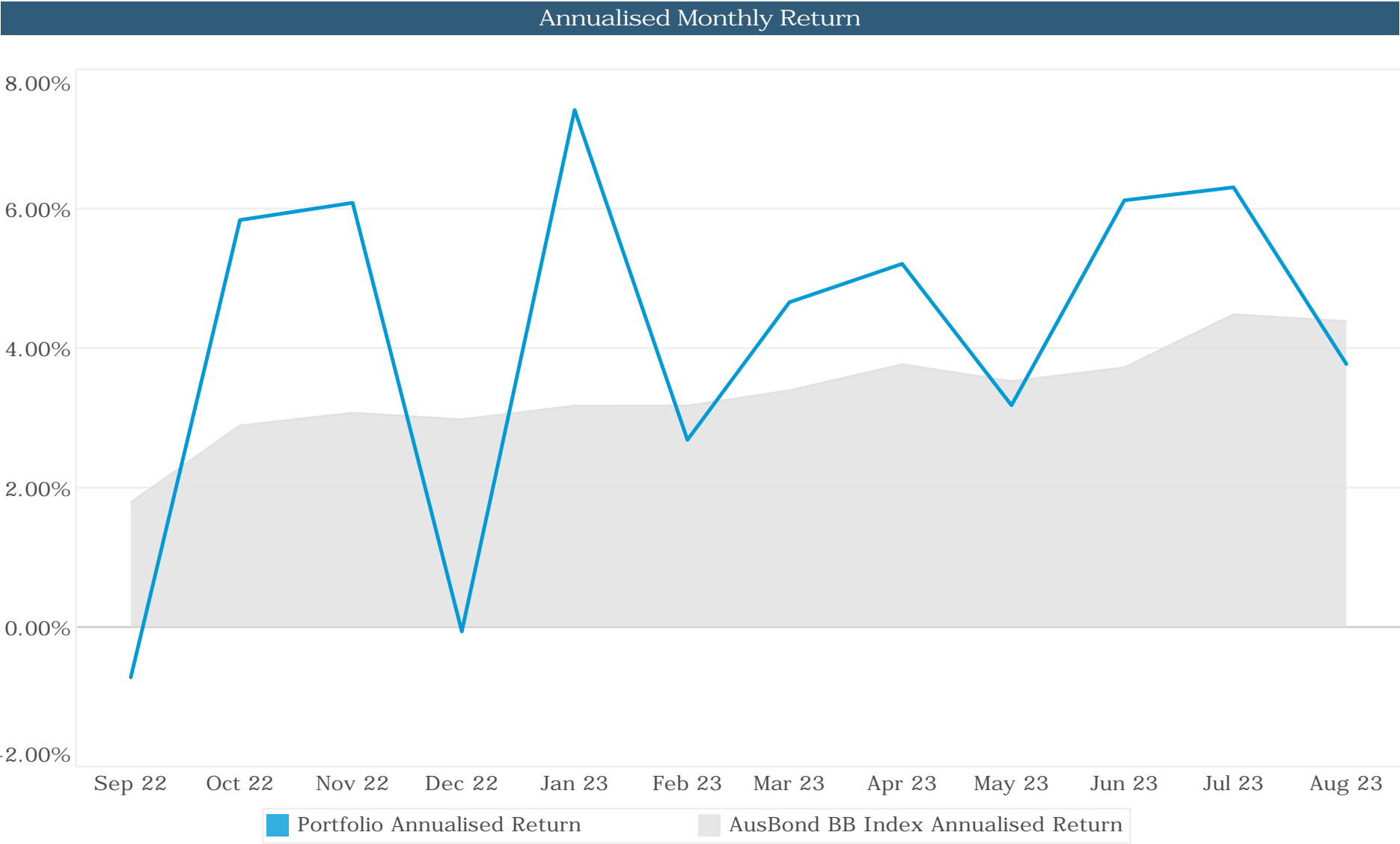
Accrued Interest Report - August 2023



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	(% pa)
Westpac Group	544217		5,000,000.00	21-Jun-23	19-Dec-23	0.00	31	21,827.40	5.14%
Bendigo and Adelaide Bank	544218		3,000,000.00	22-Jun-23	23-Jan-24	0.00	31	13,886.30	5.45%
Bendigo and Adelaide Bank	544434		1,700,000.00	28-Aug-23	27-Feb-24	0.00	4	959.45	5.15%
Westpac Group	542328		2,000,000.00	9-Feb-22	20-Feb-24	7,964.93	31	2,683.83	1.58%
Auswide Bank	543961		3,000,000.00	14-Mar-23	13-Mar-24	0.00	31	12,230.13	4.80%
Suncorp Bank	543932		3,000,000.00	13-Mar-23	19-Mar-24	0.00	31	12,026.31	4.72%
Westpac Group	542424		4,000,000.00	9-Mar-22	5-Mar-24	0.00	31	6,216.99	1.83%
Westpac Group	543890		3,000,000.00	3-Mar-23	12-Mar-24	0.00	31	12,357.53	4.85%
Great Southern Bank	544129		3,000,000.00	25-May-23	23-Apr-24	0.00	31	13,172.88	5.17%
Suncorp Bank	544113		3,000,000.00	23-May-23	16-Apr-24	0.00	31	12,612.33	4.95%
Suncorp Bank	544322		2,000,000.00	18-Jul-23	9-Apr-24	0.00	31	9,291.51	5.47%
Suncorp Bank	544363		3,000,000.00	8-Aug-23	2-Apr-24	0.00	24	10,080.00	5.11%
Suncorp Bank	544409		3,000,000.00	22-Aug-23	30-Apr-24	0.00	10	4,315.07	5.25%
Bendigo and Adelaide Bank	544423		1,000,000.00	24-Aug-23	28-May-24	0.00	8	1,128.77	5.15%
National Australia Bank	544449		3,000,000.00	31-Aug-23	28-May-24	0.00	1	425.75	5.18%
Suncorp Bank	544398		3,000,000.00	16-Aug-23	15-May-24	0.00	16	6,838.36	5.20%
Westpac Group	544048		3,000,000.00	28-Apr-23	1-May-24	0.00	31	11,363.83	4.46%
Commonwealth Bank of Australia	544437		3,000,000.00	29-Aug-23	27-Aug-24	0.00	3	1,333.97	5.41%
Westpac Group	544392		3,000,000.00	15-Aug-23	20-Aug-24	0.00	17	7,209.86	5.16%
Westpac Group	544416		3,000,000.00	23-Aug-23	20-Aug-24	0.00	9	3,765.21	5.09%
Westpac Group	544424		4,000,000.00	24-Aug-23	27-Aug-24	0.00	8	4,427.40	5.05%
Westpac Group	543279		4,000,000.00	2-Sep-22	4-Sep-24	0.00	31	14,947.94	4.40%
Westpac Group	542329		2,000,000.00	9-Feb-22	4-Mar-25	10,183.01	31	3,431.23	2.02%
						730,333.14		284,753.41	4.37%
Grand Totals						757,632.69		397,962.24	4.52%

Waverley Council

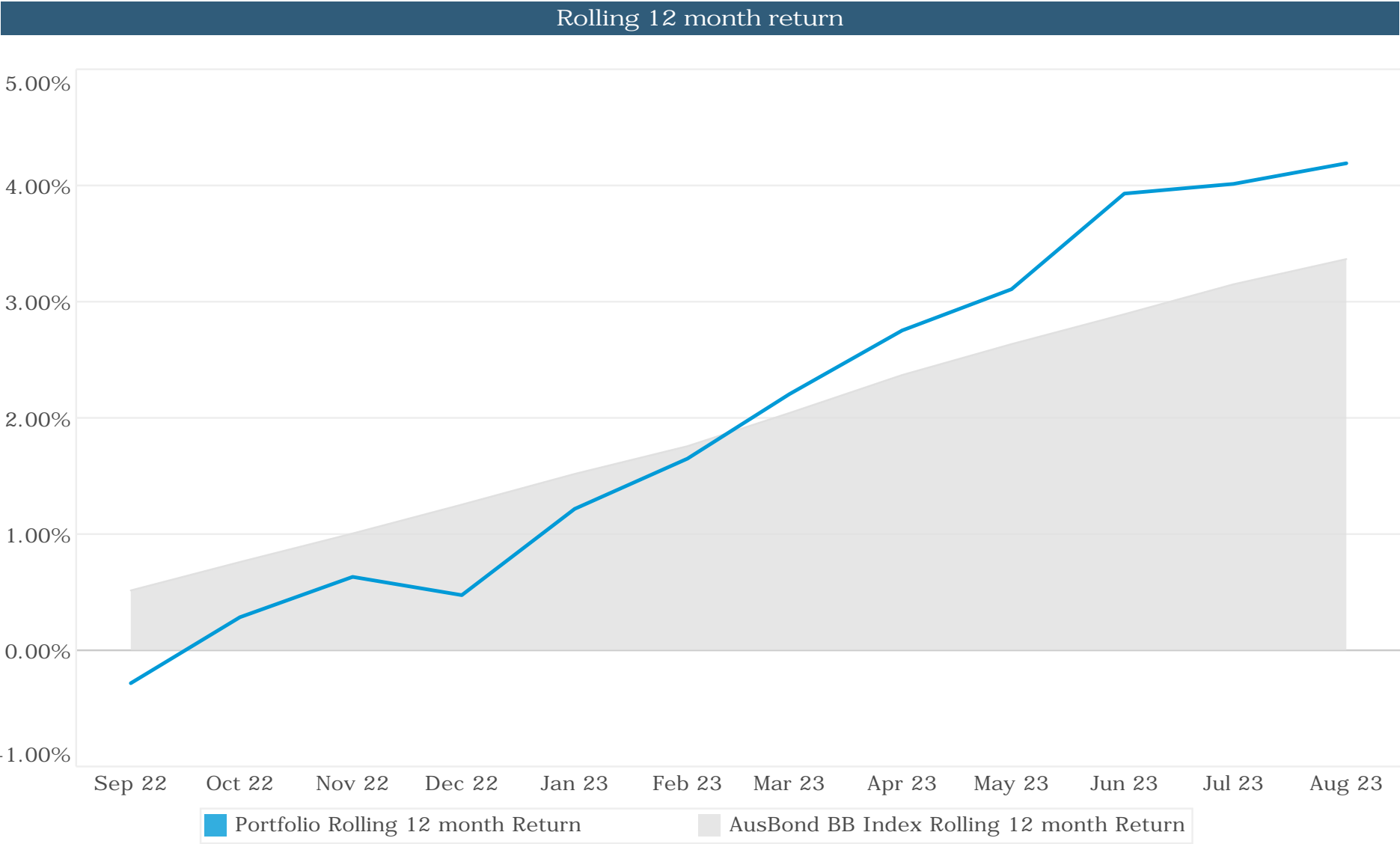
Investment Performance Report - August 2023



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2023	3.77%	4.39%	-0.62%
Last 3 months	5.39%	4.20%	1.19%
Last 6 months	4.86%	3.88%	0.98%
Financial Year to Date	5.03%	4.44%	0.59%
Last 12 months	4.19%	3.37%	0.82%

Waverley Council

Investment Performance Report - August 2023



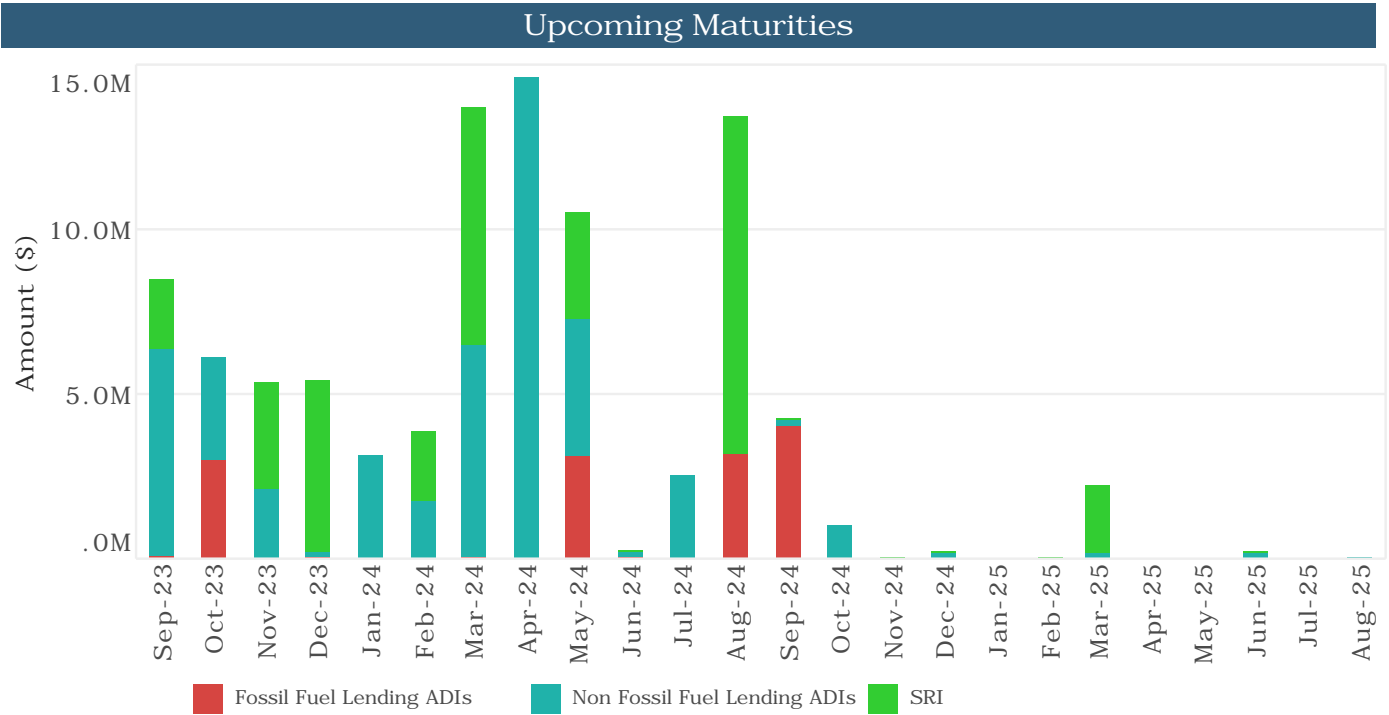
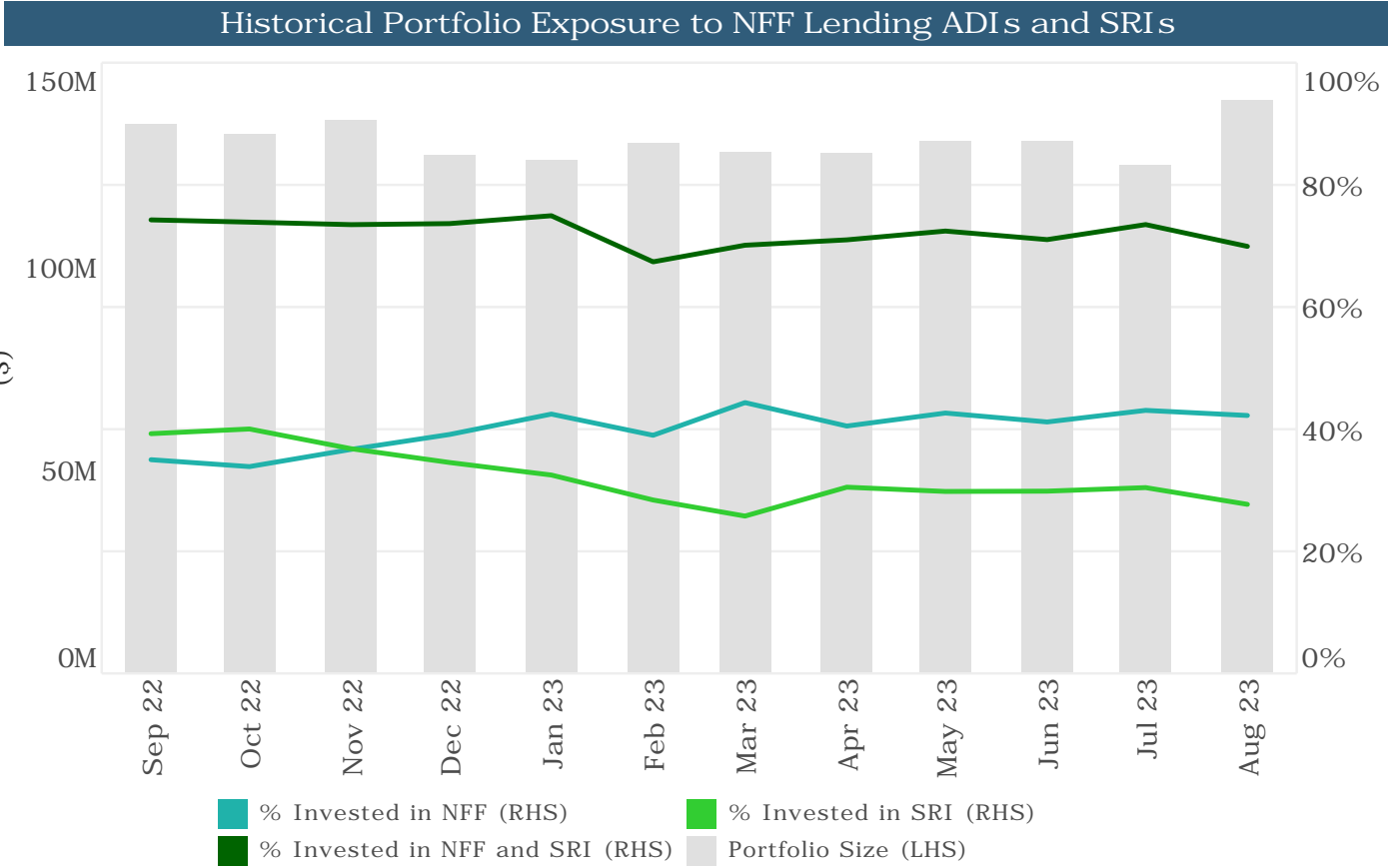
Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2023	0.32%	0.37%	-0.05%
Last 3 months	1.33%	1.04%	0.29%
Last 6 months	2.42%	1.94%	0.48%
Financial Year to Date	0.84%	0.74%	0.10%
Last 12 months	4.19%	3.37%	0.82%

Waverley Council
Environmental Commitments Report - August 2023

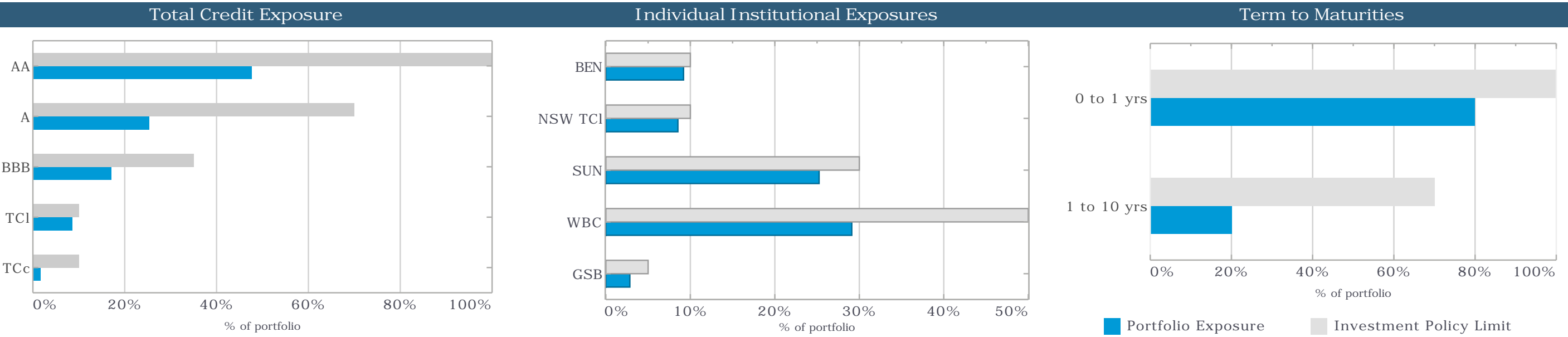


Current Breakdown				
ADI Lending Status *	Current Month (\$)		Previous Month (\$)	
Fossil Fuel Lending ADIs				
Commonwealth Bank of Australia	18,056,729		11,779,757	
National Australia Bank	3,000,000		0	
Westpac Group	7,000,000		7,000,000	
	28,056,729	20%	18,779,757	15%
Non Fossil Fuel Lending ADIs				
Auswide Bank	3,000,000		3,000,000	
Bendigo and Adelaide Bank	12,950,000		10,250,000	
Great Southern Bank	4,000,000		4,000,000	
Newcastle Greater Mutual Group	4,000,000		4,000,000	
Suncorp Bank	35,550,000		32,550,000	
	59,500,000	42%	53,800,000	43%
Other				
NSW T-Corp (Cash)	2,280,755		2,268,916	
NSW T-Corp (LT)	12,009,423		12,042,728	
	14,290,177	10%	14,311,644	11%
Socially Responsible Investment				
CBA (Green)	5,000,000		14,000,000	
Westpac Group (Green TD)	34,000,000		24,000,000	
	39,000,000	28%	38,000,000	30%
	140,846,907		124,891,401	

* source: Marketforces
Percentages may not add up to 100% due to rounding



Waverley Council
Investment Policy Compliance Report - August 2023



Credit Rating Group	Face Value (\$)		Policy Max	
AA	67,056,729	48%	100%	a
A	35,550,000	25%	70%	a
BBB	23,950,000	17%	35%	a
TCI	12,009,423	9%	10%	a
TCc	2,280,755	2%	10%	a
140,846,907				

Specific Sub Limits				
BBB+	12,950,000	9%	35%	a
BBB	11,000,000	8%	15%	a

Institution	% of portfolio	Investment Policy Limit	
Bendigo and Adelaide Bank (BBB+)	9%	10%	a
NSW T-Corp (TCI)	9%	10%	a
Suncorp Bank (A+)	25%	30%	a
Westpac Group (AA-)	29%	50%	a
Great Southern Bank (BBB)	3%	5%	a
Newcastle Greater Mutual Group (BBB)	3%	5%	a
Auswide Bank (Baa2)	2%	5%	a
Commonwealth Bank of Australia (AA-)	16%	50%	a
NSW T-Corp (TCc)	2%	10%	a
National Australia Bank (AA-)	2%	50%	a

	Face Value (\$)		Policy Max	
Between 0 and 1 years	112,546,907	80%	100%	a
Between 1 and 10 years	28,300,000	20%	70%	a
140,846,907				

Specific Sub Limits				
Between 3 and 10 years	8,750,000	6%	50%	a
Between 5 and 10 years	0	0%	25%	a

a = compliant

r = non-compliant

Waverley Council

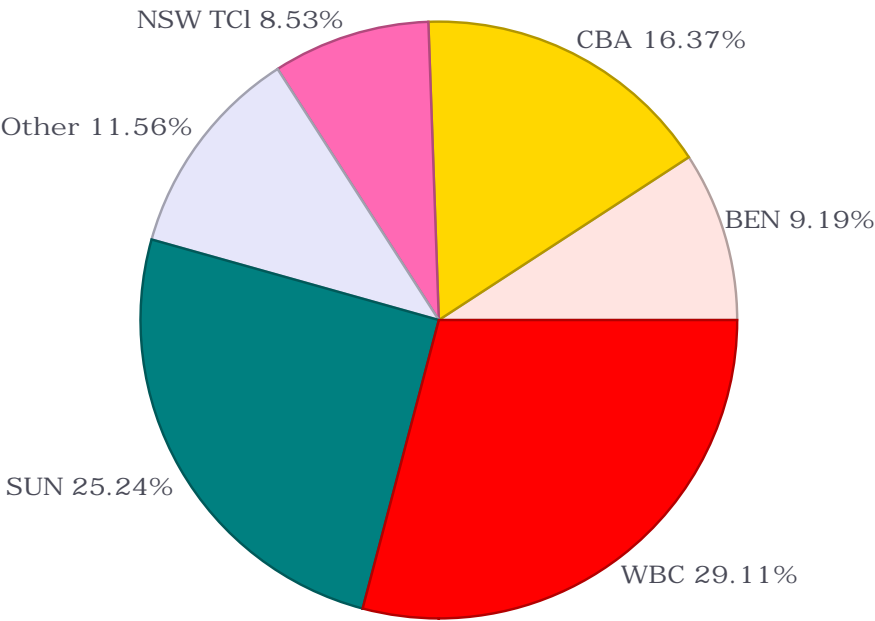
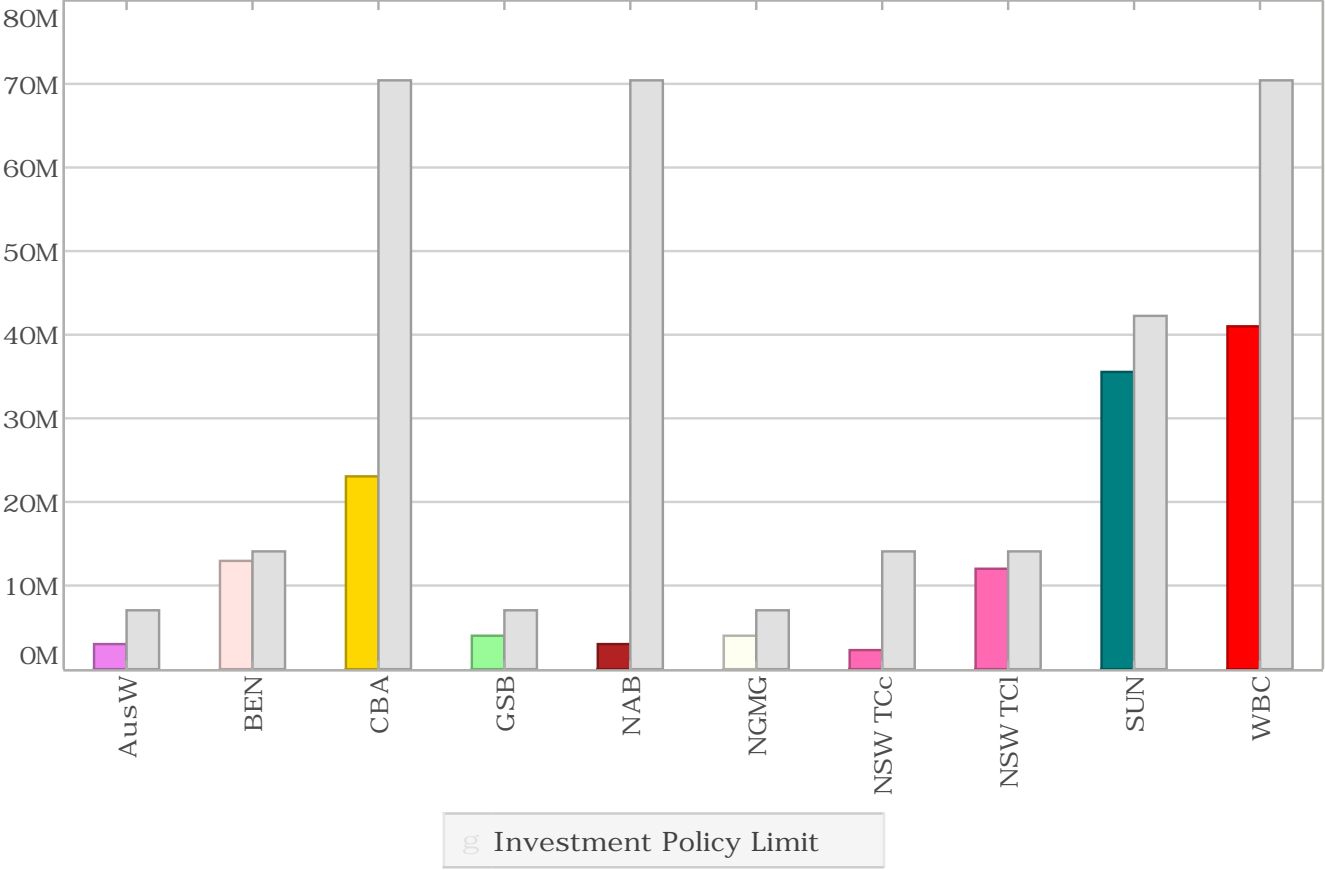
Individual Institutional Exposures Report - August 2023



Individual Insitutional Exposures

Individual Insitutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Auswide Bank (Baa2)	3,000,000	2%	7,042,345	5%	4,042,345
Bendigo and Adelaide Bank (BBB+)	12,950,000	9%	14,084,691	10%	1,134,691
Commonwealth Bank of Australia (AA-)	23,056,729	16%	70,423,453	50%	47,366,724
Great Southern Bank (BBB)	4,000,000	3%	7,042,345	5%	3,042,345
National Australia Bank (AA-)	3,000,000	2%	70,423,453	50%	67,423,453
Newcastle Greater Mutual Group (BBB)	4,000,000	3%	7,042,345	5%	3,042,345
NSW T-Corp (TCc)	2,280,755	2%	14,084,691	10%	11,803,936
NSW T-Corp (TCI)	12,009,423	9%	14,084,691	10%	2,075,268
Suncorp Bank (A+)	35,550,000	25%	42,254,072	30%	6,704,072
Westpac Group (AA-)	41,000,000	29%	70,423,453	50%	29,423,453
	140,846,907				



Waverley Council

Cashflows Report - August 2023



Actual Cashflows for August 2023

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
8-Aug-23	543165	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	117,253.97
		<u>Deal Total</u>			<u>3,117,253.97</u>
8-Aug-23	544363	Suncorp Bank	Term Deposit	Settlement: Face Value	-3,000,000.00
				<u>Deal Total</u>	<u>-3,000,000.00</u>
Day Total					117,253.97
9-Aug-23	542328	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	7,964.93
				<u>Deal Total</u>	<u>7,964.93</u>
9-Aug-23	542329	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	10,183.01
				<u>Deal Total</u>	<u>10,183.01</u>
Day Total					18,147.95
15-Aug-23	543178	Commonwealth Bank of Australia	Term Deposit	Maturity: Face Value	3,000,000.00
		Commonwealth Bank of Australia	Term Deposit	Maturity: Interest Received/Paid	117,000.00
		<u>Deal Total</u>			<u>3,117,000.00</u>
15-Aug-23	544084	BEN Snr FRN (May26) BBSW+ 1.25%	Floating Rate Note	Coupon Date	12,970.49
				<u>Deal Total</u>	<u>12,970.49</u>
15-Aug-23	544392	Westpac Group	Term Deposit	Settlement: Face Value	-3,000,000.00
				<u>Deal Total</u>	<u>-3,000,000.00</u>
Day Total					129,970.49
16-Aug-23	544398	Suncorp Bank	Term Deposit	Settlement: Face Value	-3,000,000.00
				<u>Deal Total</u>	<u>-3,000,000.00</u>
Day Total					-3,000,000.00
22-Aug-23	543194	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	119,495.34
		<u>Deal Total</u>			<u>3,119,495.34</u>
22-Aug-23	543202	Suncorp Bank	Term Deposit	During: Interest Received/Paid Dates	118,800.00

Waverley Council

Cashflows Report - August 2023



Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
<u>Deal Total</u>					<u>118,800.00</u>
22-Aug-23	544409	Suncorp Bank	Term Deposit	Settlement: Face Value	-3,000,000.00
<u>Deal Total</u>					<u>-3,000,000.00</u>
Day Total					238,295.34
23-Aug-23	543208	Commonwealth Bank of Australia	Term Deposit	Maturity: Face Value	3,000,000.00
		Commonwealth Bank of Australia	Term Deposit	Maturity: Interest Received/Paid	119,100.00
<u>Deal Total</u>					<u>3,119,100.00</u>
23-Aug-23	544416	Westpac Group	Term Deposit	Settlement: Face Value	-3,000,000.00
<u>Deal Total</u>					<u>-3,000,000.00</u>
Day Total					119,100.00
24-Aug-23	540958	SUN Snr FRN (Feb26) BBSW+ 0.45%	Floating Rate Note	Coupon Date	14,329.06
<u>Deal Total</u>					<u>14,329.06</u>
24-Aug-23	543240	Commonwealth Bank of Australia	Term Deposit	Maturity: Face Value	3,000,000.00
		Commonwealth Bank of Australia	Term Deposit	Maturity: Interest Received/Paid	120,535.89
<u>Deal Total</u>					<u>3,120,535.89</u>
24-Aug-23	544423	Bendigo and Adelaide Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
<u>Deal Total</u>					<u>-1,000,000.00</u>
24-Aug-23	544424	Westpac Group	Term Deposit	Settlement: Face Value	-4,000,000.00
<u>Deal Total</u>					<u>-4,000,000.00</u>
Day Total					-1,865,135.05
28-Aug-23	544434	Bendigo and Adelaide Bank	Term Deposit	Settlement: Face Value	-1,700,000.00
<u>Deal Total</u>					<u>-1,700,000.00</u>
Day Total					-1,700,000.00
29-Aug-23	544437	Commonwealth Bank of Australia	Term Deposit	Settlement: Face Value	-3,000,000.00
<u>Deal Total</u>					<u>-3,000,000.00</u>
Day Total					-3,000,000.00
31-Aug-23	544449	National Australia Bank	Term Deposit	Settlement: Face Value	-3,000,000.00

Waverley Council

Cashflows Report - August 2023



Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
<u>Deal Total</u>					-3,000,000.00
<u>Day Total</u>					-3,000,000.00
<u>Total for Month</u>					-11,942,367.30

Forecast Cashflows for September 2023

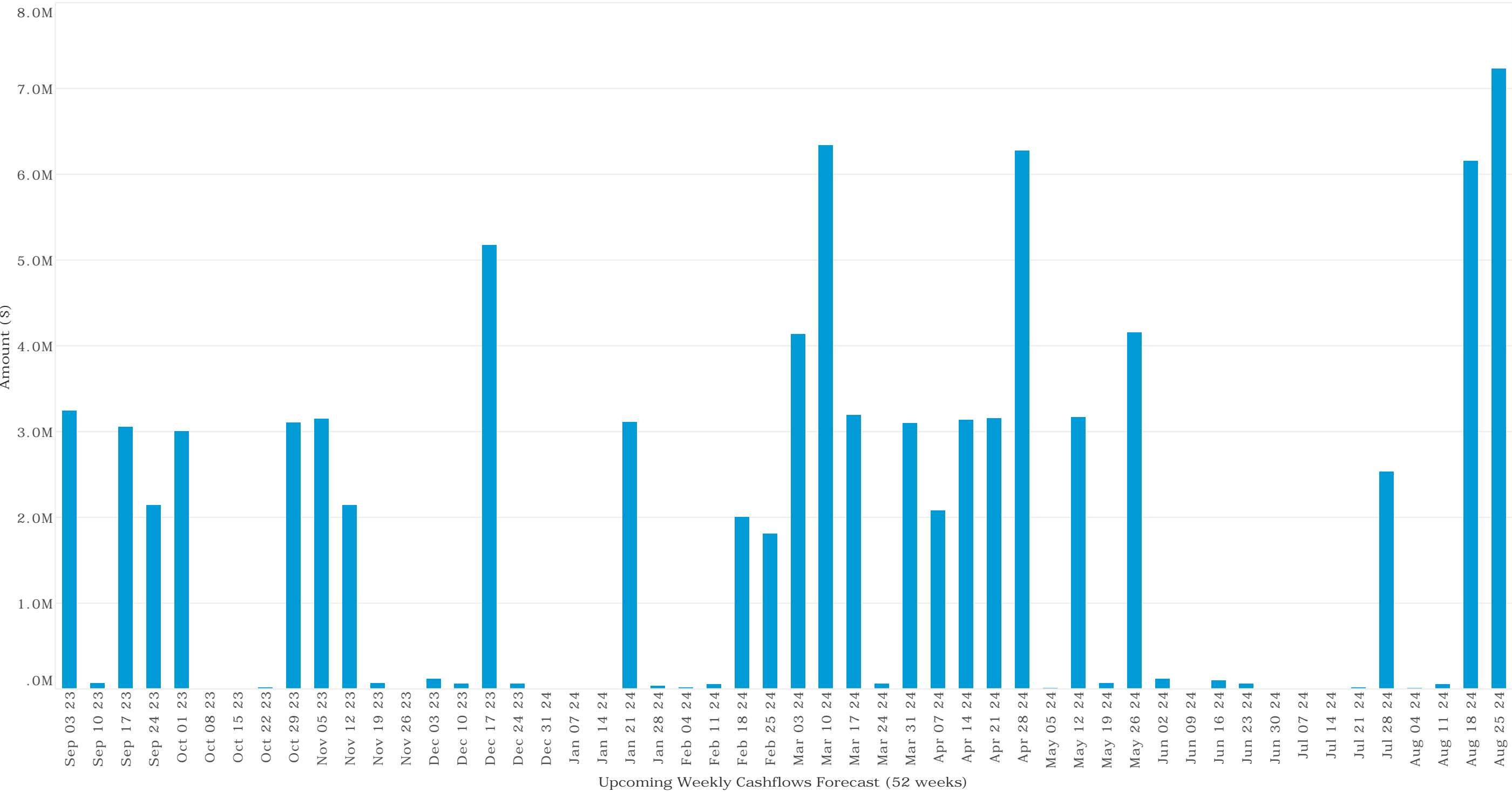
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
4-Sep-23	540603	BEN Snr FRN (Dec25) BBSW+0.52%	Floating Rate Note	Coupon Date	26,316.97
<u>Deal Total</u>					<u>26,316.97</u>
4-Sep-23	540983	NPBS Snr FRN (Mar26) BBSW+0.63%	Floating Rate Note	Coupon Date	46,897.16
<u>Deal Total</u>					<u>46,897.16</u>
4-Sep-23	543279	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	45,326.03
<u>Deal Total</u>					<u>45,326.03</u>
4-Sep-23	543280	Suncorp Bank	Term Deposit	During: Interest Received/Paid Dates	122,165.75
<u>Deal Total</u>					<u>122,165.75</u>
<u>Day Total</u>					<u>240,705.91</u>
5-Sep-23	543202	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	4,556.71
<u>Deal Total</u>					<u>3,004,556.71</u>
<u>Day Total</u>					<u>3,004,556.71</u>
11-Sep-23	542424	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	18,851.51
<u>Deal Total</u>					<u>18,851.51</u>
<u>Day Total</u>					<u>18,851.51</u>
15-Sep-23	541877	SUN Snr FRN (Sep26) BBSW+0.48%	Floating Rate Note	Coupon Date	44,575.89
<u>Deal Total</u>					<u>44,575.89</u>
<u>Day Total</u>					<u>44,575.89</u>
18-Sep-23	541523	BEN Snr FRN (Jun26) BBSW+0.65%	Floating Rate Note	Coupon Date	49,516.96
<u>Deal Total</u>					<u>49,516.96</u>

Waverley Council
Cashflows Report - August 2023

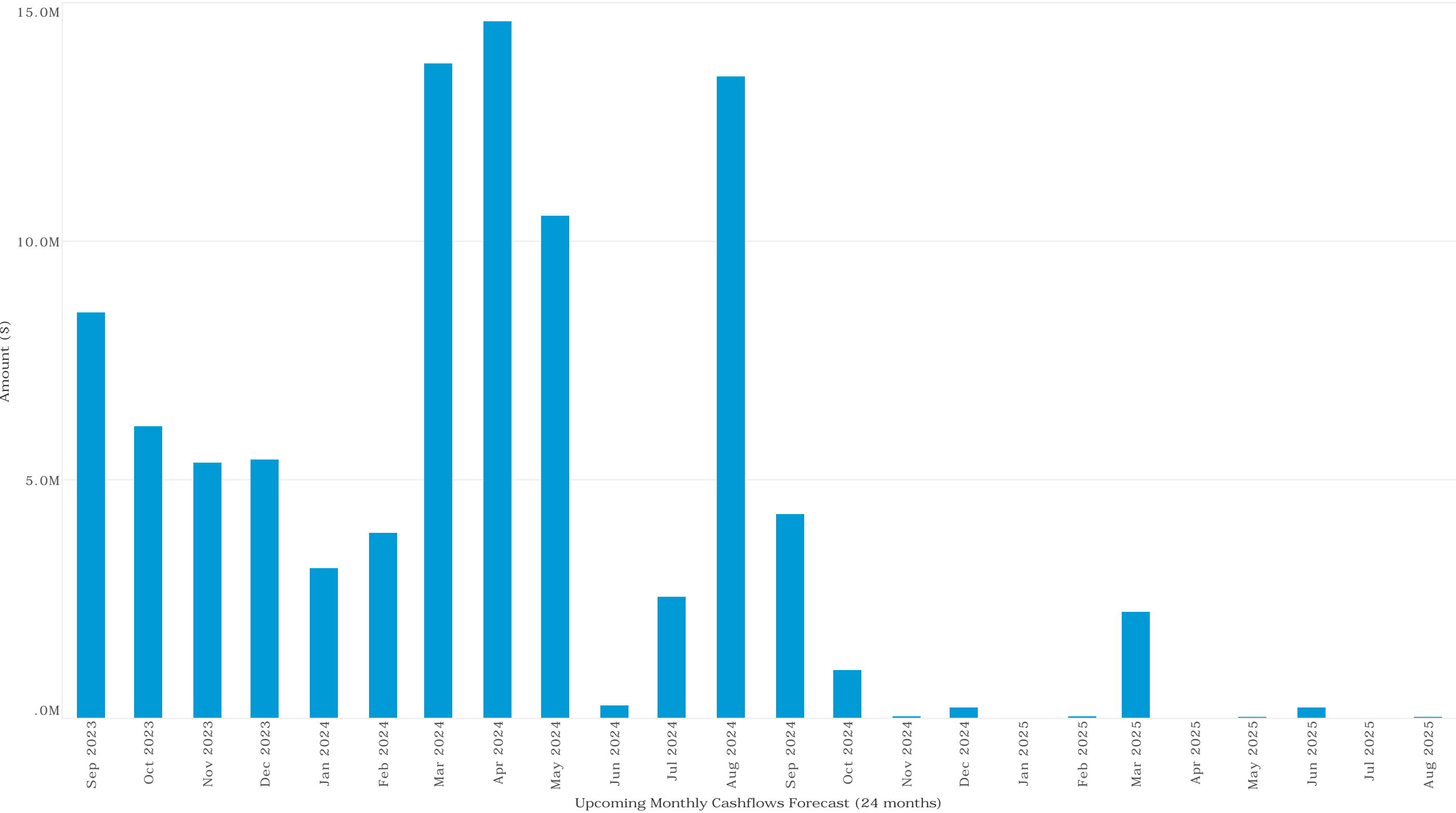


Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
Day Total					49,516.96
19-Sep-23	543280	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	4,993.15
		Deal Total			3,004,993.15
Day Total					3,004,993.15
25-Sep-23	541916	CBA Green Snr FRN (Dec26) BBSW+ 0.41%	Floating Rate Note	Coupon Date	60,923.59
				Deal Total	60,923.59
Day Total					60,923.59
26-Sep-23	543947	Westpac Group	Term Deposit	Maturity: Face Value	2,000,000.00
		Westpac Group	Term Deposit	Maturity: Interest Received/Paid	43,392.33
		Deal Total			2,043,392.33
Day Total					2,043,392.33
29-Sep-23	543451	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	34,555.07
				Deal Total	34,555.07
Day Total					34,555.07
Total for Month					8,502,071.13

Waverley Council
Cashflows Report - August 2023



Waverley Council
Cashflows Report - August 2023



REPORT
CM/7.4/23.10**Subject:** Investment Portfolio Report - September 2023**TRIM No:** A03/2211**Manager:** Teena Su, Executive Manager, Finance**Director:** Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

1. Notes the Investment Summary Report for September 2023 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.

1. Executive Summary

For the month of September 2023, Council's investment portfolio generated \$627,360 in interest.

The interest income for year to date achieved 49.02% (\$1,353,826) of the current approved budget forecast of \$2,761,652. Council is on track to exceed interest income budgeted for the financial year 2023-24. This income line will be reviewed as part of the budget review process.

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 interest on investment budget for the 2023-24 financial year was adopted by Council at this meeting on 27 June 2023 and was set at \$2,761,652.

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	Actual Monthly (\$)	Actual YTD (\$)	Tracking YTD Current Approved Budget %
July	363,154	363,154	13.15%
August	363,312	726,466	26.31%
September	627,360	1,353,826	49.02%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 August 2023	CM/7.3/23.08	<p>That Council:</p> <ol style="list-style-type: none"> Notes the Investment Summary Report for July 2023 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 30 September 2023, Council's cash investment portfolio for the financial year, generated total interest earnings of \$1,353,826 representing 49.02% of the current approved budget of \$2,761,652. It is tracking exceeding the approved budget, and a Q1 budget upward adjustment will be appropriate.

Council's investment portfolio posted a marked-to-market return of 1.71% pa for the month against the bank bill index benchmark return of 4.18% pa.

Without marked-to-market influences, Council's investment portfolio yielded 4.70% 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. Over the past 12 months, the investment portfolio has returned 4.40%, versus the bank bill index benchmark's 3.56%.

During September, Council had \$8 m in deposits mature with terms of 6 and 12 months paying an average of 4.07%pa. Council invested \$9 m between four new 12 month term deposits paying an average of 5.19% pa, providing a good boost to the portfolio's overall yield. Table 2 details the new investments and compares rates on offer during August 2023 between the non-fossil/green investments and the fossil fuel ADIs.

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
05-Sept-23	\$4,000,000	12	5.03%	5.25%
05-Sept-23	\$2,000,000	12	5.03%	5.25%
26-Sept-23	\$1,000,000	12	5.25%	5.30%
26-Sept-23	\$2,000,000	12	5.22%	5.30%

As at 30 September 2023, Council's investment portfolio has a current market value of \$136,131,706, which represents a gain of \$860,576 on the \$135,271,130 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	\$8,748,985	\$8,748,985
Floating Rate Note	\$24,800,000	\$24,647,429
Managed Funds	\$14,022,145	\$14,022,145
Term Deposit	\$87,700,000	\$88,713,147
Total	\$135,271,130	\$136,131,706

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

Reserves	Value
External Restriction Reserves	\$45,272,335
Internal Restriction Reserves	\$75,661,796
Unrestricted fund	\$ 14,336,999
Total	\$135,271,131

Analysis

Attached to this report is a summary of the investment portfolio for the month of September. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp. The table below compares Council's portfolio return to the bank bill index benchmark.

Table 4. Portfolio return.

Month	Portfolio return %	<u>Ausbond BB index %</u>	Variance %
Oct-22	5.84	2.89	2.95
Nov-22	6.09	3.07	3.02
Dec-22	-0.06	2.98	-3.04
Jan-23	7.42	3.18	4.24
Feb-23	2.68	3.18	-0.50
Mar-23	4.66	3.39	1.27
Apr-23	5.21	3.77	1.44
May-23	3.18	3.53	-0.35
June-23	6.12	3.72	2.40
July-23	6.31	4.48	1.83
Aug-23	3.77	4.39	-0.62
Sept-23	1.71	4.18	-2.47
Average % return over the last 12 months	4.41	3.56	0.85

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 September 2023, 71% 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 19% of the portfolio. The remaining 10% is invested with TCorp.

Over the period of 64 months, from July 2018 to September 2023, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 19%, as shown in Figure 1 below.

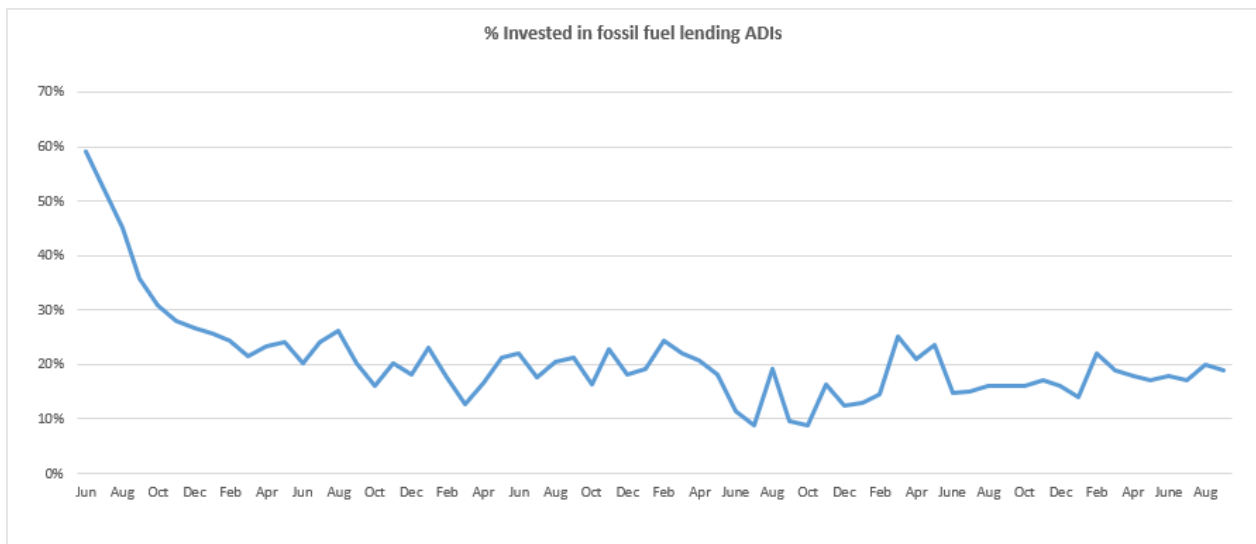


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the Commonwealth Bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 75.48% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 13.44% of the portfolio. The remaining 11.08% is invested with TCorp as displayed in Figure 2 below.

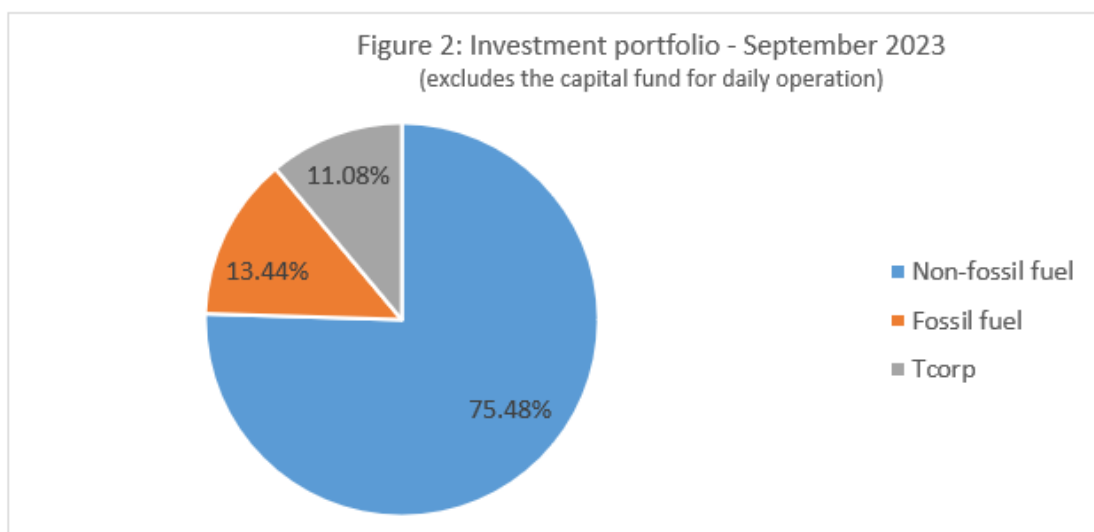


Figure 2. Investment portfolio.

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 \$1,353,826 for the 2023-24 financial year, representing 49.02% of the approved budget of \$2,761,652.

7. Attachments

1. Investment Summary Report - September 2023 [↓](#) .



Investment Summary Report September 2023

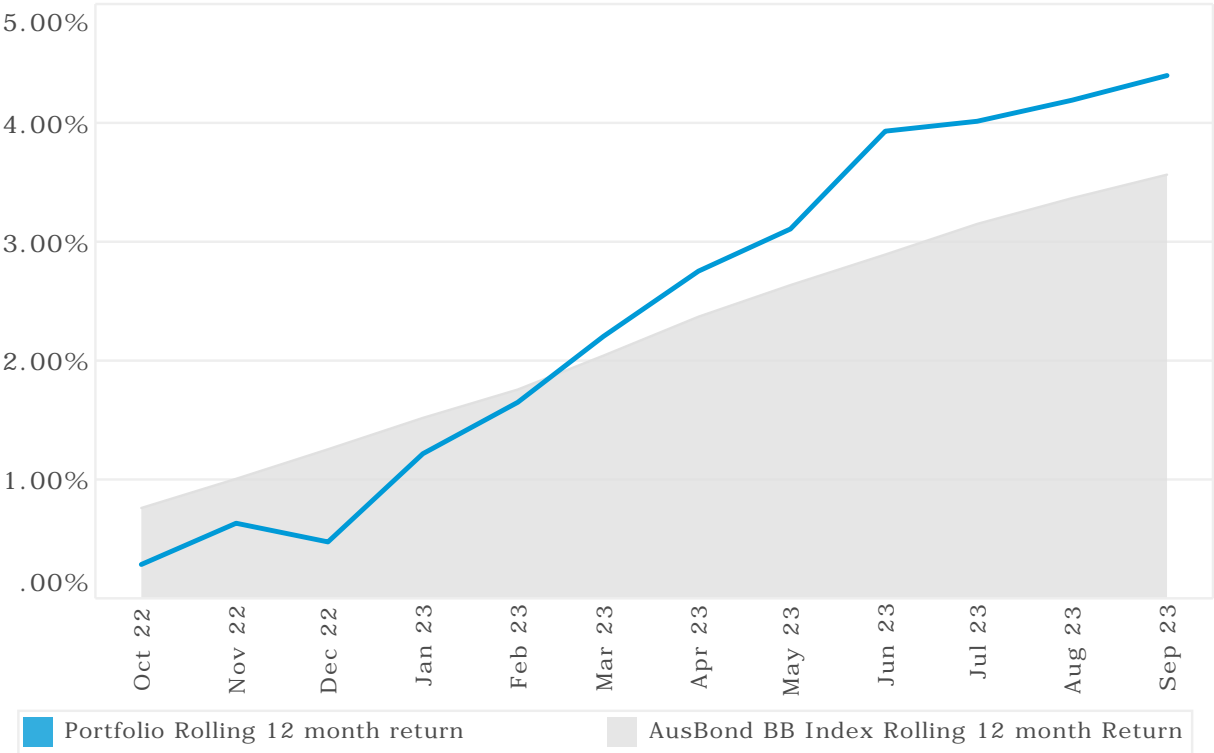
Waverley Council
Executive Summary - September 2023



Investment Holdings

Investment Performance

	Face Value (\$)	Current Value (\$)
Cash	8,748,985	8,748,985
Floating Rate Note	24,800,000	24,647,429
Managed Funds	14,022,145	14,022,145
Term Deposit	87,700,000	88,713,147
	135,271,130	136,131,706

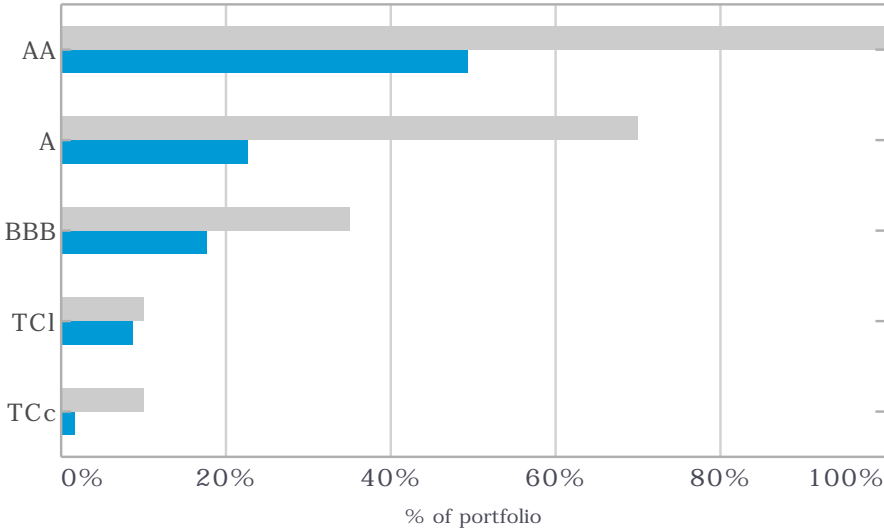


Investment Policy Compliance

Total Credit Exposure

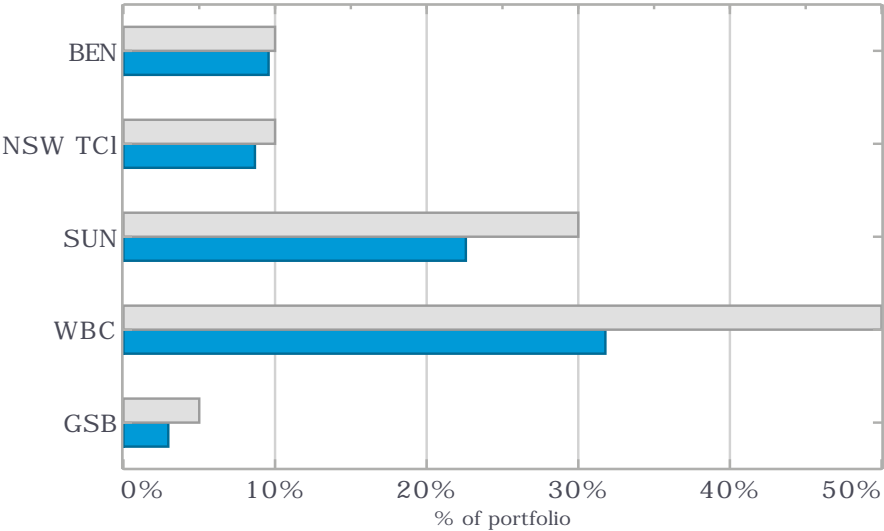
Individual Institutional Exposures

Term to Maturities



Portfolio Exposure

Investment Policy Limit



	Face Value (\$)		Policy Max	
Between 0 and 1 years	110,971,130	82%	100%	a
Between 1 and 10 year:	24,300,000	18%	70%	a
	135,271,130			

Specific Sub Limits				
Between 3 and 10 year:	5,000,000	4%	50%	a
Between 5 and 10 year:	0	0%	25%	a

Waverley Council

Investment Holdings Report - September 2023



Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating		Current Value (\$)	Deal No.	Reference
6,908.00	0.0000%	Commonwealth Bank of Australia	AA-		6,908.00	120800	Eastgate CP
14,000.85	0.0000%	Commonwealth Bank of Australia	AA-		14,000.85	120801	Hollywood Av CP
26,664.09	0.0000%	Commonwealth Bank of Australia	AA-		26,664.09	120795	Trust Funds
38,974.99	0.0000%	Commonwealth Bank of Australia	AA-		38,974.99	120797	Depositor Funds
39,664.00	0.0000%	Commonwealth Bank of Australia	AA-		39,664.00	120796	Cemetery Funds
52,359.06	0.0000%	Commonwealth Bank of Australia	AA-		52,359.06	370151	Library Gift
239,572.59	0.0000%	Commonwealth Bank of Australia	AA-		239,572.59	120799	Library CP
1,382,273.29	0.0000%	Commonwealth Bank of Australia	AA-		1,382,273.29	120794	General Funds
6,948,568.49	4.1000%	Commonwealth Bank of Australia	AA-		6,948,568.49	120789	24hr Call
8,748,985.36	3.2563%				8,748,985.36		

Managed Funds

Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
2,290,464.99	0.4257%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,290,464.99	411310	Builder Deposits
11,731,680.00	-2.3127%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	11,731,680.00	538089	
14,022,144.99	-1.8654%				14,022,144.99		

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
3-Oct-23	3,000,000.00	4.6200%	Westpac Group	AA-	3,000,000.00	30-Sep-22	3,000,759.45	543451	759.45	Quarterly	
31-Oct-23	3,000,000.00	4.6200%	Suncorp Bank	A+	3,000,000.00	28-Apr-23	3,059,237.26	544049	59,237.26	At Maturity	
7-Nov-23	3,000,000.00	4.4200%	Westpac Group	AA-	3,000,000.00	9-Nov-22	3,118,431.78	543532	118,431.78	At Maturity	Green
14-Nov-23	2,000,000.00	4.4300%	Suncorp Bank	A+	2,000,000.00	15-Nov-22	2,077,676.71	543558	77,676.71	At Maturity	
19-Dec-23	5,000,000.00	5.1400%	Westpac Group	AA-	5,000,000.00	21-Jun-23	5,071,819.18	544217	71,819.18	At Maturity	Green
23-Jan-24	3,000,000.00	5.4500%	Bendigo and Adelaide Bank	BBB+	3,000,000.00	22-Jun-23	3,045,242.47	544218	45,242.47	At Maturity	
20-Feb-24	2,000,000.00	1.5800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,004,588.49	542328	4,588.49	Quarterly	Green

Waverley Council

Investment Holdings Report - September 2023



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
27-Feb-24	1,700,000.00	5.1500%	Bendigo and Adelaide Bank	BBB+	1,700,000.00	28-Aug-23	1,708,155.34	544434	8,155.34	At Maturity	
5-Mar-24	4,000,000.00	1.8300%	Westpac Group	AA-	4,000,000.00	9-Mar-22	4,004,010.96	542424	4,010.96	Quarterly	Green
12-Mar-24	3,000,000.00	4.8500%	Westpac Group	AA-	3,000,000.00	3-Mar-23	3,084,509.59	543890	84,509.59	At Maturity	Green
13-Mar-24	3,000,000.00	4.8000%	Auswide Bank	Baa2	3,000,000.00	14-Mar-23	3,079,298.63	543961	79,298.63	At Maturity	
19-Mar-24	3,000,000.00	4.7200%	Suncorp Bank	A+	3,000,000.00	13-Mar-23	3,078,364.93	543932	78,364.93	At Maturity	
2-Apr-24	3,000,000.00	5.1100%	Suncorp Bank	A+	3,000,000.00	8-Aug-23	3,022,680.00	544363	22,680.00	At Maturity	
9-Apr-24	2,000,000.00	5.4700%	Suncorp Bank	A+	2,000,000.00	18-Jul-23	2,022,479.45	544322	22,479.45	At Maturity	
16-Apr-24	3,000,000.00	4.9500%	Suncorp Bank	A+	3,000,000.00	23-May-23	3,053,297.26	544113	53,297.26	At Maturity	
23-Apr-24	3,000,000.00	5.1700%	Great Southern Bank	BBB	3,000,000.00	25-May-23	3,054,816.16	544129	54,816.16	At Maturity	
30-Apr-24	3,000,000.00	5.2500%	Suncorp Bank	A+	3,000,000.00	22-Aug-23	3,017,260.27	544409	17,260.27	At Maturity	
1-May-24	3,000,000.00	4.4600%	Westpac Group	AA-	3,000,000.00	28-Apr-23	3,057,185.75	544048	57,185.75	At Maturity	Green
15-May-24	3,000,000.00	5.2000%	Suncorp Bank	A+	3,000,000.00	16-Aug-23	3,019,660.27	544398	19,660.27	At Maturity	
28-May-24	1,000,000.00	5.1500%	Bendigo and Adelaide Bank	BBB+	1,000,000.00	24-Aug-23	1,005,361.64	544423	5,361.64	At Maturity	
28-May-24	3,000,000.00	5.1800%	National Australia Bank	AA-	3,000,000.00	31-Aug-23	3,013,198.36	544449	13,198.36	At Maturity	
20-Aug-24	3,000,000.00	5.0900%	Westpac Group	AA-	3,000,000.00	23-Aug-23	3,016,315.89	544416	16,315.89	At Maturity	Green
20-Aug-24	3,000,000.00	5.1600%	Westpac Group	AA-	3,000,000.00	15-Aug-23	3,019,933.15	544392	19,933.15	Quarterly	Green
27-Aug-24	3,000,000.00	5.4100%	Commonwealth Bank of Australia	AA-	3,000,000.00	29-Aug-23	3,014,673.70	544437	14,673.70	At Maturity	
27-Aug-24	4,000,000.00	5.0500%	Westpac Group	AA-	4,000,000.00	24-Aug-23	4,021,030.14	544424	21,030.14	Quarterly	Green
4-Sep-24	4,000,000.00	4.4000%	Westpac Group	AA-	4,000,000.00	2-Sep-22	4,013,019.18	543279	13,019.18	Quarterly	
4-Sep-24	4,000,000.00	5.2500%	National Australia Bank	AA-	4,000,000.00	5-Sep-23	4,014,958.90	544468	14,958.90	At Maturity	
5-Sep-24	2,000,000.00	5.0300%	Westpac Group	AA-	2,000,000.00	5-Sep-23	2,007,166.03	544467	7,166.03	Quarterly	Green
24-Sep-24	1,000,000.00	5.2500%	Suncorp Bank	A+	1,000,000.00	26-Sep-23	1,000,719.18	544534	719.18	At Maturity	
26-Sep-24	2,000,000.00	5.2200%	Westpac Group	AA-	2,000,000.00	26-Sep-23	2,001,430.14	544533	1,430.14	At Maturity	Green
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,005,866.30	542329	5,866.30	Quarterly	Green
87,700,000.00		4.6962%			87,700,000.00		88,713,146.56		1,013,146.56		

Floating Rate Notes

Waverley Council
Investment Holdings Report - September 2023



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	5.0369%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,525,064.58	538331	21,389.58	30-Oct-23	
24-Oct-24	1,000,000.00	5.4775%	GSB Snr FRN (Oct24) BBSW+ 1.12%	BBB	1,000,000.00	24-Oct-19	1,012,314.73	538604	10,354.73	24-Oct-23	
2-Dec-25	2,250,000.00	4.6450%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,236,828.56	540603	7,731.06	4-Dec-23	
24-Feb-26	1,300,000.00	4.5872%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	1,300,000.00	24-Feb-21	1,293,910.43	540958	6,208.43	24-Nov-23	
4-Mar-26	4,000,000.00	4.7550%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	4,000,000.00	4-Mar-21	3,945,389.59	540983	14,069.59	4-Dec-23	
15-May-26	1,000,000.00	5.4216%	BEN Snr FRN (May26) BBSW+ 1.25%	BBB+	1,000,000.00	8-May-23	1,011,321.24	544084	6,981.24	15-Nov-23	
18-Jun-26	4,000,000.00	4.7694%	BEN Snr FRN (Jun26) BBSW+0.65%	BBB+	4,000,000.00	11-Jun-21	3,961,674.76	541523	6,794.76	18-Dec-23	
15-Sep-26	3,750,000.00	4.6073%	SUN Snr FRN (Sep26) BBSW+0.48%	A+	3,750,000.00	9-Sep-21	3,709,986.14	541877	7,573.64	15-Dec-23	
23-Dec-26	5,000,000.00	4.5488%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	21-Sep-21	4,950,938.74	541916	3,738.74	27-Dec-23	
24,800,000.00		4.7591%			24,800,000.00		24,647,428.77		84,841.77		



Waverley Council

Accrued Interest Report - September 2023



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	30	10,349.80	5.04%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	0.00	30	4,502.06	5.48%
BEN Snr FRN (Dec25) BBSW+0.52%	540603		2,250,000.00	2-Dec-20	2-Dec-25	26,316.97	30	8,570.96	4.63%
SUN Snr FRN (Feb26) BBSW+0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26	0.00	30	4,901.39	4.59%
NPBS Snr FRN (Mar26) BBSW+0.63%	540983		4,000,000.00	4-Mar-21	4-Mar-26	46,897.16	30	15,615.65	4.75%
BEN Snr FRN (May26) BBSW+ 1.25%	544084		1,000,000.00	15-May-23	15-May-26	0.00	30	4,456.11	5.42%
BEN Snr FRN (Jun26) BBSW+0.65%	541523		4,000,000.00	18-Jun-21	18-Jun-26	49,516.96	30	16,045.18	4.88%
SUN Snr FRN (Sep26) BBSW+0.48%	541877		3,750,000.00	15-Sep-21	15-Sep-26	44,575.89	30	14,356.93	4.66%
CBA Green Snr FRN (Dec26) BBSW+0.41%	541916		5,000,000.00	23-Sep-21	23-Dec-26	60,923.59	30	19,293.70	4.69%
						228,230.57		98,091.78	4.81%
Managed Funds									
NSW T-Corp Defensive Cash Funds	411310				1-Jul-24	0.00	0	9,710.18	5.30%
						0.00		9,710.18	5.30%
Term Deposits									
Suncorp Bank	543202		3,000,000.00	22-Aug-22	5-Sep-23	4,556.71	4	1,301.92	3.96%
Suncorp Bank	543280		3,000,000.00	2-Sep-22	19-Sep-23	127,158.90	18	5,991.78	4.05%
Westpac Group	543947		2,000,000.00	21-Mar-23	26-Sep-23	43,392.33	25	5,739.73	4.19%
Suncorp Bank	544049		3,000,000.00	28-Apr-23	31-Oct-23	0.00	30	11,391.78	4.62%
Westpac Group	543451		3,000,000.00	30-Sep-22	3-Oct-23	34,555.07	30	11,391.78	4.62%
Suncorp Bank	543558		2,000,000.00	15-Nov-22	14-Nov-23	0.00	30	7,282.19	4.43%
Westpac Group	543532		3,000,000.00	9-Nov-22	7-Nov-23	0.00	30	10,898.63	4.42%
Westpac Group	544217		5,000,000.00	21-Jun-23	19-Dec-23	0.00	30	21,123.29	5.14%
Bendigo and Adelaide Bank	544218		3,000,000.00	22-Jun-23	23-Jan-24	0.00	30	13,438.36	5.45%
Bendigo and Adelaide Bank	544434		1,700,000.00	28-Aug-23	27-Feb-24	0.00	30	7,195.89	5.15%
Westpac Group	542328		2,000,000.00	9-Feb-22	20-Feb-24	0.00	30	2,597.26	1.58%
Auswide Bank	543961		3,000,000.00	14-Mar-23	13-Mar-24	0.00	30	11,835.62	4.80%

Waverley Council

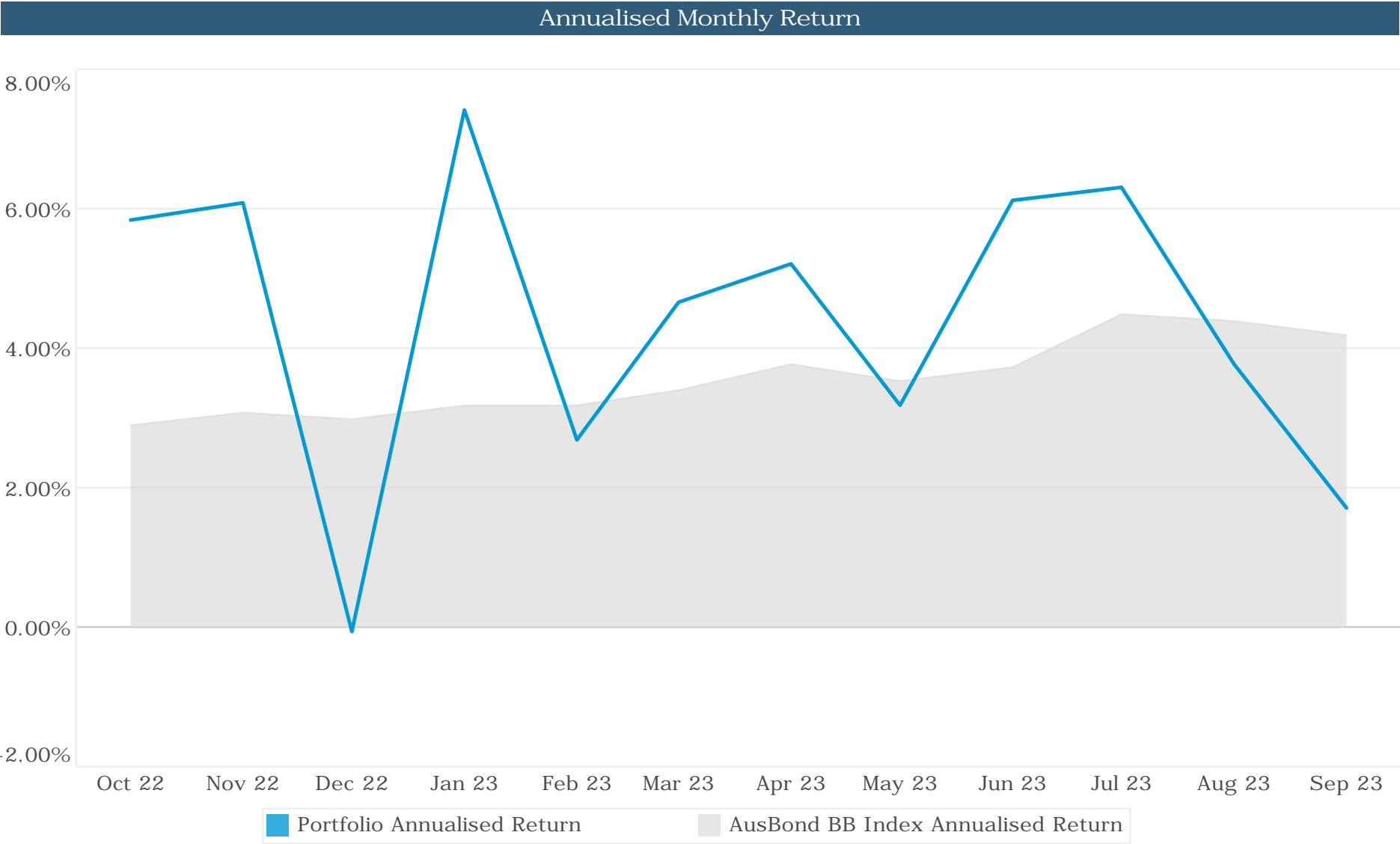
Accrued Interest Report - September 2023



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	(% pa)
Suncorp Bank	543932		3,000,000.00	13-Mar-23	19-Mar-24	0.00	30	11,638.35	4.72%
Westpac Group	542424		4,000,000.00	9-Mar-22	5-Mar-24	18,851.51	30	6,016.44	1.83%
Westpac Group	543890		3,000,000.00	3-Mar-23	12-Mar-24	0.00	30	11,958.91	4.85%
Great Southern Bank	544129		3,000,000.00	25-May-23	23-Apr-24	0.00	30	12,747.94	5.17%
Suncorp Bank	544113		3,000,000.00	23-May-23	16-Apr-24	0.00	30	12,205.48	4.95%
Suncorp Bank	544322		2,000,000.00	18-Jul-23	9-Apr-24	0.00	30	8,991.78	5.47%
Suncorp Bank	544363		3,000,000.00	8-Aug-23	2-Apr-24	0.00	30	12,600.00	5.11%
Suncorp Bank	544409		3,000,000.00	22-Aug-23	30-Apr-24	0.00	30	12,945.20	5.25%
Bendigo and Adelaide Bank	544423		1,000,000.00	24-Aug-23	28-May-24	0.00	30	4,232.87	5.15%
National Australia Bank	544449		3,000,000.00	31-Aug-23	28-May-24	0.00	30	12,772.61	5.18%
Suncorp Bank	544398		3,000,000.00	16-Aug-23	15-May-24	0.00	30	12,821.91	5.20%
Westpac Group	544048		3,000,000.00	28-Apr-23	1-May-24	0.00	30	10,997.26	4.46%
Commonwealth Bank of Australia	544437		3,000,000.00	29-Aug-23	27-Aug-24	0.00	30	13,339.73	5.41%
Westpac Group	544392		3,000,000.00	15-Aug-23	20-Aug-24	0.00	30	12,723.29	5.16%
Westpac Group	544416		3,000,000.00	23-Aug-23	20-Aug-24	0.00	30	12,550.68	5.09%
Westpac Group	544424		4,000,000.00	24-Aug-23	27-Aug-24	0.00	30	16,602.74	5.05%
National Australia Bank	544468		4,000,000.00	5-Sep-23	4-Sep-24	0.00	26	14,958.90	5.25%
Suncorp Bank	544534		1,000,000.00	26-Sep-23	24-Sep-24	0.00	5	719.18	5.25%
Westpac Group	543279		4,000,000.00	2-Sep-22	4-Sep-24	45,326.03	30	14,465.76	4.40%
Westpac Group	544467		2,000,000.00	5-Sep-23	5-Sep-24	0.00	26	7,166.03	5.03%
Westpac Group	544533		2,000,000.00	26-Sep-23	26-Sep-24	0.00	5	1,430.14	5.22%
Westpac Group	542329		2,000,000.00	9-Feb-22	4-Mar-25	0.00	30	3,320.55	2.02%
						273,840.55		337,393.98	4.65%
Grand Totals						502,071.12		445,195.94	4.70%

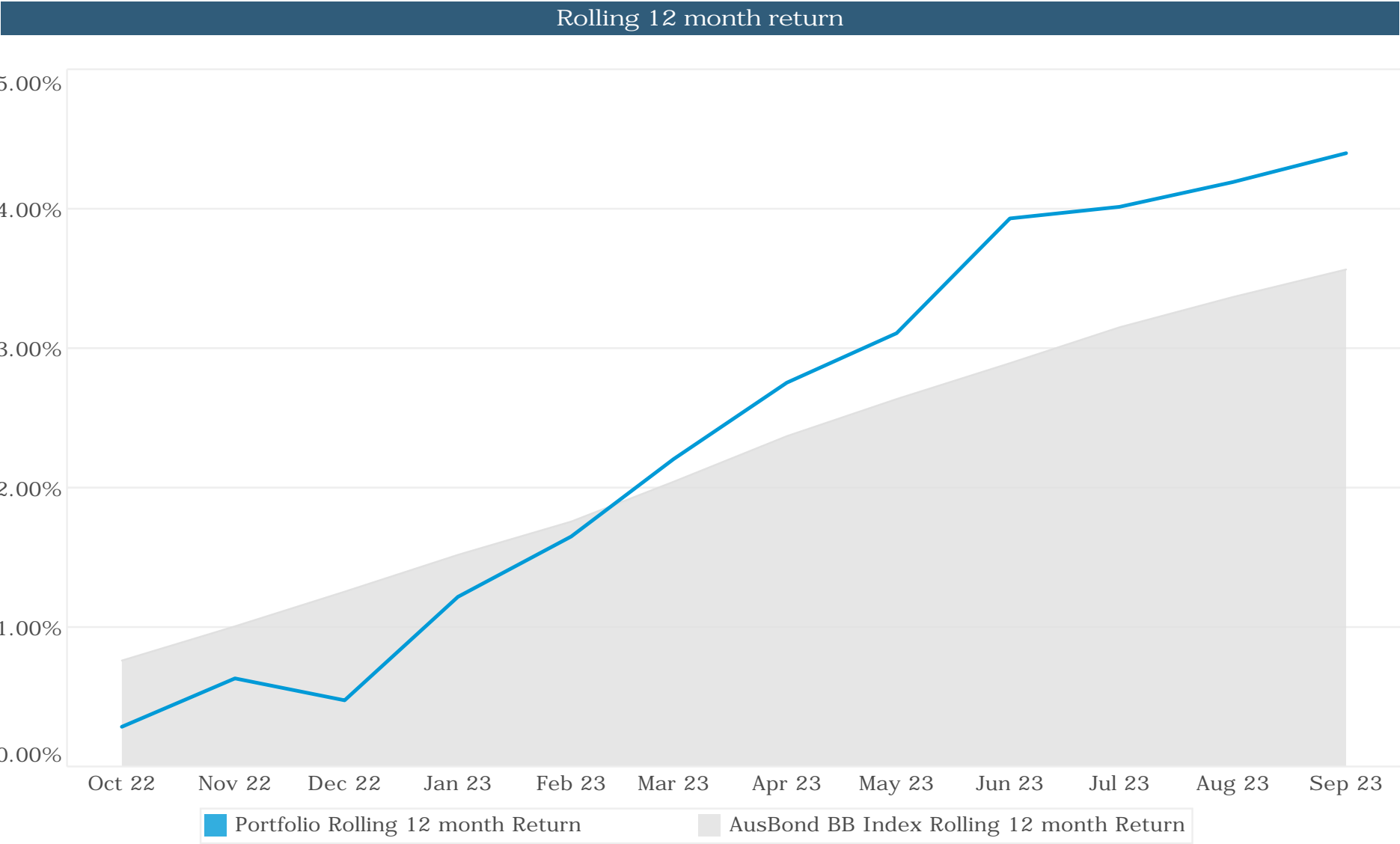
Waverley Council

Investment Performance Report - September 2023



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Sep 2023	1.71%	4.18%	-2.47%
Last 3 months	3.94%	4.35%	-0.41%
Last 6 months	4.37%	4.01%	0.36%
Financial Year to Date	3.94%	4.35%	-0.41%
Last 12 months	4.40%	3.56%	0.84%

Waverley Council
Investment Performance Report - September 2023



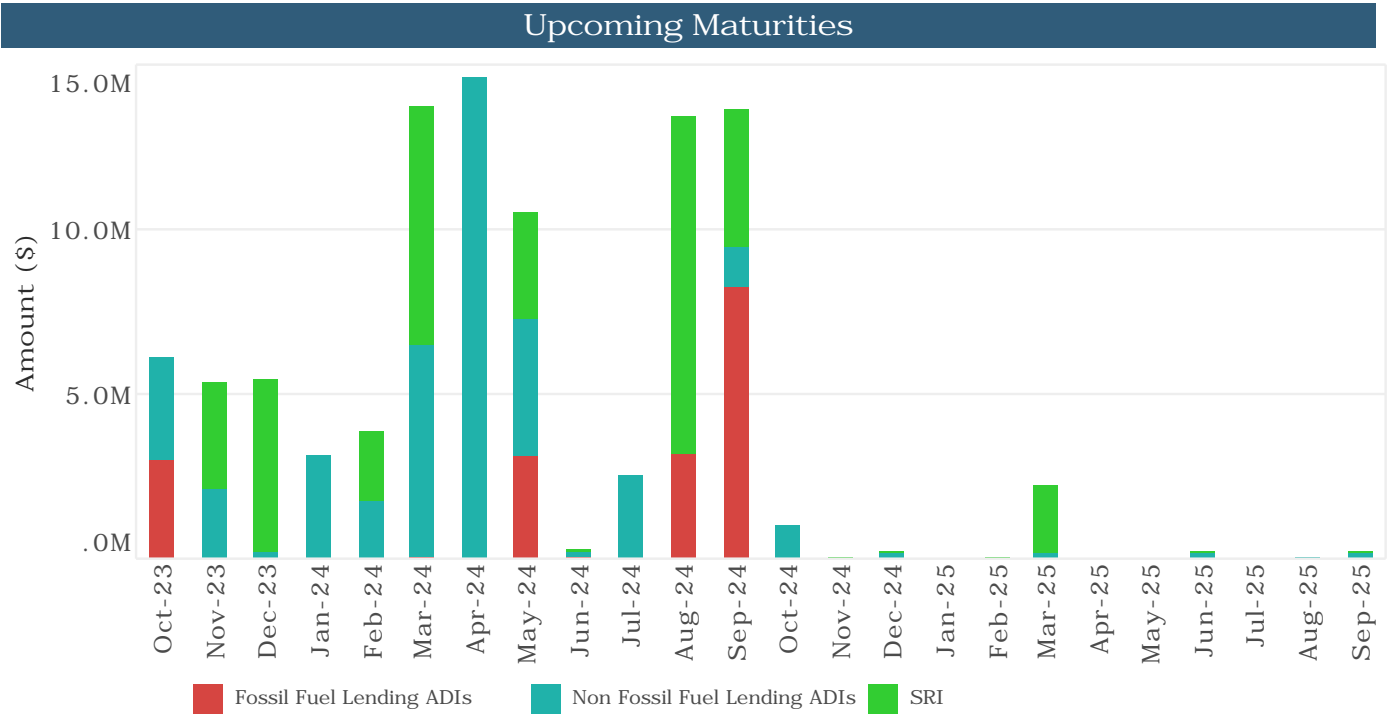
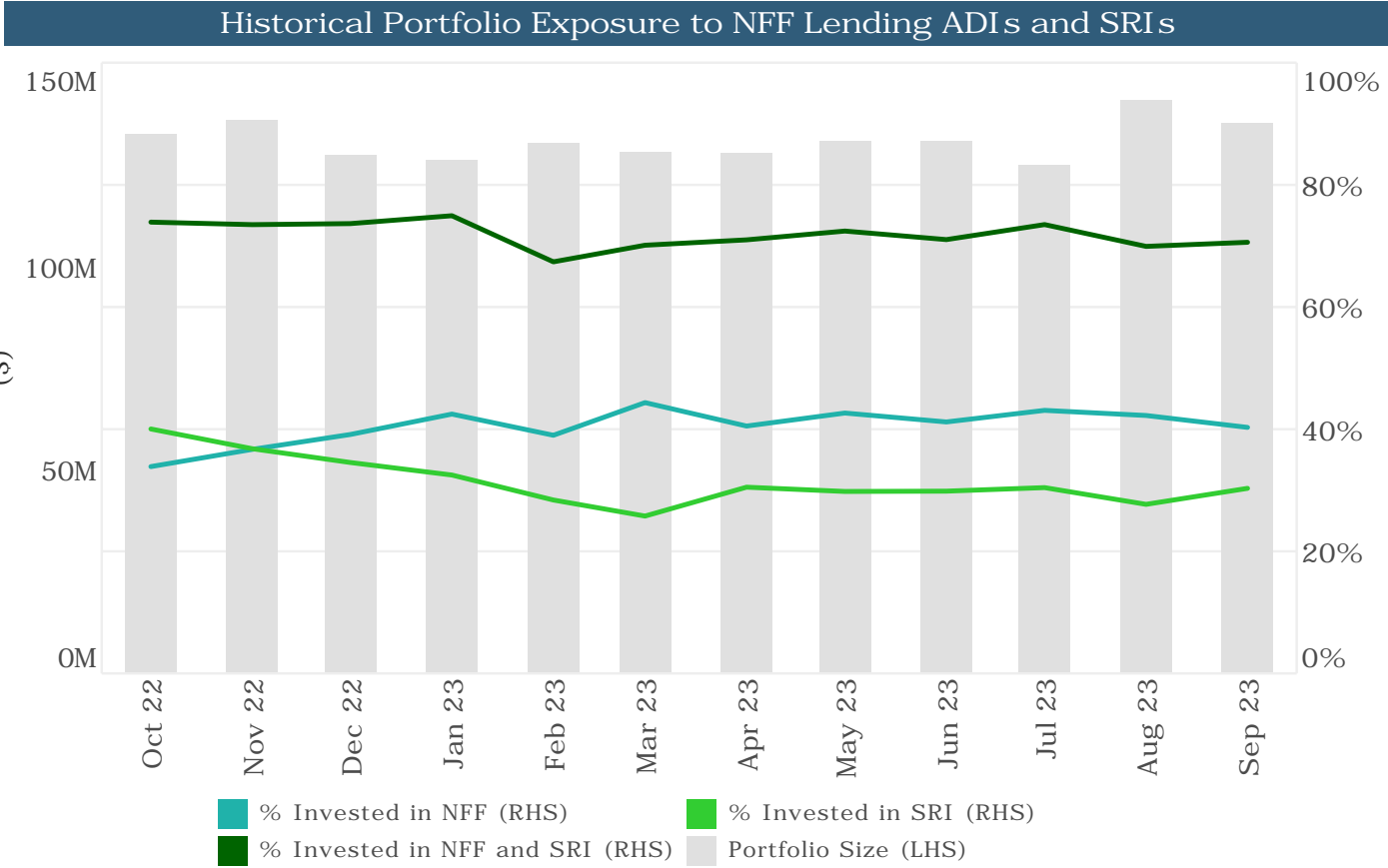
Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Sep 2023	0.14%	0.34%	-0.20%
Last 3 months	0.98%	1.08%	-0.10%
Last 6 months	2.17%	1.99%	0.18%
Financial Year to Date	0.98%	1.08%	-0.10%
Last 12 months	4.40%	3.56%	0.84%

Waverley Council
Environmental Commitments Report - September 2023

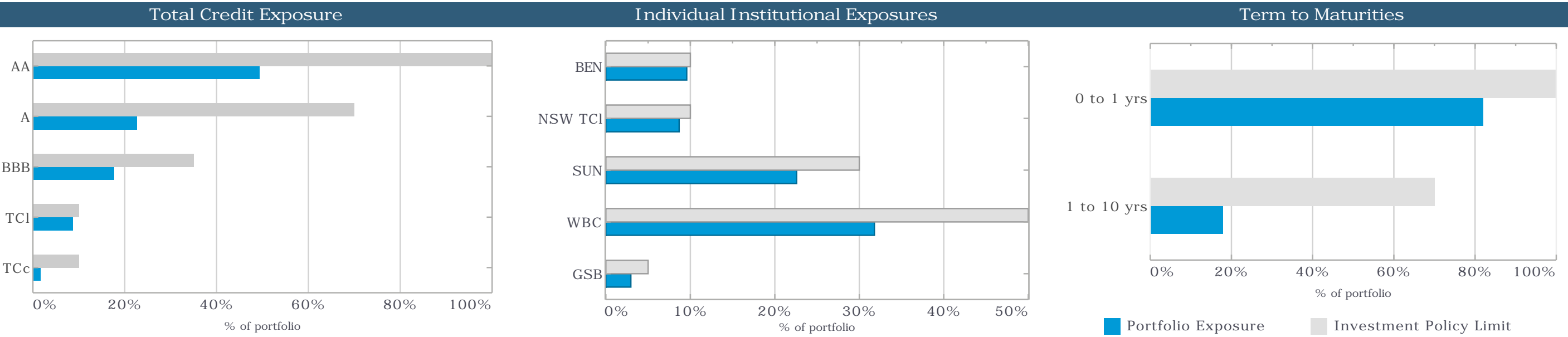


Current Breakdown				
ADI Lending Status *	Current Month (\$)		Previous Month (\$)	
Fossil Fuel Lending ADIs				
Commonwealth Bank of Australia	11,748,985		18,056,729	
National Australia Bank	7,000,000		3,000,000	
Westpac Group	7,000,000		7,000,000	
	25,748,985	19%	28,056,729	20%
Non Fossil Fuel Lending ADIs				
Auswide Bank	3,000,000		3,000,000	
Bendigo and Adelaide Bank	12,950,000		12,950,000	
Great Southern Bank	4,000,000		4,000,000	
Newcastle Greater Mutual Group	4,000,000		4,000,000	
Suncorp Bank	30,550,000		35,550,000	
	54,500,000	40%	59,500,000	42%
Other				
NSW T-Corp (Cash)	2,290,465		2,280,755	
NSW T-Corp (LT)	11,731,680		12,009,423	
	14,022,145	10%	14,290,177	10%
Socially Responsible Investment				
CBA (Green)	5,000,000		5,000,000	
Westpac Group (Green TD)	36,000,000		34,000,000	
	41,000,000	30%	39,000,000	28%
	135,271,130		140,846,907	

* source: Marketforces
Percentages may not add up to 100% due to rounding



Waverley Council
Investment Policy Compliance Report - September 2023



Credit Rating Group	Face Value (\$)		Policy Max	
AA	66,748,985	49%	100%	a
A	30,550,000	23%	70%	a
BBB	23,950,000	18%	35%	a
TCI	11,731,680	9%	10%	a
TCc	2,290,465	2%	10%	a
135,271,130				

Specific Sub Limits				
BBB+	12,950,000	10%	35%	a
BBB	11,000,000	8%	15%	a

Institution	% of portfolio	Investment Policy Limit	
Bendigo and Adelaide Bank (BBB+)	10%	10%	a
NSW T-Corp (TCI)	9%	10%	a
Suncorp Bank (A+)	23%	30%	a
Westpac Group (AA-)	32%	50%	a
Great Southern Bank (BBB)	3%	5%	a
Newcastle Greater Mutual Group (BBB)	3%	5%	a
Auswide Bank (Baa2)	2%	5%	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	110,971,130	82%	100%	a
Between 1 and 10 years	24,300,000	18%	70%	a
135,271,130				

Specific Sub Limits				
Between 3 and 10 years	5,000,000	4%	50%	a
Between 5 and 10 years	0	0%	25%	a

a = compliant
r = non-compliant

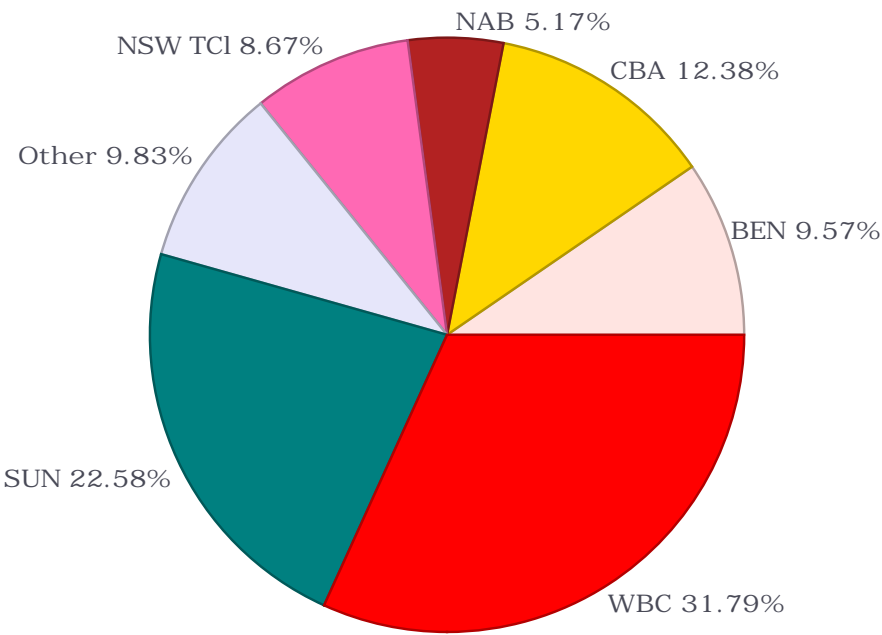
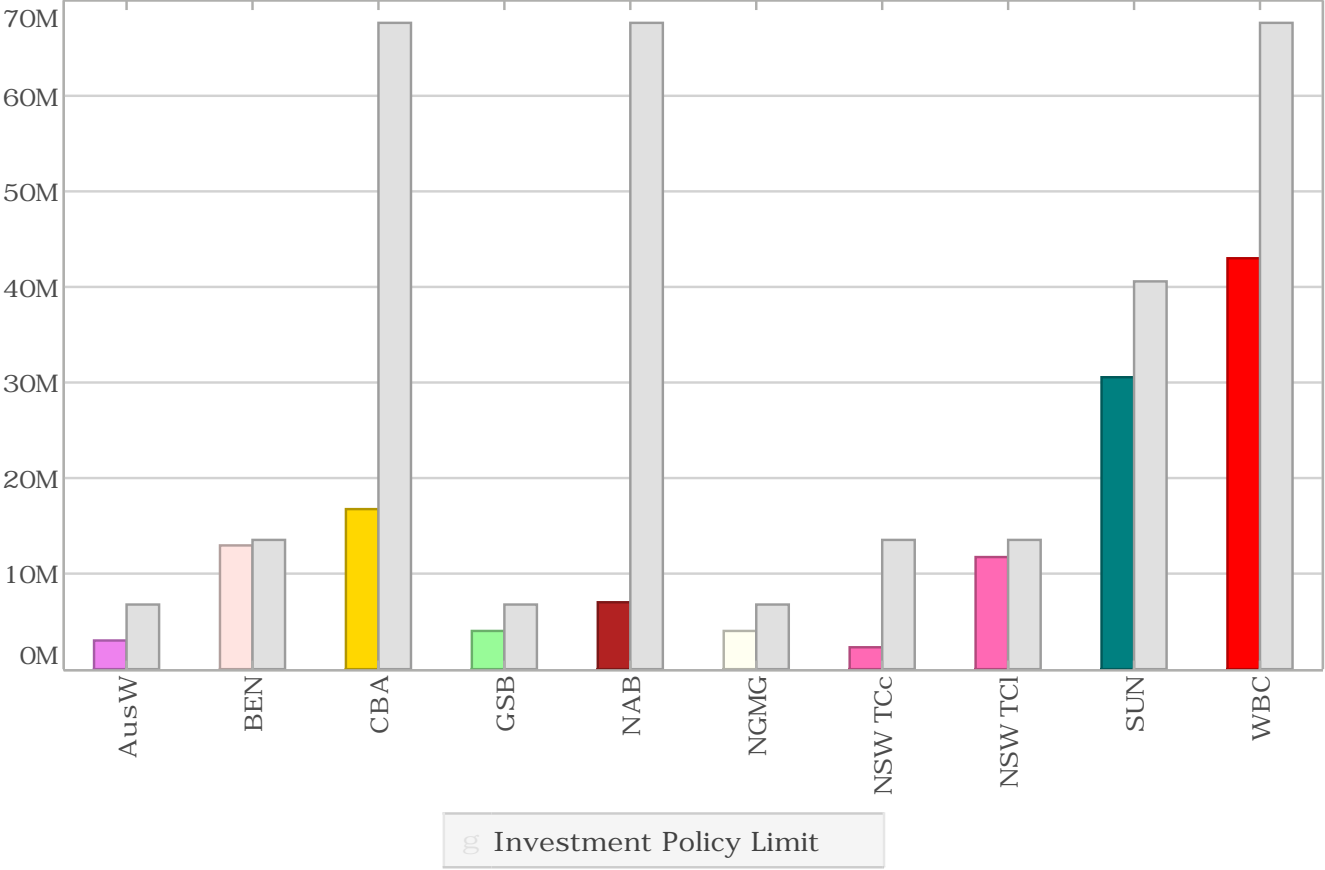
Waverley Council
Individual Institutional Exposures Report - September 2023



Individual Insitutional Exposures

Individual Insitutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Auswide Bank (Baa2)	3,000,000	2%	6,763,557	5%	3,763,557
Bendigo and Adelaide Bank (BBB+)	12,950,000	10%	13,527,113	10%	577,113
Commonwealth Bank of Australia (AA-)	16,748,985	12%	67,635,565	50%	50,886,580
Great Southern Bank (BBB)	4,000,000	3%	6,763,557	5%	2,763,557
National Australia Bank (AA-)	7,000,000	5%	67,635,565	50%	60,635,565
Newcastle Greater Mutual Group (BBB)	4,000,000	3%	6,763,557	5%	2,763,557
NSW T-Corp (TCc)	2,290,465	2%	13,527,113	10%	11,236,648
NSW T-Corp (TCI)	11,731,680	9%	13,527,113	10%	1,795,433
Suncorp Bank (A+)	30,550,000	23%	40,581,339	30%	10,031,339
Westpac Group (AA-)	43,000,000	32%	67,635,565	50%	24,635,565
	135,271,130				



Waverley Council

Cashflows Report - September 2023



Actual Cashflows for September 2023

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
4-Sep-23	540603	BEN Snr FRN (Dec25) BBSW+0.52%	Floating Rate Note	Coupon Date	26,316.97
				<u>Deal Total</u>	<u>26,316.97</u>
4-Sep-23	540983	NPBS Snr FRN (Mar26) BBSW+0.63%	Floating Rate Note	Coupon Date	46,897.16
				<u>Deal Total</u>	<u>46,897.16</u>
4-Sep-23	543279	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	45,326.03
				<u>Deal Total</u>	<u>45,326.03</u>
4-Sep-23	543280	Suncorp Bank	Term Deposit	During: Interest Received/Paid Dates	122,165.75
				<u>Deal Total</u>	<u>122,165.75</u>
				Day Total	240,705.91
5-Sep-23	543202	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	4,556.71
				<u>Deal Total</u>	<u>3,004,556.71</u>
5-Sep-23	544467	Westpac Group	Term Deposit	Settlement: Face Value	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
5-Sep-23	544468	National Australia Bank	Term Deposit	Settlement: Face Value	-4,000,000.00
				<u>Deal Total</u>	<u>-4,000,000.00</u>
				Day Total	-2,995,443.29
11-Sep-23	542424	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	18,851.51
				<u>Deal Total</u>	<u>18,851.51</u>
				Day Total	18,851.51
15-Sep-23	541877	SUN Snr FRN (Sep26) BBSW+0.48%	Floating Rate Note	Coupon Date	44,575.89
				<u>Deal Total</u>	<u>44,575.89</u>
				Day Total	44,575.89
18-Sep-23	541523	BEN Snr FRN (Jun26) BBSW+0.65%	Floating Rate Note	Coupon Date	49,516.96
				<u>Deal Total</u>	<u>49,516.96</u>
				Day Total	49,516.96

Waverley Council

Cashflows Report - September 2023



Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
19-Sep-23	543280	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	4,993.15
				<u>Deal Total</u>	<u>3,004,993.15</u>
				Day Total	3,004,993.15
25-Sep-23	541916	CBA Green Snr FRN (Dec26) BBSW+0.41%	Floating Rate Note	Coupon Date	60,923.59
				<u>Deal Total</u>	<u>60,923.59</u>
				Day Total	60,923.59
26-Sep-23	543947	Westpac Group	Term Deposit	Maturity: Face Value	2,000,000.00
		Westpac Group	Term Deposit	Maturity: Interest Received/Paid	43,392.33
				<u>Deal Total</u>	<u>2,043,392.33</u>
26-Sep-23	544533	Westpac Group	Term Deposit	Settlement: Face Value	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
26-Sep-23	544534	Suncorp Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	-956,607.67
29-Sep-23	543451	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	34,555.07
				<u>Deal Total</u>	<u>34,555.07</u>
				Day Total	34,555.07
				<u>Total for Month</u>	<u>-497,928.87</u>

Forecast Cashflows for October 2023

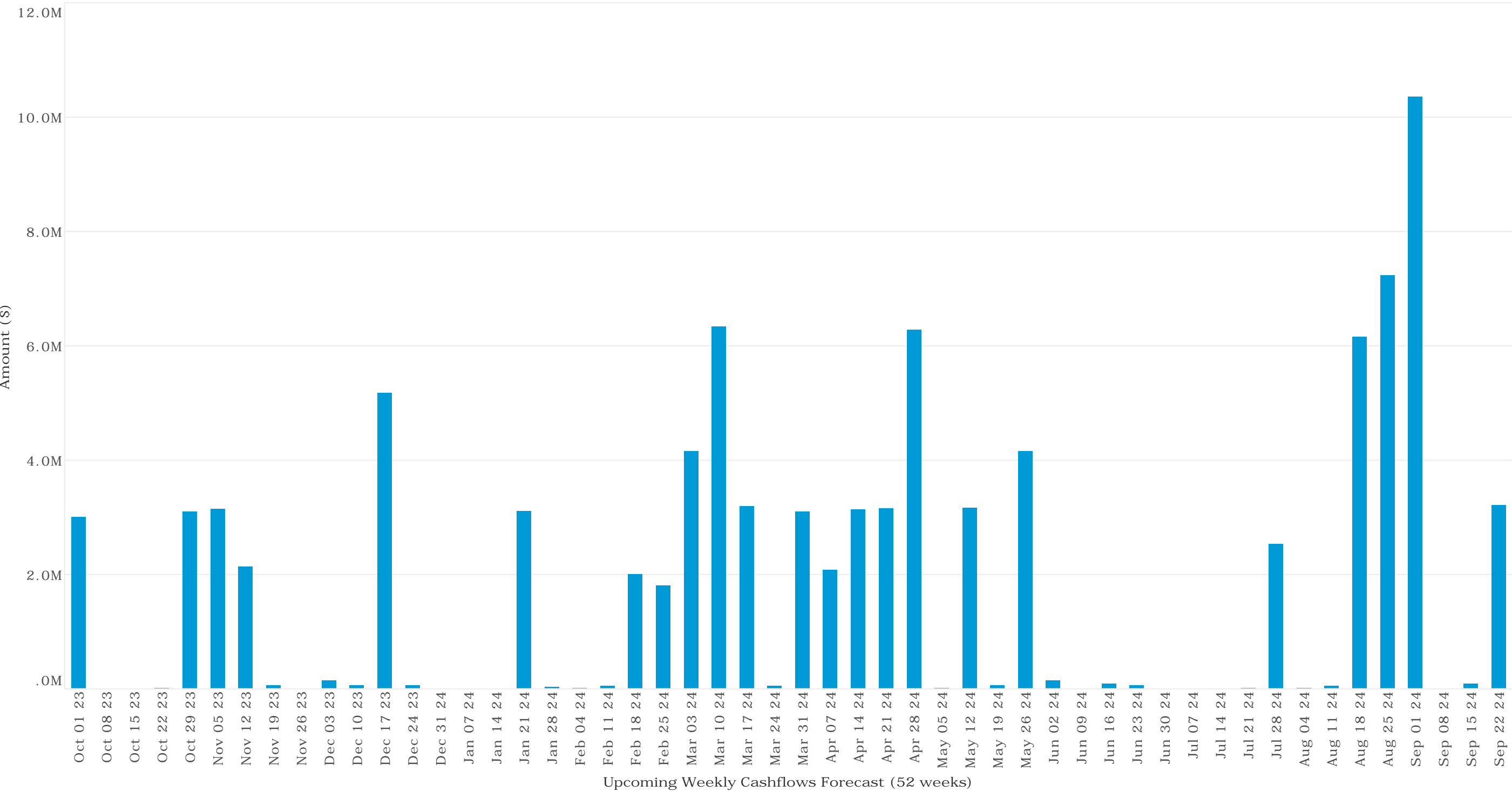
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
3-Oct-23	543451	Westpac Group	Term Deposit	Maturity: Face Value	3,000,000.00
		Westpac Group	Term Deposit	Maturity: Interest Received/Paid	1,518.90
				<u>Deal Total</u>	<u>3,001,518.90</u>
				Day Total	3,001,518.90
24-Oct-23	538604	GSB Snr FRN (Oct24) BBSW+ 1.12%	Floating Rate Note	Coupon Date	13,806.30

Waverley Council
Cashflows Report - September 2023



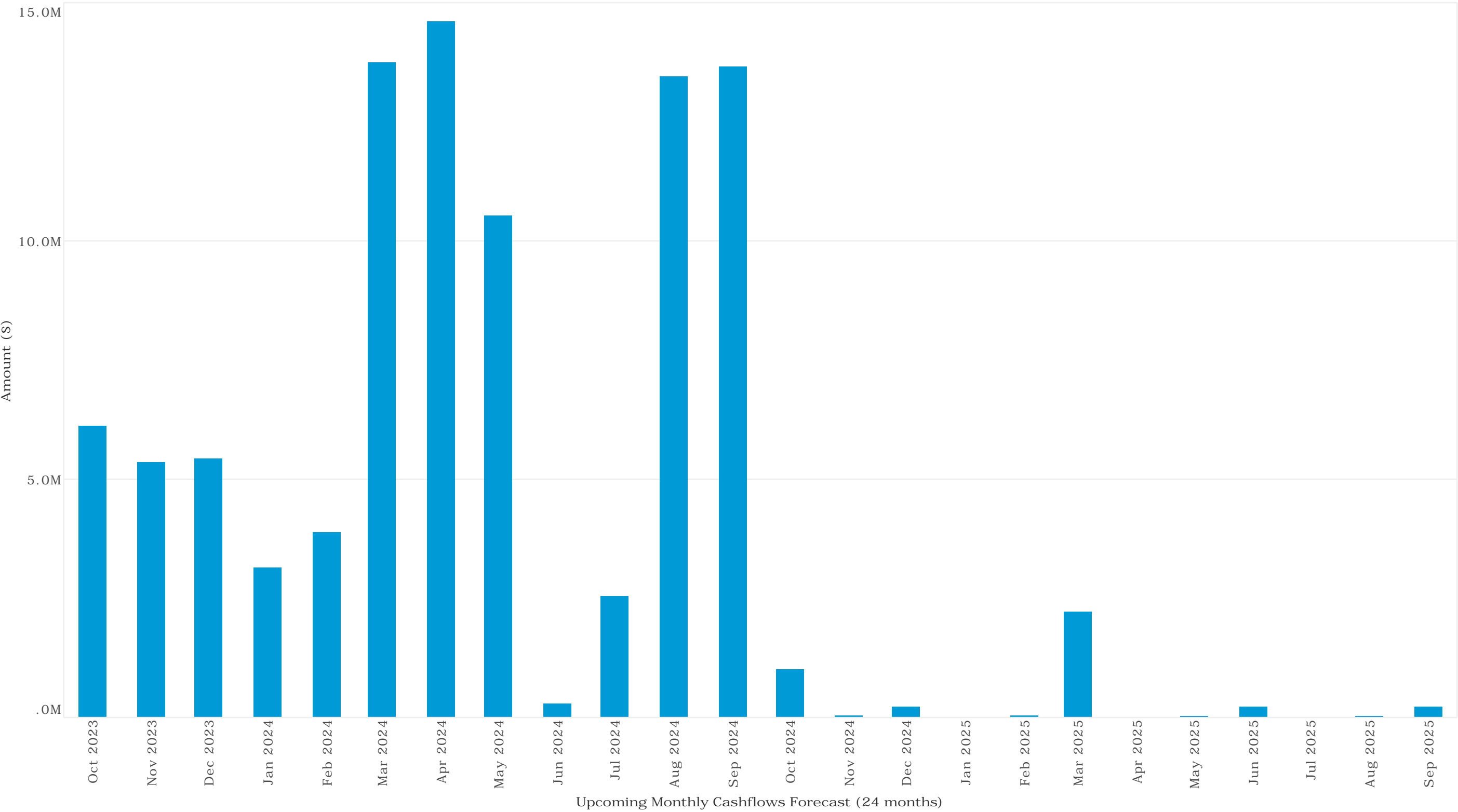
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
				Deal Total	13,806.30
				Day Total	13,806.30
30-Oct-23	538331	SUN Snr FRN (Jul24) BBSW+0.78%	Floating Rate Note	Coupon Date	31,394.38
				Deal Total	31,394.38
				Day Total	31,394.38
31-Oct-23	544049	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	70,629.04
				Deal Total	3,070,629.04
				Day Total	3,070,629.04
				Total for Month	6,117,348.62

Waverley Council
Cashflows Report - September 2023



Waverley Council

Cashflows Report - September 2023



REPORT
CM/7.5/23.10

Subject: Arts, Culture and Creativity Advisory Committee - Membership

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 appoints the following individuals to the Arts, Culture and Creativity Advisory Committee for a term of two years, from November 2023 to October 2025:

1. Members:

- (a) Aleema Ash.
- (b) Michaela Boland.
- (c) Alex Bowen.
- (d) Nerida Campbell.
- (e) Donna Hewitt.
- (f) Isabel Hudson.
- (g) Sam Marshall.
- (h) Antonia Pesenti.
- (i) Dr Benjamin Schostakowski.

2. Reserve members:

- (a) Helen Vatsikopoulos.
- (b) Emma Pask.
- (c) Megan Fizell.
- (d) Moira Blumenthal.
- (e) Anne-Marie Te Whiu.

1. Executive Summary

Expressions of interest (EOI) were invited for membership of the newly established Arts, Culture and Creativity Advisory Committee for a term of two years. The EOI call out was open from 1 to 21 August 2023.

A selection committee comprising the Director, Community, Culture and Customer Experience as the General Manager's delegate; Executive Manager, Arts, Culture and Events; and Acting Manager, Arts and Culture, has undertaken a selection process and made the above recommendations to Council for the appointment of members to the Committee.

2. Introduction/Background

Council established the Arts, Culture and Creativity Advisory Committee on 4 July 2023, adopting terms of reference to guide the committee's remit and operations.

At the Council meeting on 12 September 2023, Council appointed the following Councillors to the Arts, Culture and Creativity Advisory Committee until 13 September 2024, as Council elections will next occur on Saturday, 14 September 2024:

- The Mayor, Cr Masselos, as the chair.
- Cr Keenan.
- Cr Kay.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 12 September 2023	CM/7.2/23.09	<p>That Council:</p> <ol style="list-style-type: none"> Disestablishes the Surf Life Saving Club Committee for the reasons set out in the report. Appoints Councillors to the committees listed below up to and including 13 September 2024. Appoints delegates to the organisations listed below up to and including 13 September 2024. <p>Committee name: Arts, Culture and Creativity Advisory Committee</p> <p>No. of Councillors to be appointed The Mayor and up to two councillors.</p> <p>Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.</p> <p>Membership: Crs Masselos (Chair), Keenan (Deputy Chair) and Kay.</p>
Finance, Operations and Community Services Committee Meeting	FC/5.3/23.07	<p>That Council:</p> <ol style="list-style-type: none"> Disestablishes the Arts and Culture Advisory Committee and the Public Art Committee at the end of

4 July 2023		<p>September 2023.</p> <ol style="list-style-type: none"> 2. Establishes an Arts, Culture and Creativity Advisory Committee, to commence in October 2023. 3. Adopts the Terms of Reference for the Arts, Culture and Creativity Advisory Committee attached to the report, subject to the following amendments: <ol style="list-style-type: none"> (a) Page 24 of the agenda, 'Meetings', third paragraph – Amend to read as follows: 'An annual schedule of committee meetings will be determined at the start of each calendar year for distribution to committee members and all Councillors.' (b) Page 24 of the agenda, 'Meetings', fourth paragraph – Amend to read as follows: 'Agendas, papers and meeting details, including date, time and location, will be provided at least one week before the meeting to committee members and all Councillors.' (c) Page 24 of the agenda, 'Meetings', eighth paragraph – Amend to read as follows: 'Minutes of all committee meetings are public documents, which are published online once noted by Council.' (d) Page 24 of the agenda, 'Meetings' – Add the following paragraph at the end of the section: 'Meetings may be held in person, online or in a hybrid format.' 4. Calls for expressions of interest for members of the Committee, noting that the Chair and Councillor members will be appointed at the Council meeting in September 2023. 5. Acknowledges the rich and productive history of the Public Art Committee, and thanks all past members for their contribution to public art in Waverley during the Committee's operation. 6. Acknowledges the contribution of the inaugural Arts and Culture Advisory Committee, and thanks all members for their contribution to arts and culture in Waverley. 7. Notes that officers are reviewing the terms of reference for all advisory committees.
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4. Discussion

Expressions of interest (EOI) were invited for membership of the Arts, Culture and Creativity Advisory Committee for a term of two years. The EOI call-out was open from 1 to 21 August 2023.

The EOI was promoted in community newsletters, Waverley Arts and Culture, Waverley Weekly, Waverley Local Creatives and Have Your Say Waverley. It was promoted on Council's website and social media channels, and on ArtsHub. The EOI was also shared with sector bodies including Museums and Galleries NSW, Accessible Arts and Create NSW, and via the networks of members of the recently disestablished Public Art and Arts and Culture Advisory Committees.

Thirty-five submissions were received by the closing date. All submissions were reviewed and considered by the selection panel in accordance the Committee's terms of reference.

The recommended appointments have been made with consideration to the proposed members' skills, expertise and mix of professional backgrounds, as outlined in the terms of reference. Additional information about the recommended applicants, as well as a summary of all applicants, has been distributed to Councillors separately from the agenda.

The selection panel has recommended the appointment of 10 members to the Committee at this time, rather than the full quota of 11 members (plus the chair) as outlined in the Committee's terms of reference.

Membership with Indigenous practice expertise is required by the Committee's terms of reference. This expertise is to be represented by an Indigenous Australian and this was not able to be achieved through the EOI process undertaken. Should Council progress with the panel's recommendations, panel members will reach out to local Indigenous community contacts for further leads on prospective members. Officers will invite submissions from appropriate candidates to join the Committee with a further report to come to Council at a later date to recommend an additional appointment.

5. Financial impact statement/Time frame/Consultation

The operation of the Arts, Culture and Creativity Advisory Committee requires Councillor, volunteer and officer time but otherwise there is no direct financial impact on Council's budget.

Should Council approve the recommended appointments to the committee at this meeting, the first committee meeting will take place on 20 November 2023.

It is proposed that the community members of the committee will be engaged for a two-year term, ending in October 2025.

Councillor members are appointed until 13 September 2024, as Council elections will next occur on Saturday, 14 September 2024.

6. Conclusion

The selection committee has undertaken a selection process and made the above recommendations to Council for the appointment of members to the Committee.

7. Attachments

Nil .

REPORT
CM/7.6/23.10

Subject: Annual Venue Hire Grants 2024

TRIM No: A23/0654

Manager: Alistair Graham, Executive Manager, Community, Library and Recreation Venues

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

RECOMMENDATION:

That Council, in accordance with section 356 of the *Local Government Act* and the Venue Hire Grants Program 2024, grants \$11,965.80 in financial assistance to the community organisations and groups as set out in the attachment to the report.

1. Executive Summary

At its meeting in April 2017, Council adopted the Venue Hire Grants Program so that the Council could provide financial assistance to community not-for-profit organisations. The financial assistance provided by Council enables organisations to continue providing activities that benefit the community.

This report summarises the requests received from community non-profit organisations for financial assistance for regular and ad hoc hire fees of Council facilities for the period of 1 January to 31 December 2024. The grant period spans across the financial year due to the duration of the regular hire agreement period for 2024. Groups have already committed to hiring Council facilities during these dates.

This report recommends allocating a total of \$11,965.80 in subsidies to five community non-profit organisations.

2. Introduction/Background

Council offers a variety of community venues and meeting spaces to facilitate a wide array of community services and activities. Waverley has over a hundred community groups that hire Council facilities on a regular basis. A large portion of these groups are not-for-profit organisations that provide identifiable social, recreational and cultural benefits to Waverley's community. Council has a long history of supporting such organisations by way of financial assistance or reducing venue hire fees.

Council offers Venue Hire Grants by way of not charging or reducing the fee. Therefore, no Council funding is transferred to the supported groups.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 September 2022	CM/7.5/22.09	That Council, in accordance with section 356 of the <i>Local Government Act</i> and the Venue Hire Grants Program 2022–23, grants \$29,871.76 in financial assistance to the community organisations and groups as set out in the attachment to the report.

4. Discussion

Attachment 1 to this report summarises the applications received for the Venue Hire Grants Program 2024. The table outlines five applications received from a variety of community groups and organisations that utilise indoor and outdoor venues within the Council's portfolio of facilities. One group is categorised as a casual hirer, leaving four regular hirers. A regular hirer is a group that makes more than six bookings each year.

Attachment 1 comprises the organisation's name, a brief description of the service or activity provided and the suggested amount of supported subsidy. The table also provides the proposed grant's total cost, based on the Pricing Policy, Fees and Charges for 2023–24.

Council officers assessed the grant applications received against a set of criteria to provide consistency in approach. The criteria have been closely aligned to that used by the Council's Small Grants and Community Grants Programs. A summary of the application requirements is provided below.

Eligibility

Groups and organisations that can demonstrate compliance with the Australian Tax Office's definition of not-for-profit or non-profit status are eligible to apply for a grant.

Council will not consider applications for a reduced rate for:

- Activities with an exclusive religious or political purpose.
- Activities that are part of the core responsibilities of schools or tertiary education institutions.
- Activities that duplicate existing programs.
- Activities that directly contravene Council policy.
- Activities proposed by applicants who have outstanding debts or have overdue grant acquittal requirements to Council. Other grants and support being received by applicants will be considered in assessments.
- Activities proposed by for-profit organisations.

Assessment criteria

Each application will be assessed using the information it provides against the following criteria:

- Evidence of financial hardship provided.
- Provide critical support services, such as services for senior residents.
- Evidence that the activity will benefit Waverley residents.
- Evidence that the group is capable of carrying out the planned activity e.g., relevant experience.
- Suitability of the proposed activity for, and in keeping with, the primary purpose of the venue requested.
- Description of the community benefits the applicant expects the activity will provide and its alignment with Council's Community Strategic Plan 2018–29.

Conditions

- Groups are required to acknowledge Council support in any promotional materials for their activities.
- Groups acknowledge that the grant constitutes in kind support and no funds are directly payable.

Grant applicants

- Computer Pals Club for Seniors group has been operating in Waverley since 1999, providing classes to assist seniors in the Waverley community in staying up to date with the ever-changing digital landscape. They provide low-cost classes that assist customers in developing their technical skills and in trouble shooting general or specific computer and smart phone problems. Members of the Computer Pals Management Committee, who are also tutors, are skilled in the use of a range of computer programs. Computer Pals relocated their activities from 30 Ebley Street, Bondi Junction (The Terraces) in May 2022 to Waverley Library, as the Community Tenancy Review identified functional limitations with the premises. Their Venue Hire Grant application will go towards hiring Meeting Room 1 and Meeting Room 2 at the Library. It is recommended that the group receive a grant to the value of a 50% subsidy on the not-for-profit-rate.
- Eastern Suburbs Branch of the NSW Justices Association have applied to use Waverley Library's Theatrette for their regular hire. The group meet for a two-hour booking, once a month. Historically, the Eastern Suburbs Branch of the New South Wales Justices Association have been successfully awarded an annual Venue Hire Grant since the program was introduced in 2017. The group are a not-for-profit organisation that provides a community service through the provision of Justice of the Peace services to the local Waverley community, by operating Justice of the Peace Desks at the Customer Service Centre and Waverley Library. The monthly branch meeting held in the Waverley Library Theatrette allow branch members to meet and discuss matters affecting the provision of Justice of the Peace services and allows desk volunteers to share their experiences, and also provides a forum for discussion and training. This forum is also open to members of the community. As a previous recipient for a venue hire grant, it is recommended that the group receive a grant to the value of a full subsidy.
- Chronology Arts (trading as Weird Nest) are a not-for-profit organisation who provide a performing-art-focused workshop space for kids and teens living with neurological disability to learn and practice creativity. The sessions provide arts workshops for kids living with disability, encouraging development of creative agency, and connecting them with pathways to being professional artists. They also provide small group/individual mentoring for more advanced participants living with disability, preparing them to take leadership roles or go onto further study or more complex professional arts projects. The lead facilitator, Dean Walsh, is an acclaimed Helpmann-award winning choreographer living with disability, supported by Andrew Batt-Rawden (Sydney Conservatorium graduate composer), Patricia Wood (choreographer who teaches at Sydney Dance Company) and James Penny (actor and theatre director living with disability). Weird Nest have applied to use Hugh Bamford Hall typically twice a week. It is recommended that the group receive a grant to the value of a full subsidy.
- Dance for Parkinson's Australia (DPA) have applied to use the Margaret Whitlam Recreation Centre Community Room for 1.5 hours once per week. Overall objectives and goals are to support the Parkinson's and broader seniors/elder community of the Waverley and adjoining Councils, by providing dance, exercise, confidence, creativity, fun, laughter, social engagement and inclusion. Keeping bodies and minds healthy and active is a strong goal of their program. Benefits flow through to the community at large as participants stay strong both physically and mentally and stay engaged and active in their communities. They continue to engage, shop and join in other activities, dine and socialise at cafes, and use centres and outdoor spaces to walk, meet friends and keep engaged in life. As a previous recipient for a venue hire grant, it is recommended that the group receive a grant to the value of a full subsidy.
- The Mito Foundation supports people affected by mitochondrial disease (mito), funds essential research into the prevention, diagnosis, treatment and cures of mitochondrial disorders, and increases awareness and education about this devastating disease. The Mito Foundation has planned an event titled 'The Bloody Long Walk (Sydney East)' and has applied to hire an area of

North Bondi Park to set up a checkpoint and water station for its event participants. The Bloody Long Walk is a 35 km walk/run challenge from Pioneers Park, Malabar, to Circular Quay, on 17 November 2024. It is recommended that the group receive a grant to the value of a full subsidy.

5. Financial impact statement/Time frame/Consultation

The financial assistance is provided by way of not charging or reducing the venue hire fee.

For the regular hire period of January to December 2024, the recommended total value of venue hire subsidies granted by Council to the community groups is \$11,965.80. If Council accepts the new venue hire grant subsidies, they will be implemented in time for the beginning of the next regular venue hire agreement period, which commences on 1 January 2024.

All applicants will be notified of the outcome of their grant application by letter.

6. Conclusion

This report recommends that Council approve venue hire grants in the amount of \$11,965.80 in 2024 for the community organisations and groups listed in Attachment 1 of this report.

7. Attachments

1. Venue Hire Grants applications - 2024 [↓](#) .

Attachment 1

Venue Grant Applications January to December 2024 – recommended level of subsidies



	Applicant	Venue	Activity	Recommended level of subsidy	Value of subsidy
1	Computer Club for Seniors	Waverley Library – Meeting Room 1 & 2	A twice-weekly training day in Training Rooms 1 & 2 at Waverley Library. Tutoring members on how to use computers.	50% reduced subsidy	\$3,344.18
2	Eastern Suburbs Branch of the New South Wales Justices Association	Waverley Library – Theatrette	A monthly meeting forum for discussing matters that impact the delivery of Justice of Peace services.	Full subsidy	\$580.00
3	Chronology Arts T/A Weird Nest	Hugh Bamford Hall	A twice-weekly arts and culture workshop for young people and artists living with disabilities.	Full subsidy	\$5,450.53
4	Dance for Parkinson's Australia	Margaret Whitlam Recreation Centre – Community Room	A weekly adapted dance classes which encourages overall wellbeing for Senior's, focusing on the Parkinson's Community.	Full subsidy	\$758.09
5	The Mito Foundation	Bondi Park – North	A one-off casual hire to set up a checkpoint / water station for the 'The Bloody Long Walk' event.	Full subsidy	\$1,833.00
Total value of subsidies Jan–Dec 2024					\$11,965.80

REPORT
CM/7.7/23.10

Subject: Small Grants Program 2023-24 - Round 1

TRIM No: A23/0314

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council, under the Small Grants Program 2023–24 (Round 1), grants \$45,042 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

1. Executive Summary

Round 1 of Council's Small Grants Program 2023-24 closed on 11 September 2023. In this round, grants were offered for community, cultural and environmental projects. A total of 27 submissions was received. The applications received have been assessed by officers against the relevant selection criteria. Support for 14 applications is recommended to the value of \$45,042. An overview of the applications received, and recommendations made is provided in Table 1, and a summary of each of the applications is provided in Attachment 1.

2. Introduction/Background

The Small Grants Program enables Council to support community initiatives through the provision of financial assistance, offered in three streams:

Community and Cultural	Aims to support the delivery of identifiable social, cultural and recreational benefits to Waverley's community that align with goals in the Waverley Community Strategic Plan.
Environmental	Aims to support environmental improvement projects that align with goals in the Waverley Community Strategic Plan, and Council's Environmental Action Plan.
Creative Streets	Aims to support community contributions to public spaces that align with goals in the Waverley Community Strategic Plan, using an Urban Interventions Framework.

Council allocates a budget of around \$100,000 annually to Small Grants for projects that meet community and cultural, environmental, and creative streets objectives. Grants are offered in two rounds that are advertised in March and August each year.

In July 2019, Council endorsed amendments to the guidelines, including expanding the eligibility criteria, tightening the selection criteria, and increasing the maximum amount available per application from three to five thousand dollars. Council also endorsed the offer of 'Creative Streets' grants just once a year, to be advertised in March. In March 2020 Council endorsed an overarching Community Grants Policy that covers the Community Services and Cultural Grants, and Small Grants Programs.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 March 2020	CM/7.4/20.03	That Council adopts the Community Grants Policy attached to this report.
Council 16 July 2019	CM/7.10/19.07	That Council: <ol style="list-style-type: none"> 1. Under the Community Grants Program 2019–20, grants \$333,673 to the organisations set out in Attachment 1 to this report for the activities and amounts listed. 2. Adopts the following guidelines attached to this report: <ol style="list-style-type: none"> (a) Small Grants – Community and Cultural Grants Guidelines (Attachment 3). (b) Small Grants – Environmental Grants Guidelines (Attachment 4) (c) Small Grants – Creative Streets Grants Guidelines (Attachment 5).

4. Discussion

An invitation for applications to the Small Grants Program was distributed widely in August through Council's social media channels, community interagencies and special interest email groups. The Round closed on 11 September 2023.

Twenty-seven applications were received from individuals and organisations seeking funds totalling \$115,572 as shown in Table 1. The majority of applications to this round were from community groups seeking to deliver benefit to identified needs groups including children and young people, seniors, women and refugees. More than 40% were from first-time applicants, and two thirds sought the maximum grant amount available.

Of note in this round, five applications were proposals for provision of support to some of the most vulnerable people in our community. These include rough sleepers, young people in out of home care, and women and children escaping domestic and family violence, and many applicants identified the current 'cost of living crisis' as prompting their application for assistance to help to address the growing disadvantage of these vulnerable people.

Consistent with a pattern established over the last few years, few arts applications were received this round, just one compared with ten applications in the May round, with the majority of these scheduled for implementation over the peak summer season. Officers will investigate whether there are any issues in the timing of this round for potential arts applicants, or whether any amendments need to be made to encourage arts proposals for implementation over the winter season.

Council officers assessed the applications received against the relevant selection criteria, consulted with sector specialists, and undertook follow up with applicants where necessary. Full funding is recommended for eight proposals, and part funding for a further six proposals.

The recommended proposals demonstrated clearly articulated aims with a meaningful link to Waverley, and well developed project plans. They include programs that provide opportunities for identified target groups (five – \$18,176), projects that will create a legacy for the future (three – \$13,000), initiatives that will provide relief for those doing it tough (three – \$6,500), and initiatives that contribute to Council's environmental targets (2 – \$8,000).

Table 1. Overview of applications and recommendations.

No	Project	Applicant	1st Time	Target for benefit	\$ Sought	\$ Rec
Arts & Culture						
1	First Nations Survival Day Short Film Program	Flickerfest Short Film Festival Bondi 2024		General Public	\$5,000	-
	Sub-Total				\$5,000	-
Community						
1	South African Film Festival 2024 Fund Raising Event	Education Without Borders Australia Inc	Yes	Education South Africa	\$5,000	-
2	Battle of the Beaches '23	Aaron O'Sullivan	Yes	Public School	\$5,000	\$500
3	Clofest	Clovelly Public School P&C Association		Public School	\$5,000	\$500
4	Early Intervention for Children with Hearing Loss	The Shepherd Centre for Deaf Children		People w Disability	\$2,584	-
5	Community Yoga and Other Activities	Wayside Chapel Bondi		Rough Sleepers	\$5,000	-
6	Chair Yoga and Yoga for Seniors	Justine Rintoul	Yes	Seniors	\$3,160	-
7	Maccabi Life – Local Community Walkie Talkie	Maccabi NSW Inc		Seniors	\$5,000	-
8	Let's Dance Movement and Community	Dance for Parkinson's Australia - Sydney		Seniors	\$4,110	\$4,110
9	I am– Self Empowerment Program	Seda Star	Yes	General Public	\$5,000	-
10	Ukrainian Refugee Women's Circle	Ukrainian Women's Association of Australia	Yes	Refugees	\$4,982	\$4,982
11	Bondi Beats Workshops	Safe and Sound Solutions		Young People	\$5,000	\$5,000
12	Community Tennis	Matt Thomas	Yes	Young adults	\$5,000	-
13	Centre 360 Link to Access (LITA) Program	Centre 360 Youth and Family Service		Young People	\$4,786	\$3,000

No	Project	Applicant	1st Time	Target for benefit	\$ Sought	\$ Rec
14	Pantry for victim-survivors of domestic and family abuse	Lokahi Foundation	Yes	Women	\$5,000	\$3,000
15	Toiletries for Women and Children	Soroptimist International Randwick Eastern Suburbs		Women	\$1,000	\$500
16	Community Library	Castlefield Kindergarten	Yes	Children & Families	\$5,000	-
17	Update Governance Framework	Eastern Suburbs Cricket Club		Volunteers	\$3,000	\$3,000
18	Volunteer Hub in COA's Karla's Cafe	COA Sydney Inc.		Volunteers	\$5,000	-
19	Indian-Jewish Food: A book of recipes from the backstreets of Bondi	Elana Benjamin	Yes	Cultural Heritage	\$5,000	\$5,000
20	Woodworking Machines and Accessories	Waverley Community Men's Shed		Older Men	\$5,000	\$5,000
21	Charing Cross Proactive Media Project	Janene Weber on behalf of 14 small businesses	Yes	Charing Cross Business District	\$2,450	2,450
	Sub-Total				\$91,072	\$37,042
Environment						
1	Garden Classroom Wicking Beds	Bronte Public School		Save Water	\$5,000	\$3,000
3	Sustainability Hub	Habitat Hub	Yes	Reduce Waste	\$5,000	-
5	Bin the Bins	Bondi Public		Reduce Waste	\$5,000	\$5,000
4	Strata Audits	Merfield Group	Yes	Save Water	\$5,000	-
5	App to Locate Drinking Water Stations	Patrick Flanagan		Save Water	\$4,500	-
	Sub-Total				\$24,500	\$8,000
	Total				\$120,572	\$45,042

5. Financial impact statement/Time frame/Consultation

Sufficient funds are available in recurrent budgets to cover the grant allocations recommended in this report. Table 2 below provides an overview of the budget for each of the streams and the value of the grants recommended. The disbursement of funds can take place immediately after approval, provided applicants meet any conditions required.

Table 2. Small Grants Program 2023-24 (Round 1) – Summary of budgets and recommendations.

Grant Category	Budget Round 2	No of applications received	\$ Value of applications received	No of grants recommended	\$ value of total grants recommended
Community and Cultural	\$40,000	23	\$96,072	11	\$37,042
Environmental	\$8,000	5	\$24,500	2	\$8,000

6. Conclusion

The Small Grants Program provides Council with a unique opportunity to respond to ideas proposed by members of its community, and to facilitate diverse contributions to Waverley's physical and social infrastructure. This report recommends that Council approves grants to the value of \$45,042 to individuals and organisations as set out in Table 1 of this report, with conditions where specified in Attachment 1.

7. Attachments

1. Small Grants project proposals 2023-24 (Round 1) - Descriptions and recommendations [↓](#) .

Attachment 1: Description Small Grants Project Proposals Round 1, 2023/24

File Ref: A23/0314

October 2023

Arts and Culture

Application 1	First Nations Survival Day Short Film Program
Organisation	Flickerfest Short Film Festival Bondi 2024
The Activity	Funds are sought to support the presentation of a First Nations program at the Bondi Pavilion on Survival Day 2024 for the fourth year running, with a target audience of 200. The Program will celebrate the emerging talents of First Nations Filmmaking from across Australia and will include a Q&A with the filmmakers. Up to 50 free tickets will be made available to facilitate local community engagement with First Nations stories and culture.
Assistance Sought	\$5,000
Background	Delivered in Waverley for many years, Flickerfest is an internationally recognised and accredited short film festival and a leader in Australia in this field. It is supported by grants from Screen Australia and Screen NSW.
Funding History	Council makes a significant annual contribution to the presentation of Flickerfest through the provision of facilities for the festival. Flickerfest last received a Small Grant in 2020 for the 2021 festival that has been acquitted.
Website	http://flickerfest.com.au
Comment	Although the inclusion of a First Nations component in the Flickerfest Program is commended, grant funding in addition to that already provided by Council to support Flickerfest is not recommended.
Recommendation	<i>Not recommended</i>

Community

Application 1	South African Film Festival 2024 Fund Raising Event
Organisation	Education Without Borders Australia Inc
The Activity	<p>Funds are sought to support the delivery of an evening of films at the Bondi Pavilion 31 March 2024 to raise funds to support the delivery of the 2024 South African Film Festival in May.</p> <p>The Festival showcases ground breaking South African films that provide insights into diverse South African cultures, with screenings held at Event cinema Bondi Junction, and limited screenings held around the country. The applicant reports that the Festival is largely run by volunteers, and all profits are donated to education for disadvantaged students in South Africa.</p>
Assistance Sought	\$5,000
Background	The applicant reports that the festival began in 2019 with screenings at the Event Cinema Bondi Junction, including a celebratory fund raising night that attracted 350 people. To date the Festival has relied upon ticket sales and private sponsorship but the applicant anticipates that these may be insufficient to cover costs for 2024.
Funding History	Nil

Website	https://saff.org.au
Comment	South African expats make up 8.2% of Waverley's population and this proposal provides an opportunity to bring this community together. However, the provision of a small grant for a fund raiser to raise funds for a following fund raiser is not recommended.
Recommendation	<i>Not recommended</i>

Application 2	Battle of the Beaches '23
Organisation	Aaron O'Sullivan
The Activity	Funds are sought to support expansion of the 'Battle of the Beaches', a friendly competition between parents' rock bands scheduled for Saturday 18 November at the Robin Hood Hotel, to improve the event's capacity to raise funds for local public schools, with a target of \$9,500 set. According to the event's Facebook page the schools currently involved are Bronte and Coogee.
Assistance Sought	\$5,000
Background	The applicant reports that this event was held successfully in 2022 at the Robin Hood Hotel, with 200 pre-sold tickets and strong engagement from local businesses that donated prizes to be raffled on the night. The event provided an opportunity for 34 local musicians to perform live, fostered fun and friendly rivalry between 'beaches' communities, and raised \$5,000.
Funding History	Nil
Website	https://www.facebook.com/LostPropertyBronte
Comment	This proposal represents an innovative approach to fund raising for public schools with the potential to generate connection between schools, and between schools and the broader local community. As this year's event involves only one local school, a small contribution towards the P&C's fund raising efforts is recommended, and it is recommended that the applicant considers reaching out to other schools in the LGA and applying again next year.
Recommendation	<i>\$500 recommended</i>

Application 3	Clofest
Organisation	Clovelly Public School P&C Association
The Activity	Funds are sought to support the delivery of a live music component for a festival planned for Clovelly Public School 21 October 23, that will also include rides and a food fair, and stalls organised and run by the school's students. The event will feature a stage with AV, and the school's students and families will be invited to perform.
Assistance Sought	\$5,000
Background	The P&C reports a strong track record in the organising events to raise funds to improve facilities at the school.

Funding History	Nil recent
Website	https://clovellypublicpandc.com/
Comment	Fund raising is vital work undertaken by the volunteers of P&Cs for all local schools. A small contribution towards the P&C's fund raising efforts is recommended.
Recommendation	<i>\$500 recommended</i>

Application 4	Early Intervention for Children with Hearing Loss
Organisation	The Shepherd Centre for Deaf Children
The Activity	Funds are sought to support 3 Waverley families currently enrolled in its Early Intervention Program. The Program aims to help children and their families to develop crucial spoken communication strategies and skills to help to overcome, early in life, the disadvantage created by hearing loss. The Program includes specialist family counselling, parent education and support, and group activities for children and their families, partly funded through the NDIS.
Assistance Sought	\$2,584
Background	The Shepherd Centre is a not-for-profit that has provided early intervention programs and services to children who are deaf and hearing impaired, and their families for more than 40 years. The Centre helps 350 children and their families annually through 5 centres in NSW and the ACT.
Funding History	Nil recent
Website	https://shepherdcentre.org.au
Comment	Although early learning opportunities will promote inclusion for hearing impaired children, the application lacks a clear description of the costs associated with implementation of the program in addition to the funds supplied through the NDIS.
Recommendation	<i>Not recommended this round</i>

Application 5	Community Yoga and Other Activities
Organisation	Wayside Chapel Bondi
The Activity	Funds are sought to build on Wayside's current on-site recreation activities program to address the social isolation many vulnerable single person households experience and build the confidence of centre visitors to make use of other services available at Norman Andrews House such as the medical clinic.
Assistance Sought	\$5,000
Background	The applicant reports that the centre attracts 200-250 visits per week for use of facilities including showers, laundry, computers, and a café serving free breakfasts and low-cost lunches, and more than 50 people come together each week for a 'community lunch'.

Funding History	Council provides Wayside with an annual Community Services grant to support staffing at Wayside's Norman Andrews House.
Website	http://www.waysidechapel.org.au/wayside-bondi/
Comment	Although participation in recreation activities can provide a soft entry point for engagement with other activities, this proposal seeks a grant to support an ongoing program. Council provides significant ongoing funds for staff at Wayside Bondi through its Community Services Grants program.
Recommendation	<i>Not recommended</i>

Application 6	Chair Yoga and Yoga for Seniors
Organisation	Justine Rintoul
The Activity	Funds are sought to support the delivery of weekly yoga and chair yoga classes at the High Tide Room at the Bondi Pavilion for 8-10 participants for a period of 12 months, with the first 24 weeks funded through the grant and subsequent sessions funded through participant contributions.
Assistance Sought	\$3,160
Background	The applicant is a qualified Yoga therapist and teacher, and Ayurvedic health coach with experience in the delivery of yoga for frail older people. She notes in her application that although targeted yoga classes for older people are held elsewhere in Bondi there is none within walking distance of the beach.
Funding History	Nil
Website	http://www.bondiyoga.com
Comment	As a sole trader outside of the arts the applicant is unfortunately ineligible for a grant for the proposed activity.
Recommendation	<i>Not recommended</i>

Application 7	Maccabi Life – Local Community Walkie Talkie
Organisation	Maccabi NSW Inc
The Activity	Funds are sought to support the development and delivery from April 2024 of four 'walking experiences' in a local park for 40-50 older Maccabi members followed by a paid professional address by a First Nations speaker to facilitate engagement with, and improved appreciation of, local First Nations history and culture.
Assistance Sought	\$5,000
Background	Macabi currently runs a successful Walkie Talkie Program for women and seniors (40-60 yo) that includes a one hour walk followed by a paid professional talk on a topic of interest, generally health related.
Funding History	Nil recent
Website	https://maccabi.com.au/nsw/

Comment	Further development of this proposal is recommended through liaison with relevant First Nations organisations, and reworking of the concept to reduce the equipment needs reflected in its budget.
Recommendation	<i>Not recommended</i>

Application 8	Let's Dance Movement and Community
Organisation	Dance for Parkinson's Australia - Sydney
The Activity	Funds are sought to support continued provision of the weekly Program of dance classes adapted for people with limited mobility, especially Parkinson's, at the Margaret Whitlam Community Room from October 23 – August 24, and to offer in addition, two broader community classes in 2024 that would encourage new participants to join and provide new creative experiences and outlets for regular participants.
Assistance Sought	\$4,110
Background	Dance for Parkinson's Australia is a registered charity delivering dance and movement classes by professionally trained dancers who integrate movement from a variety of dance styles to engage participants' minds and bodies, with the aim of enhancing strength, coordination, mobility, and enjoyment in movement.
Funding History	Dance for Parkinson's received a grant of \$4,580 in May 2022 to support the provision of a dance class adapted for people with limited mobility, especially Parkinson's, at the Margaret Whitlam Community Room July 2022 – June 2023. According to the acquittal, 40 weekly classes were held over 4 terms with participation of 15-22 people per class. The majority of referrals to the group came from War Memorial Hospital's Parkinson's Program, and 75% of participants are local.
Website	https://www.danceforparkinsonsaustralia.org
Comment	Its acquittal demonstrates that this program has run successfully in its establishment year. A following grant is recommended to enable the group to consolidate and build on those gains.
Recommendation	<i>\$4,110 recommended</i>

Application 9	I am. Seda Star on my Holy Rock – Self Empowerment Program
Organisation	Seda Star
The Activity	Funds are sought to support the delivery of a self empowerment program developed by the applicant, with weekly sessions held in Tamarama Park, November 23 – April 24 with a target of 50 participants. The program aims to help participants transition to a more confident and positive state through the use of movement, dance and affirmations.
Assistance Sought	\$5,000
Background	According to her web site, Seda Star is a well-being and lifestyle coach

Funding History	Nil
Website	http://www.sedastar.com
Comment	As a sole trader outside of the arts the applicant is unfortunately ineligible for a grant for the proposed activity.
Recommendation	<i>Not recommended</i>

Application 10	Ukrainian Refugee Women's Circle
Organisation	Ukrainian Women's Association of Australia
The Activity	Funds are sought to help to cover the cost of a facilitator for therapeutic Women's Circles at Bondi Pavilion for 15 participants each to create opportunities for socialising, developing support networks and improving the well-being of refugee women of Ukraine. The applicant notes that most of the support for refugees from Ukraine is centred in western Sydney, but there is a significant need in other areas including the Eastern suburbs.
Assistance Sought	\$4,982
Background	The applicant reports that the Association launched the Bondi Women's Circle at the Pavilion in June this year and has run three successful sessions to date with volunteer facilitation.
Funding History	Nil
Website	https://www.facebook.com/UkrainianWomensAssociationAustralia/
Comment	The women who are refugees from Ukraine represent an emerging needs group in Waverley. Officers recommend grant support for the Circle to acknowledge that need and provide these women with opportunities for connection and mutual support in a safe and culturally sensitive environment.
Recommendation	<i>\$4,982 recommended</i>

Application 11	Bondi Beats Workshops
Organisation	Safe and Sound Solutions
The Activity	Funds are sought to support the delivery for a second term of the Bondi Beats DJ/MC Production Workshop to provide continued pathways of growth for young people with a passion for this contemporary music style. The program focusses on building participants' skill-sets and providing opportunities for engagement, social networking and personal growth, and recognition through performance.
Assistance Sought	\$5,000
Background	The Bondi Beats Program grew out of Council's Pop-Up Workshop for Young People which aims to provide avenues for connection and constructive social activities to reduce disengagement, social isolation and risky behaviours.
Funding History	The applicant received a small grant in October 2022 to pilot the Bondi Beats Program. The applicant reports that sessions ran successfully March-May 23 and wrapped up in June at Council's Pop-up Workshop for Youth.

	Of the 22 participants aged 13-17 who initially enrolled, 6-10 regularly attended weekly sessions and mastered the basics of rapping, DJing and audio production, wrote and recorded original lyrics, and produced songs collaboratively.
Website	https://safeandsoundsolutions.com.au/
Comment	Its acquittal demonstrates that this program has run successfully in its establishment term. A following grant is recommended to enable the group to consolidate and build on those gains.
Recommendation	<i>\$5,000 recommended</i>

Application 12	Community Tennis
Organisation	Matt Thomas
The Activity	Funds are sought to support the delivery, including court hire and coaching, of 2 hours pw free tennis classes for up to 25 locals per session in August-October 2024. The applicant would target classes to 16-30 yo, those who may not have money to play or may be new to the area, with the aim of promoting social connection, health and well being, and facilitating continued engagement with the sport.
Assistance Sought	\$5,000
Background	The applicant is a qualified professional tennis coach with many years experience in Europe and Asia, who currently trains coaches in Australia. He reports that he is currently successfully running free sessions for the target age group but cannot sustain this without financial assistance.
Funding History	Nil
Website	http://trainwithmatty.com
Comment	As a sole trader outside of the arts the applicant is unfortunately ineligible for a grant for the proposed activity.
Recommendation	<i>Not recommended</i>

Application 13	Centre 360 Link to Access (LITA) Program
Organisation	Centre 360 Youth and Family Service
The Activity	Funds are sought to purchase 10 phones, and 4 tablets for the Link to Access Program which supplies disadvantaged, vulnerable young people with access to mobile phone and tablet technology to enhance their community connectedness, sustain employment and education opportunities, and maintain access to therapeutic services, regardless of their financial situation.
Assistance Sought	\$4,786
Background	Centre 360 Youth and Family Services provides counselling and early intervention programs exclusively for financially disadvantaged young people in Eastern Sydney, and works closely with Shopfront Youth Legal Service,

	Options for Youth Support and the Adolescent Mental Health Unit, which service some of the most vulnerable young people in the community. Centre 360 established the Keeping Connected Program in 2020 to ensure that disadvantaged young people could stay connected during the COVID-19 Pandemic.
Funding History	Centre 360 received a grant of \$3,500 in May 2020 to purchase equipment for the Keeping Connected Program. In its acquittal, Centre 360 reports that the grant provided equipment and data for two vulnerable young locals, enabling them to stay connected throughout the Pandemic. Further equipment, including lap tops, phones and wi fi modems, was purchased and made available for loan to young people using the service. It remains in use.
Website	https://www.centre360.org.au/
Comment	Bridging the digital divide is essential to equitable access for young people to most of life's opportunities. Based on the extent of local need demonstrated in the applicant's last acquittal, part funding of the equipment sought is recommended.
Recommendation	<i>\$3,000 recommended</i>

Application 14	Pantry for victim-survivors of domestic and family abuse
Organisation	Lokahi Foundation
The Activity	Funds are sought to enable Lokahi to install a pantry cupboard outside their office in Bondi Junction that can be accessed as needed by their clients, and to maintain fresh stocks over a period of 12 months.
Assistance Sought	\$5,000
Background	The Lokahi Foundation supports women and children impacted by domestic and family abuse in the Eastern suburbs through support and case management. Lokahi reports that its clients are impacted by the current 'cost of living' crisis, and in this environment have an increased need for access to food and grocery items. They report that access through existing networks can require quite a bit of running around which is challenging for those without a car, or who experience other disadvantage.
Funding History	Nil
Website	http://lokahi.org.au
Comment	Part funding is recommended to test the outcomes that can be achieved through simplifying provision of access to food and grocery items for those in need, providing that Lokahi continues to coordinate this work with that of other local providers, and noting that there may be local businesses willing to contribute to this activity.
Recommendation	<i>\$3,000 recommended</i>

Application 15	Toiletries for Women and Children
Organisation	Soroptimist International Randwick Eastern Suburbs
The Activity	Soroptimist International donates individualised bags of toiletries to Jarrah House Little Bay, and Wayside Chapel Outreach Bondi Beach, specifically to benefit the women and children using these services. The applicant is seeking a grant to support the purchase of toiletries for the donation which will be packed into bags stitched by its volunteers. The provision of individualised bags is intended to provide recipients with a signal of welcome and individual value.
Assistance Sought	\$1,000
Background	Soroptimist International works through community service projects to improve the lives of women and children, with a focus on empowerment, safety and sustainability. Locally the club supports women at Wayside Chapel, vulnerable new mothers at the Royal Hospital for Women, and clients of Jarrah House and Bayside Women's Shelter.
Funding History	Nil recent
Website	-
Comment	Utilising their partnerships with key agencies, the Soroptimists make a contribution to care for some of the most vulnerable people in our community. A contribution is recommended, noting that there may also be local businesses willing to contribute to this activity.
Recommendation	<i>\$500 recommended</i>

Application 16	Community Library
Organisation	Castlefield Kindergarten
The Activity	Funds are sought to support the installation of a community library at the entry to the kindergarten at 1 Castlefield St Bondi, and the purchase of parenting and children's books for use by the many families in the area.
Assistance Sought	\$5,000
Background	
Funding History	Nil
Website	https://www.castlefieldkindergarten.com.au/
Comment	As a private business, the applicant is unfortunately ineligible for a grant for the proposed activity.
Recommendation	<i>Not recommended</i>

Application 17	Update Governance Framework
Organisation	Eastern Suburbs Cricket Club
The Activity	Funds are sought to support the delivery of professional governance training for the volunteers who support the club's operations, and assistance to review and update its constitution and policy framework to ensure that the club keeps pace with its own growth and changing community expectations so that volunteering for the club is an enriching experience.
Assistance Sought	\$3,000
Background	Established in 1894, the applicant reports that club is now the largest cricket club in NSW with more than 800 playing members. Its growth, combined with changing community expectations have resulted in increased administrative complexity that the club hopes to address through improving the knowledge and capacity of its volunteer administration and updating its supporting documentation.
Funding History	The club received a grant in October 2021 to provide a professional coach for its girls' teams for the 21/22 cricket season. According to the acquittal report the training was delivered successfully over the season benefitting 60 players aged 10-17 yo, resulting in strong player retention and improved representative selection, strengthening the Club's role in the development of Women's cricket.
Website	https://eastscricket.com.au/
Comment	With its long local history, the Eastern Suburbs Cricket Club is an important part of Waverley's social fabric. Support to help the club review and modernise its constitution and policies will ensure that the club's operations are consistent with contemporary community expectations and so provide a lasting benefit for its members and volunteers into the future.
Recommendation	<i>\$3,000 recommended</i>

Application 18	Volunteer Hub in COA's Karla's Cafe
Organisation	COA Sydney Inc.
The Activity	Funds are sought to purchase café equipment for a refurbished Kosher café space at the front of the COA premises. COA hopes to turn the space into a volunteer 'hub' where volunteer organisations in the local community can 'post' lists of available volunteer roles, and potential volunteers can connect and peruse the lists in a friendly and welcoming environment.
Assistance Sought	\$5,000
Background	COA is a not for profit supporting Jewish seniors to live independently in their homes and maintain quality of life with dignity.
Funding History	COA received a grant in 2021 for the creation of a vertical garden to enable its clients and volunteers to grow and swap fresh herbs which has been acquitted.

Website	http://www.coasydney.org
Comment	Some further development of this proposal is recommended, including determining through consultation with local networks whether a 'face to face' volunteering hub would benefit Waverley's community of existing and prospective volunteers, noting that the majority of volunteering administration is conducted on-line.
Recommendation	<i>Not recommended this round.</i>

Application 19	Indian-Jewish Food: A book of recipes from the backstreets of Bondi
Organisation	Elana Bejamin
The Activity	Funds are sought to support the compilation of a book of 30 recipes and stories reflecting the cuisine of the Baghdadi Jews of India who settled in Bondi in the 1950s and 60s. Recipes and stories will be collected through the author's personal networks, and further research and interviews. Many of these immigrants are ageing and the author seeks to capture this piece of Waverley's history before it is lost.
Assistance Sought	\$5,000
Background	The applicant reports that: <i>Today the Sydney suburb of Harris Park is the go-to for Indian food. But it wasn't always this way. In the 1950s, Eze Moses' spice shop on Brighton Boulevard was the only place in Sydney where fresh spices could be bought. Indeed, Bondi became home to many Indian Jews who immigrated from Bombay and Calcutta in the 1950s and 60s. In the back streets of Bondi, these immigrants cooked spectacular food.</i>
Funding History	Nil
Website	http://www.elanabenjamin.com
Comment	This proposal will bring to light and leave for posterity a tangible record of a little known piece of Waverley's cultural heritage. A grant is recommended providing that the author provides a copy of the publication for the Waverley Library and undertakes to share the story with the broader community through an event such as an 'author talk'.
Recommendation	<i>\$5,000 recommended</i>

Application 20	Woodworking Machines and Accessories
Organisation	Waverley Community Men's Shed
The Activity	Funds are sought to enable the purchase of some new equipment to improve the capacity and safety of work undertaken at the Men's Shed including a router table and motor, and a mini lathe and accessories.
Assistance Sought	\$5,000
Background	According to its web site, the aim of the Waverley Men's Shed is to advance the health and well-being of its members by providing a safe and happy environment where men can, in the company of other men, socialise, use and develop their creative skills (such as with woodwork), learn new skills, and learn about men's health and well-being. The Shed has recovered strongly

	<p>from the disruption caused by the COVID-19 pandemic with membership currently at 63, mainly locals, and growing.</p> <p>Located in Birrell Street Waverley, the Shed undertakes a wide range of woodworking projects in partnership with other agencies such as building rehabilitation equipment for local hospitals; play equipment and toys for local schools; community libraries, memory and wildlife boxes; and provides a repairs service.</p>
Funding History	Nil recent
Website	https://www.waverleycommunitymensshed.org.au
Comment	The Shed brings together older men to work and share skills and expertise side by side and so promotes a sense of purpose and belonging among its members, enhancing health and well-being. Supporting the Shed to maintain safe, contemporary machines and tools helps it to fulfill this important function, and strengthens its capacity for productive partnerships with other local agencies.
Recommendation	<i>\$5,000 recommended</i>

Application 21	Charing Cross Proactive Media Project
Organisation	Janene Weber
The Activity	A coalition of 14 small independent businesses in Charing Cross seeks a grant to employ consultant Sarah Nelson to develop and pitch the stories, history and contemporary retail and hospitality experience of Charing Cross to Broadsheet www.Broadsheet.com.au early in 2024 in a pre-emptive effort to overcome the disruption anticipated by the Charing Cross street upgrade planned for later in the year.
Assistance Sought	\$2,450
Background	<p>It is proposed that the project will be managed by Janene Weber on Behalf of the group. Established in 2009, Broadsheet is an Australian owned on-line city guide and culture multimedia platform that includes web, social and podcast channels, with feature stories selected by its editors. It employs 27 editors and claims 3 million visits per month.</p> <p>The anticipated Charing Cross street upgrade (still in consultation) includes improving pedestrian amenity and safety by widening footpaths and installing new pedestrian crossings, upgrading lighting and moving power cables underground, and adding trees and greenery to the streetscape.</p>
Funding History	Nil
Website	-
Comment	The proposed project utilises a contemporary social media approach to promote a small business district using the stories of place and people. The project proposal represents a positive community initiative in response to an anticipated challenge. Grant funding is recommended providing that the applicant works in consultation with Council's Economic Development team.
Recommendation	<i>\$2,450 recommended</i>

Environment

Application 1	Water saving wicking garden beds
Organisation	Bronte Public School
The Activity	The school would like to replace two existing garden beds that have come to the end of their life with water saving wicking beds. Wicking beds can reduce water used for irrigation by around 80%. The wicking beds will also eliminate root based competition from surrounding mature trees.
Assistance Sought	\$5,000
Background	The Bronte Public School Garden Classroom, located on the large verge outside the school and maintained by the school and community, was established 5 years ago, and currently comprises seven garden beds. It provides students and local community with access to fresh vegetables and herbs, worm farming and composting. It is an active registered community garden.
Funding History	In 2015 the school received \$3,000 for a native bee hive. In 2017 the school received \$3,000 towards the installation of roof top solar.
Website	https://bronte-p.schools.nsw.gov.au
Comment	Wicking beds are an efficient form of gardening and well suited to a school setting to reduce the need for manual irrigation over holiday periods. This project could contribute towards Councils water conservation and climate resilience goals. The application indicates soil will be donated and labour will be contributed by staff and school families. It is noted, Council does not generally replace community garden infrastructure at end of life.
Recommendation	<i>\$3,000 recommended</i>

Application 2	The Habitat Hub sustainable store
Organisation	The Habitat Hub
The Activity	The owner of Bondi café 'Bru Coffee' is opening a refill store where shoppers use reusable containers to purchase items such as shampoo and body wash. This will reduce packaging waste and reduce waste going to landfill. The store will sell other sustainable products, have a drop off for tricky recycling and hold community workshops.
Assistance Sought	\$5,000
Background	Applicant Sondra Beram runs Bondi café Bru, which has implemented many sustainable waste solutions, such as a mug library to reduce coffee cups going to landfill. She has secured a Bondi Beach property to establish the Habitat Hub which will open November 2023.
Funding History	In 2021 Bru Coffee received an Environment Grant of \$2,500 to support a BYO cup week campaign to minimise waste from single use coffee cups.
Website	https://www.facebook.com/brucoffeebondi
Comment	While this project has merit, the applicant did not provide information to acquit her 2021 grant before re-applying for this project, therefore in line with the grant guidelines, the application is not eligible for this grant round. The

	proposal would be improved with specific goals and measures, specific information on what Council's contribution will fund and supporting documentation such as letters from proposed partners (eg Banish) and a copy of the new property lease agreement.
Recommendation	<i>Encourage the applicant to reapply next round with additional detail.</i>

Application 3	Bin the Bin bird proof bin upgrade
Organisation	Bondi Public School
The Activity	Funds are sought to install bin enclosures to contain the playground wheelie bins. The school has a problem with birds foraging in playground bins and causing litter around the playground. The bin enclosures would have lids that will stop birds from accessing the bins, be well labelled and fixed in location.
Assistance Sought	\$5,000
Background	The school has had an ongoing problem with birds scavenging and causing litter. This grant would purchase five recycling bins and five waste bins. They are exploring other options to fund the remaining bins. The bins would help reduce playground litter and improve stormwater contamination and may reduce waste and recycling contamination rates.
Funding History	In 2021 the school received \$4,000 to implement a classroom source separation system for recycling, waste and compost. In 2019 the school received \$5,000 for wicking garden beds
Website	https://bondi-p.schools.nsw.gov.au
Comment	The bin enclosures proposed appear of good quality and have reasonable longevity. The application form was well written and included a letter of support from the principal and supporting photographs of the problem the funding will address. The evaluation plan involves pre and post data collection and involves the whole community including the students, who identified the project. The funding sought is only 35% of total funding required.
Recommendation	<i>\$5,000 recommended</i>

Application 4	Sustainability audits for strata buildings
Organisation	The Merfield Group
The Activity	Funds are sought to develop energy and water audits for apartment buildings. The applicant would conduct the audits for two apartment buildings and provide the Strata Management a report on recommended water and energy saving actions. The Strata Management would choose what to implement and incur the cost of this.
Assistance Sought	\$5,000
Background	The Merfield Group is a cleaning and maintenance company that manages apartment buildings in the Waverley area. They have no previous experience in sustainability auditing. The project would be similar to Councils Building Future program.
Funding History	Nil

Website	https://merfieldgroup.com.au
Comment	<p>The application didn't provide detail about exactly what would be audited, how the audits would be carried out or how the two properties would be chosen.</p> <p>The assessing officer consulted with Council's Coordinator, Sustainability & Resilience, who manages Council Building Futures Program, who does not support the application due to lack of detail, lack of experience and expertise and low value for money.</p>
Recommendation	<i>Not recommended</i>

Application 5	Pilot app to identify the location publicly available drinking water stations in Waverley
Organisation	Patrick Flanagan
The Activity	Funds are sought to develop a prototype app that will enable users to locate the water refill stations / bubblers around Waverley.
Assistance Sought	\$4,500
Background	The applicant believes that visitors and residents would use the water refill stations more if they could easily locate them with an app which is claimed would lead to a reduction in bottled water purchases.
Funding History	Nil
Website	-
Comment	<p>The applicant didn't provide clear goals that link to our EAP or provide a communication plan. No evaluation methodology relating the reduction of bottled water purchase was provided.</p> <p>The funds would be to develop the proof of concept only and Council would need to provide additional funds if we wanted to see that app fully developed.</p> <p>There are two maps on the Waverley Council website that identify the location of the water refill stations. One on our GIS Discover system and a variation in the waste education section.</p>
Recommendation	<i>Not recommended</i>

REPORT
CM/7.8/23.10

Subject: High Impact Event - Bondi Beach Volleyball Festival

TRIM No: A23/0011

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

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

RECOMMENDATION:

That Council does not approve the Bondi Beach Volleyball Festival event at Bondi Beach, from 10–11 February 2024, for the reasons set out in the report.

1. Executive Summary

Officers received a High Impact 2 event proposal on 7 July 2023 for an event titled Bondi Beach Volleyball Festival (BBVF). The proposed event is a beach volleyball exhibition tournament, endorsed by Volleyball NSW, featuring a licenced pop-up restaurant and bar on Bondi Beach.

The application submits that BBVF would be a world class beach volleyball tournament promoting healthy outdoor living, sport and recreation in a world class setting. The event would be free to the public and would entail an optional hospitality component to further add vibrancy and create a festive atmosphere.

The proposed event would be held across the shoulder season weekend of 10 to 11 February 2024. The total occupation period associated with the BBVF proposal (inclusive of bump-in and bump-out) is eight days (7 to 14 February 2024).

Details relating to the volleyball tournament itself were not provided with the original application, nor any details of contact with Volleyball NSW or any other volleyball entities. Information provided at time of application relates exclusively to the hospitality elements of the event.

Subsequent to the application lodgement, letters of support for the BBVF proposal from have been provided by Baz Wedmaier, Chief Executive Officer of Volleyball NSW (dated 21 August 2023) and Kerry Pottharst OAM, Beach Volleyball Gold Medal winner at the 2000 Sydney Olympics, held at Bondi Beach (dated 22 August 2023).

The applicant is an experienced event organiser, having previously produced Urban Polo, the world's largest polo series, staged in Australia, which provided food and beverage service to approximately 20,000+ guests each year. BBVF does not propose to operate on this scale but this previous experience demonstrates that the applicant has the potential to successfully deliver the BBVF.

This application, however, while on its face a volleyball tournament, is in essence a hospitality offering of food and beverage on Bondi Beach. Officers outline a range of reasons why this event is not recommended for approval in the body of the report.

2. Introduction/Background

Background, differences and similarities with previous (withdrawn) event proposal

The current BBVF application was submitted by the same applicant and follows the applicant's previous International Beach Festival (IBF) proposal that was ultimately withdrawn prior to a determination by Council due to have taken place at its meeting on 18 April 2023.

Given that much of the current BBVF event application (submitted on 7 July 2023 and attached to this report), replicates the previously withdrawn IBF application, officers consider the former application to have relevance for the current event application.

The duration of the proposed BBVF is for a significantly shorter duration than the previous IBF proposal and includes an exhibition volleyball tournament. The previous IBF proposal was for 17 days of operation and did not include an exhibition volleyball tournament. The current BBVF proposal is for two days of operation, with proposed hours being from 9 am to 10 pm. This proposal is compliant with the recent amendment to Council's Events Policy that limits alcohol-related events on the sand at Bondi to a maximum of two days.

In support of the current BBVF application, the applicant submitted a Plan of Management for BBVF. Aside from two brief volleyball-related references ('2 x volleyball nets/2 x umpire seats' listed under 'Infrastructure' and '2 x umpires' listed under 'Staff'), the Plan of Management relates entirely to the bar and hospitality element of the proposed event.

The BBVF hospitality infrastructure and equipment are the same as for the IBF proposal. Essentially, two beach volleyball courts have been added to a slightly rearranged IBF footprint so that an exhibition volleyball tournament can be held, with details to be determined if the application is successful.

Introduction

The proposed BBVF comprises a double beach volleyball court (16m x 16m) next to a pop-up restaurant and entertainment space measuring 36 m x 28 m. Total size of the venue is 2,060 square metres. This is larger than the IBF proposal event footprint.

The proposed event location is immediately to the north of Ramp 2 (approximately 180 metres south of the Lifeguard Tower and 60 metres north of the Skate Park). Proposed hours of operation would be from 9 am to 10 pm on both days of the weekend of 10 to 11 February 2023. An event capacity has not been provided.

A considerable amount of infrastructure will be required on the sand to support operation of the hospitality venue. As detailed in the proposed event's draft Plan of Management (dated 7 July 2023) received with the application, proposed event infrastructure would include:

- A modified shipping container.
- A generator and electrical distribution equipment.
- A water tank.
- 3 x 1,100 litre skip bins.
- A demountable toilet block.
- A small stage (dimensions not provided).
- A fenced children's play area.
- 36 x beach umbrellas.
- 46 x beach lounges, comprising:
 - 20 x single beach lounges.
 - 12 x 1.5m x 2m beach lounges.
 - 10 x 2m x 2m beach lounges.

- 4 x 4m x 6m beach lounges.

Officers note that no logistics have been detailed how infrastructure such as a demountable toilet block would operate on the beach. As a licensed venue, toilets are required within the event footprint.

There would also be a substantial amount of refrigeration and catering equipment required. As stated above, these event elements are identical to the previous IBF proposal.

Although a site plan detailing the location of these elements has been provided and could be achievable, officers note it is incomplete. It is officers' assessment that it is unrealistic to fit this amount of infrastructure within the proposed event footprint. Details, final layout and capacity would therefore need to be established if the application is successful.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 18 April 2023	CM/7.4/23.04	<p>That Council:</p> <ol style="list-style-type: none"> Notes that the applicant has withdrawn their application for the International Beach Festival event at Bondi Beach. Notes the report's recommendation to not approve the event for the reasons set out in the report. Notes the strong community opposition to high-impact events on the beach that involve alcohol and loss of public space and amenity for significant periods of time and are for commercial purposes. Notes that Bondi Beach is an attractive, vibrant, international destination that is a popular location for events and promotions. The newly renovated Bondi Pavilion is further adding to this vibrancy offering interesting and engaging programming, activities and destination eateries. Officers review the Events Policy to reflect these community concerns with a report to be prepared for Council.

4. Discussion

Officers have assessed the application as lodged by the applicant, and with consideration to the day-to-day functioning of the Bondi Beach and Park precinct and year-round event delivery context. Officers have reviewed the operational details of the proposed BBVF event, the economic development opportunities claimed by the applicant, risk management, environmental impacts and public space considerations, as well as site availability, and event suitability and purpose. These considerations inform the recommendation and are outlined below.

Operational details

Sporting competition/tournament

No details of the proposed exhibition volleyball tournament have been provided in the event application.

The applicant's event proposal asserts that Bondi Beach owes much of its international popularity to the 2000 Sydney Olympics, and that 'given the cultural, sporting, historic and ongoing relevance of beach volleyball to Bondi Beach (where it continues to be regularly played on a casual basis), the concept of an exhibition tournament is incapable of being rationally opposed. It is a celebration of sport, exercise and the great outdoors, which must, without doubt, be embraced by Waverley Council.'

Unlike other sporting-focused event applications, the plan does not mention any sport-specific processes and risks. The application makes no provision for the management or amenity of athletes.

The applicant further states that while the proposed BBVF is primarily a sporting event, for it 'to be successful and financially viable, especially given its short tenure on Bondi Beach, it will rely on a commercial component comprising of seating as well as a food and beverage service, including alcohol, in much the same way all other sporting events operate across the country.'

Officers' assessment, however, is that the event layout is not primarily cantered around and does not appear conducive to volleyball viewing. See the attached site plan (Attachment 2).

Hospitality – Food service

It is proposed that the hospitality precinct would operate on a booking basis, with walk-ins permitted if space allows. The event proposal indicates that the restaurant would not cater for takeaway sales. Food and alcohol could be pre-ordered when booking online or when at the venue. A liquor licence would be managed by an appointed caterer, who would manage alcohol supply and service at the event.

Food would be pre-prepared by an offsite caterer or 'selected local restaurants', who would deliver the food to event. It is proposed that food be refrigerated, then cooked/fried/ heated and plated on-site.

Officers would need to be satisfied that any local 'bricks and mortar' business utilised for food service will have the requisite prior experience in trading in an off-premises capacity. Even if a local business does have sufficient offsite trading experience, given the short proposed duration and their experience engaging with food and beverage providers for a range of other events, officers doubt that the current proposal would represent a viable proposition for local restaurants. It is therefore likely that an offsite caterer would be required to meet event hospitality needs.

The event application claims a possible economic development benefit to local businesses by providing the opportunity for hospitality enterprises to be engaged as food and beverage providers for the event duration. It is not guaranteed in the application that local businesses will be used; the event proposal also states that a catering contractor may be used.

The economic development and local business benefits claimed in the BBVF proposal have been assessed by officers to be minimal, given that the proposed event is of only two days' duration and with limited opportunity for local businesses to be engaged.

Hospitality – Alcohol service

Alcohol-free zones and alcohol prohibited areas are in place across the Waverley local government area to keep our beaches, parks and streets safe. Bondi Beach and Park are areas classified as alcohol-prohibited

areas. Licensed venues and function spaces with Bondi Pavilion are exempt from this. Events may also have the prohibition waived with approval by Council.

The BBVF event application states that the hospitality precinct would operate on either a booking basis, or with walk-ins, as space allows. Alcohol could be pre-ordered when booking online or when at the venue. A liquor licence would be managed by an appointed caterer, who would manage alcohol supply and service at the event. No further details of the proposed bar operation have been provided.

The sale and service of alcohol elements under the proposed operational model of BBVF would constitute an unprecedented use of the beach at a highly visible and iconic location. The Eastern Suburbs Liquor Licensing Division of the NSW Police would therefore have a broad range of questions around the operation of BBVF. A detailed consultation and engagement process involving the applicant, Council officers and Police would therefore be necessary.

Waste management and sustainability

An event-specific waste management and sustainability plan would need to be developed to support the event. The application demonstrates an understanding of what will be expected. This is felt by officers to be achievable.

Risk assessment and management

A Risk Management Plan was submitted to support the BBVF application. This plan is identical to that received in relation to the previous IBF proposal and covers a broad range of identified health, public safety and environmental risks.

As previously noted, the plan does not mention any sport-specific processes and risks. The application makes no provision for the management or amenity of athletes generally or specifically to volleyball.

The submitted Risk Management Plan tends towards the generic rather than site-specific, and requires more detail, however officers have assessed it to be satisfactory for this stage of the application process. The plan demonstrates an understanding by the applicant of the types of risks that need to be considered for event delivery. If BBVF is approved, broad consultation and further detailed work on a range of risk-related elements will be required, including all volleyball-related event elements in association with Volleyball NSW.

Environmental impacts

All events impose environmental impacts that must be managed through correct planning. Council's Events Policy seeks to ensure that environmental risks imposed by approved events are appropriately minimised, well-managed and outweighed by other benefits to the community.

The total size of the proposed venue footprint on the sand is 2,060 square metres. There would also be some entry/queuing/facade infrastructure constructed on the beach promenade adjacent to Ramp 2 to manage patron entry and egress. The queuing infrastructure would need to sit alongside typical daily activity of promenade users and would have a visual impact. It is also anticipated that people would congregate on the promenade to watch volleyball activity. No details of how this would be managed have been provided.

As mentioned above, officers have assessed the proposed event infrastructure to be unrealistically large for the proposed event footprint. Final details including event layout and capacity would therefore need to be determined to fully appreciate accompanying environmental impacts and related mitigation strategies including for noise and heat from the site generator, electrical distribution equipment and refrigeration and catering equipment, and general amenity of event toilets.

Bondi Beach is an open, exposed ocean beach. Under normal/average conditions, Bondi Beach experiences a high level of sand movement and general variability. Event activity on the sand must be considered in relation to the environmental risk of operating at the proposed location.

Officers note that the BBVF draft Plan of Management states that 'if the weather and tidal conditions combine to threaten the set-up, all elements, including the shipping containers, can be removed from the beach.' No explanation is provided for how this would be determined and achieved in a timely way. Officers assume such determinations would be based on weather forecasts informing a pre-emptive decision. Details regarding processes for assessing weather risks, criteria for decision-making regarding the removal of infrastructure and procedures for activating any such plan have not been provided with the application.

Officers acknowledge that such risks are somewhat reduced in impact given the shorter duration of the proposed BBVF than the previous IBF proposal however disruption to the public use of the beach and perception of Council's protection of the integrity of beach accessibility as a public space remains.

Public space-related considerations

Like the previous IBF application, the BBVF application refers to successful examples of pop-up public beach restaurants in Adelaide, Melbourne and the Gold Coast. In terms of profile and position in the national consciousness, as well as what beaches 'mean' to people and are 'for', however, there is little equivalence between the cited locations of previous successful beach bars and Bondi. Bondi's unique standing attracts significant local, national and international attention and can be a lightning rod for vigorous debate.

Although of a considerably short duration and in association with a sporting event, the proposed BBVF use of Bondi Beach for a commercial purpose of this type (i.e. a licensed bar on the sand) raises questions around the use and utilisation of public space at this high profile, emblematic and nationally significant location.

Current general community interest in and strongly expressed resistance to the use of public beach space at Bondi for commercial purposes is well documented in online forums, and must be considered in relation to this application. Recent community consultation undertaken for the changes to the Events Policy indicated strong community opposition to private commercial events on Bondi Beach, especially those featuring the service of alcohol/operation of a bar.

There is significant public opinion in the Waverley community against commercial events on the actual beach at Bondi. Consequently, to justify its approval, any proposed event that falls into this category must have clearly identifiable benefits for the community at large that outweigh reasonable community concern with respect to the service of alcohol on Bondi Beach among other considerations.

Further, and aside from alcohol and public space considerations, volleyball courts on Bondi Beach are themselves a frequently contested local issue. The applicant has not indicated any engagement with the existing Bondi Beach volleyball community. In the absence of discussion or engagement with people who currently play volleyball on the beach at Bondi, it is difficult to predict what the range of sentiments around the proposed BBVF would be.

If Council were to approve the BBVF event proposal, it would be necessary to undertake a comprehensive community engagement and information program with an associated media strategy, to highlight the rationale for and the benefits associated with the proposed event.

Site availability

Bondi Beach is a busy location, with high and frequently conflicting demands placed upon the precinct even under business as usual conditions for the proposed time of year. It is in this context that Council curates a program of events to ensure that Bondi Beach is a vibrant place with a variety of arts, culture and

recreational activities that have a broad appeal to cater to the large and diverse audiences of visitors and locals to Bondi.

Officers receive many event enquiries from a broad range of applicants with many different ideas about what Bondi needs. In assessing these events, officers are required to consider a range of competing priorities. Paramount amongst these considerations is management of the volume of events delivered at Bondi. Officers look to the existing approved event program and strive to ensure a balance of activity and inactivity is maintained to protect current levels of unencumbered access to the beach and park.

In managing this consideration, officers are mindful that Bondi Beach is *not* primarily a venue or an event space. It is a peak-visitation, high-profile beach that is also part of a suburb where people live and go about their daily lives. If even a modest percentage of event proposals were approved, the amenity of Bondi would be severely changed and compromised for locals and visitors.

Council has already approved a one-day High Impact 2 to occur at Bondi Beach in late February 2024. This is followed by the approved annual Ocean Lovers Festival in March 2024. These events follow the November 2023 to January 2024 approved event program comprising Sunset Cinema in Bondi Park, Flickerfest in Bondi Pavilion, and a range of surf lifesaving and surf club events alongside the peak crowds of the summer period.

Although diverse and different from each other, the cumulative impact of these events equates to a substantial volume of organised activity, with significant collective bump in and bump out impacts across the precinct. Officers maintain that to effectively manage the competing uses of Bondi Beach and Park, Council needs to balance approved events with the need for the precinct to also be event-free for reasonable periods of the peak and shoulder seasons, that is, without event construction, exclusion zones and proliferations of visual and other impacts upon the non-event community.

Suitability and purpose

On its face, the added volleyball component of the proposed BBVF improves the event's potential suitability and purpose. However as mentioned, beach volleyball is a complex and at times divisive issue on Bondi Beach that the event application does not adequately acknowledge or address.

Further, officers maintain that the significant bar and hospitality components to the proposed BBVF event are indistinguishable from those in the IBF application previously submitted to Council and then withdrawn. This makes the suitability and purpose of BBVF more complex to assess than if this was simply a volleyball tournament being proposed by a not-for-profit entity and/or without a bar component.

Even in association with a sporting event, the BBVF proposal is without precedent in that it would represent the first time that a licensed bar is physically located on the sand at Bondi Beach. This is a departure from any previous sporting-related event approved on the sand at Bondi Beach (for example Summer of Surf Series, NutriGrain IronMan Series or City2Surf beach marquee program).

Ultimately, Bondi Beach is not an event space or a venue. Nor is it a brand identity. It is a complex, busy and iconic place that exists within a suburb where people also live and go about their lives. The beach is therefore not a vacant space that can simply be booked by any proposed event that meets Events Policy criteria. If every proposal that was received was accepted, it would place unreasonable, unworkable and impossible demands upon the space and the community.

There is very limited availability for events at Bondi. Events must therefore be carefully selected and balanced against the bigger picture and the precinct's competing priorities and demands.

While suitability and purpose are ultimately questions for Council to determine (the Events Policy stipulates that all High Impact event applications be determined by decision of Council), on the balance of

considerations, officers do not believe that the proposed BBVF is a suitable event for Bondi Beach amongst the existing events and broader pressures upon the precinct, and therefore recommend that Council do not approve the event to proceed.

5. Financial impact statement/Time frame/Consultation

Financial

Direct costs

There is no hard cost to Council in approving this event. The event would attract a fee that is presently undetermined.

In accordance with Council's Pricing Policy, the event fee for a High Impact 2 event is 'to be determined by Council based on scale and nature of event'.

Ancillary costs

A significant amount of staff time would be required to further work through the proposal with the applicant. This may represent up to two weeks of full-time work for an Events Coordinator, with additional managerial input, in addition to external stakeholder meetings and site visits.

Engagement with and input from other teams at Council would also be required, including with Lifeguards. Customer Experience and Communications and Engagement officers would be required to assist in the preparation of printed and electronic communications and hold public information sessions. Customer Service staff would require briefing to be able to respond to requests for information from community members.

While operational oversight and input would be considerable, the communication-related aspects and requirements of the proposed BBVF would be substantial and take up the majority of required Council officer time. More details of this are outlined below.

Consultation

Given the potential sensitivities around the proposal, a comprehensive and highly visible community information process is recommended if the event is approved.

This would include but not be limited to the following elements:

- Notification on Council website and in local media (e.g. *Wentworth Courier* and *The Beast*).
- Council public information sessions on the Bondi Beach promenade at the location of the proposed BBVF.
- Consultation with the Bondi and District Chamber of Commerce and the Bondi Precinct.
- Consultation with local volleyball community.
- Consultation with Eastern Suburbs Police Licensing Unit.
- Local resident and business notification letter distributions informing businesses and residents of the event and its details.

All communications would need to explain the rationale for Council's approval of the proposed BBVF event and highlight the benefits that it would provide to local businesses, visitors and the broader community.

Time frame

The proposed application is for an event that spans a two-day period during the shoulder season in February 2024. Proposed event dates are 10-11 February 2024 inclusive. The total occupation period is eight days, from 7-14 February 2024.

The planning timeframe from approval to delivery based on these dates would be tight but is achievable.

6. Conclusion

The BBVF event proposal is a policy-compliant High Impact 2 event proposal for a two-day event (eight-day total site occupation) during the shoulder season in February 2024. Preliminary planning documentation that has been submitted as part of this proposal indicates the applicant, an experienced event organiser, has an awareness and understanding of what is required to plan and deliver the event.

The event would require significant planning with respect to operational details (including sporting details), risk assessment and management, environmental impacts and public space-related considerations to overcome the concerns detailed above. Comprehensive Council officer input will be required throughout to appropriately manage this process, should this event proceed.

It is also worth noting that there is strong community sentiment (including as measured during the recent consultation on the amendments to the Events Policy) against proposals including a bar operating on the beach.

Council is requested to review the above considerations, as per the Waverley Council Events Policy. Officers do not, however, recommend that the proposed BBVF be approved, for the reasons outlined above.

7. Attachments

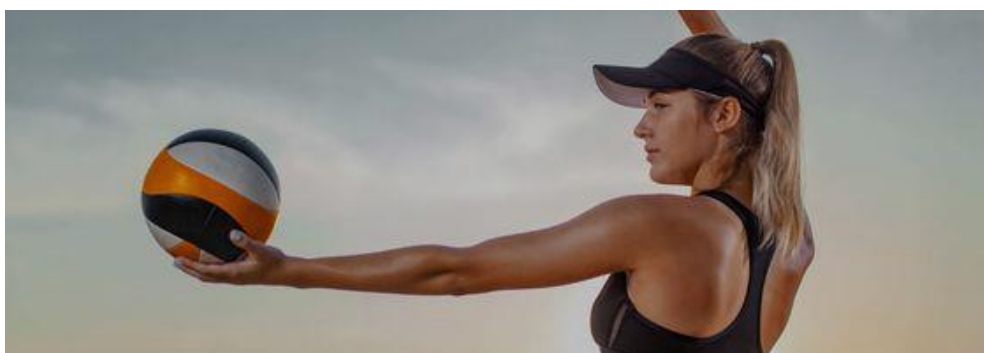
1. Event application [↓](#)
2. Site plan [↓](#) .

7 July 2023

Tanya Goldberg
Executive Manager Arts, Culture and Events
55 Spring St,
Bondi Junction.
NSW 2022

Dear Tanya,

Bondi Beach Volleyball Festival- Proposal Outline



"Benefits provided by high impact events include local overnight accommodation stays and associated spending – breakfast, lunch, shopping,"¹



A. Introduction

1. Our objectives are the same as Waverley Council's, namely, pursuing social, cultural, sporting and economic initiatives that will benefit the local community, whilst equitably balancing the interests of various stakeholders.
2. As a team, we work closely with Government institutions across Australia to assist in meeting various tourism and economic targets, and receive funding for our events

¹ Waverley Council spokesperson, *Sydney Morning Herald*, 9 October 2022

<https://www.news.com.au/lifestyle/food/eat/bondi-beach-rented-out-for-eyewatering-cost-for-allwhite-dinner-party/news-story/95aeae81ece2b166e42172dcf971ed11>

from several of them, as well as the Federal Government in context of the EMDG program.

3. If approval is provided, it is our ultimate objective to engage Council in a constructive and consultative dialogue which will identify any reservations regarding the *Bondi Beach Volleyball Festival* and find practical solutions, so that the initiative can progress, for the greater good of the local community and economy, in a manner which compliments the aspirations of the *'Waverley Community Strategic Plan 2018-2029'* ("**Strategic Plan**").
4. In addition to the Strategic Plan, in preparing this Application, and among other prescribed legislation, we have also considered Council's *'Events Policy'*, *'Outdoor Event Management & Delivery Guidelines'*, *'Pricing Policy Fees and Charges 2020-21'* Council Minutes *'CM/8.1/1/19.12'* and *'CM/7.11/19.11'*, the *Local Government Act 1993* and *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) 2020*, *NSW Heritage Act*, Schedule 5 of the *Waverley Local Environmental Plan 2012* and the *National Trust Register (NSW)*.

B. Event Summary

Event Name

5. Bondi Beach Volleyball Festival ("**BBVF**").

Concept:

6. Inspired by the Olympic Beach Volleyball installation which made Bondi Beach famous across the world more than two decades ago², the essence of the event offer comprises of a weekend Beach Volleyball exhibition tournament, sanctioned by Volleyball NSW.
7. The sporting event will be accompanied by an innovative³ temporary outdoor 'family friendly' hospitality village, comprising of a shipping container kitchen serving food and drinks to Beach Volleyball fans, tourists and locals alike.
8. The shipping container façade will be modelled on the Bondi Pavilion (inter-war Mediterranean aesthetic), designed by a former winner of Bondi's *Sculpture by the Sea*⁴, to ensure its dovetails seamlessly into the local architectural style and heritage, and to give the festival an international vibe, which will be the long term objective of the festival.
9. The concept merges one of the most celebrated events to ever take place at Bondi Beach, with a world class hospitality offering, based on the highly successful pop-up beach restaurants which now exist across other Australian city beaches. It is a

² <https://www.smh.com.au/sport/from-a-protest-to-a-party-how-bondi-was-won-over-by-beach-volleyball-20200917-p55wmj.html>

³ Strategic Plan page 26, 'Goal 4.1'.

⁴ Marc Barold

celebration of the outdoors, sport, fitness and fine food, all of which are lifestyle components embraced by the Bondi Beach community.

10. From an alcohol permit and approval perspective, the activation will be identical, in principle, to the *Taste of Manly* beach restaurant, including its two day duration, while the Volleyball component already enjoys a long standing precedent across Australian beaches, including Bondi.

Purpose:

11. To host a world class Beach Volleyball tournament, and in doing so promote healthy outdoor living, sport and recreation, in a world class setting. The event will be free to the public, however, will entail an optional hospitality component to further add vibrancy and create a festive atmosphere.
12. To capitalise on the opportunity Waverley Council has before it, by virtue of an enthusiastic, motivated and experienced sporting events team, to address the dramatically adverse economic impact of COVID-19 on the Bondi Beach business community. By approving this hospitality asset within the critical 'High Employment' sector⁵, Council will create employment, foster a prosperous local economy, increase morale within the Bondi Beach community, promote exercise and contribute to a vibrant and diverse cultural, recreational and entertainment spectrum, while balancing community and visitor expectations⁶.
13. To assist Council in supporting the efforts of a range of stakeholders to increase the diversity of the local economy and business⁷, thereby generating an increase in registered businesses⁸ resulting in both improvement to food offerings⁹ and enhancement of the local tourist economy¹⁰.
14. Beach Volleyball is already regularly played at Bondi Beach, and this event will become Australia's pre-eminent exhibition Beach Volleyball tournament, while the proven track record of the award nominated sporting event team will ensure the delivery of the highest quality and best presented pop-up beach hospitality experience in the country.

Footprint:

15. The event footprint comprised of two components, a double Beach Volleyball court (16m x 16m) adjacent promenade steps at Ramp 2, next to a pop-up restaurant and entertainment space measuring 36m x 28m (equating to approximately 1.3% of the exposed sand area, based on 55,000 square metres of exposed sand on an average high tide).

⁵ *Operational Plan 2020-21 ("Operational Plan")* page 7

⁶ *Operational Plan* page 19, paragraph 1.1.3

⁷ *Strategic Plan* pages 27 paragraph 4.2.2

⁸ *Strategic Plan* page 44, 'Theme 4- Local Economy'.

⁹ *Strategic Plan* page 26

¹⁰ *Strategic Plan* page 27 paragraph 4.3.2

16. Including the 'safety zone' around the Beach Volleyball courts, the entire event footprint will be 2060m square (72m x 30m), as per attached site map.

Dates:

17. **10 February 2024 to 11 February 2024.** Given the dramatically reduced foot traffic on Bondi Beach over past summer seasons (due to reduction of international tourism), the organisers feel Bondi Beach needs to boost its shoulder season summer attendance numbers.

Times:

18. Saturday to Sunday. 9am – 10pm.

F&B:

19. Food and beverage will be served at the venue. It can either be pre-purchased, or obtained via a bar service.
20. Food will be prepared offsite at the master kitchen with final touches such as frying, baking and plating occurring onsite. Certain items of food will also be kept refrigerated or in hot-boxes ready for serving.
21. There will be an emphasis on seafood such as fish, prawns and oysters, to celebrate the beachside setting, and world famous Australian seafood.

C. Strategic Plan Overview

22. Bondi Beach owes much of its international popularity to the 2000 Sydney Olympics, which spectacularly launched the one kilometre of city beach onto the world stage, by virtue of hosting the Beach Volleyball competition. The stadium, initially opposed by a vocal minority, quickly became a popular destination for locals and tourists alike, filling its 10,000 capacity almost on a daily basis. It is fondly remembered, to this day, as truly one of the most wonderful things ever to happen to Bondi Beach.
23. Whilst this proposal is far more modest than the Olympic Beach Volleyball stadium, it nonetheless draws inspiration from the success and popularity of that epic celebration of Australian sporting beach culture, and hopes to revive much of the goodwill created within Bondi Beach by the historic event.
24. Given the cultural, sporting, historic and ongoing relevance of Beach Volleyball to Bondi Beach (where it continues to be regularly played on a casual basis), the concept of an exhibition tournament is incapable of being rationally opposed. It is a celebration of sport, exercise and the great outdoors, which must, without doubt, be embraced by Waverley Council.

25. For the event to be successful and financially viable, especially given its short tenure on Bondi Beach, it will rely on a commercial component comprising of seating as well as a food and beverage service, including alcohol, in much the same way all other sporting events operate across the country.
26. One of the more pertinent conclusions to be derived from the community consultation process¹¹ yielding the Strategic Plan, is that there appears to be no documented community desire for maintaining any alcohol or commercial activity bans upon Bondi Beach.
27. Indeed, a plethora of commercial activities are regularly undertaken on Bondi Beach, Surf Club events (boats and competitors laden with commercial logo branding); surfing lessons; beach umbrella and day bed hire; *City2Surf* (again, commercial backing/branding even though technically non-profit); '*dinner en blanc*', *The Iconic Swimwear Launch*, *Borat Movie Launch* and, of course, our favourite, *Bondi Rescue*. All of these are commercial activities at some level and all contribute to the diversity of uses of Bondi Beach, to the benefit of the local community, and generate an income for Council¹². Some of these initiatives entail alcohol consumption on the beach, which will be further addressed below.
28. Adjacent the beach, also on public land, we have the annual *Ice Rink*, *Ferris Wheel*, *Open Air Cinema*, *Icebergs Restaurant* and *Flickerfest* to name a few.
29. Therefore, despite a formal policy banning same, there appears to be no community sanctioned blanket opposition to alcohol and commercial activities on the beach, and neither does the Strategic Plan agitate this issue in any way. Therefore, in our submission, any sporting initiative involving the commercialisation of a portion of the beach and/or service of alcohol should be considered on its merits, in context of the broader aspirations in the Strategic Plan, and the prevailing social and economic circumstances.
30. Common broad themes which emerge from the community consultation process entail *job creation*¹³, *cultural*¹⁴ and *economic diversity*¹⁵, *multiculturalism*¹⁶, *cosmopolitanism*¹⁷ as well as the availability of *improved food offerings*¹⁸ and improvements in the *diversity* and quality of the *night time economy*¹⁹. The community also calls for an *innovative and progressive Council*²⁰ with the courage to achieve those objectives.

¹¹ *Community Strategic Plan -Community Engagement Report ("Community Engagement Report")*.

¹² *Pricing Policy Fees and Charges 2020-21* page 3

¹³ Strategic Plan, page 27, paragraph 4.1.2

¹⁴ Strategic Plan page 27, paragraph 4.3.1 and page 43

¹⁵ Strategic Plan page 27 'Goal 4.2'

¹⁶ Community Engagement Report page 22.

¹⁷ Community Engagement Report page 29.

¹⁸ Strategic Plan page 27

¹⁹ Community Engagement Report page 29.

²⁰ Community Engagement Report page 5

31. The *BBVF* is squarely consistent with the outlined community sentiment, which constitutes a component of Council objectives in the Strategic Plan. It embraces and builds upon the current usage of the beach (Volleyball), celebrates sport and the great outdoors, and represents economic diversity by introducing an exciting commercial use of the beach with proven high demand across other Australian beaches, whilst being the very embodiment of a cosmopolitan outdoor culinary establishment.
32. Further, the need to “*relax rules to allow alcohol to be served outdoors more easily in a bid to transform Sydney into a more cosmopolitan and sophisticated city like those in France, Spain and Italy*” has been explicitly announced by the Honourable Victor Dominello, former Minister for Customer Service²¹. A further NSW Government announcement was made on 18 December 2020 via eDM which set out the Government’s objectives as²²:

“We have made changes to liquor regulation and planning requirements to allow councils across NSW to streamline their approval processes and join the alfresco dining trial.

The trial supports food and beverage businesses to expand their outdoor dining onto areas such as footpaths and public spaces until 31 October 2021.”
33. The Beach Volleyball tournament will be a celebration of Australian sport and the great outdoors, staged on the very same iconic location where Beach Volleyball was embraced by the whole world at the Sydney Olympics in the year 2000.
34. The hospitality component, which satisfies explicit Council and Government objectives, will add vibrancy and help create a festive atmosphere (inspired by the very European culinary culture championed by the former Minister), should be met with enthusiasm by Council, subject to satisfactory measures being implemented by organisers to ensure preservation of the natural environment²³, responsible waste management²⁴ and water safety for guests.
35. One of the wonderful aspects of Bondi Beach is its cultural diversity, and its multicultural identity.
36. The cultural diversity objectives of the local community, as embodied in the Strategic Plan, necessarily extends to the celebration of various sports.
37. Similarly, cultural considerations extend to uses of the beach such as exercise, jogging and swimming, as institutionalised by Nippers and Surf Club competitions. As important as this type of iconic Australian beach culture is, it currently dominates

²¹ https://www.smh.com.au/national/nsw/bring-joie-de-vivre-minister-wants-to-relax-outdoor-drinking-rules-20200901-p55rct.html?btis&fbclid=IwAR2W2XactnYqUzCWd-QkUjV5Pfs_2OA8rXkLCI3nbwo4gFjlfckMK_tJLMw

²² <https://www.nsw.gov.au/projects/outdoor-dining>

²³ Community Engagement Report pages 24 & 34

²⁴ Community Engagement Report page 36

beach use to the exclusion of many other interest groups. Temporarily occupying a small section of the beach to host an official Beach Volleyball tournament, during a limited period, extends diversity further, therefore is a democratic proposition entirely consistent with the Strategic Plan.

38. In addition to the sentiments revealed in the Community Engagement Report, and speaking anecdotally, when local community members are asked to express an opinion, they unequivocally support the idea of a progressive and premium culinary experience upon the sands of Bondi Beach, especially when presented in conjunction with a sporting event. Although the event does not seek a late night operating license, it will operate until 10pm, thereby increasing the breadth of dining opportunities leading into the night- a transitional daytime as well as evening '*dining option*'²⁵ where sporting fans, locals and tourists alike can wind up their daytime Beach Volleyball experience, before moving onto the Bondi Beach village to continue celebrations.
39. In light of the above, embracing the *BBVF* concept is entirely consistent with the Strategic Plan, especially demonstrating qualities of innovation and progression. To put it another way, blocking this initiative because its 'outside the box'; is exactly opposite to '*innovation and progression*'.

Alcohol Free Zone and Alcohol Prohibited Area

40. Based on almost 20 years experience of operating sporting events on beaches and public parks around Australia, the team behind the Application is aware that the key to creating a successful event, replete with a festive atmosphere, is an accompanying premium food and licensed beverage service.
41. The Applicant is of the view that the consumption of alcohol, in a controlled premium family friendly sporting event environment such as the *BBVF*, poses no greater danger to the community than alcohol consumption at, for example, *North Bondi Fish*, or the Surf Clubs, and is overwhelmingly unlikely to generate any anti social behaviour.
42. Having reviewed Council Minutes²⁶ which document the re-establishment of Alcohol Free Zones and Alcohol Prohibited Areas at Bondi Beach, there appears to be no reference to Public Consultation pursuant to s644A of the *Local Government Act* 1993. There was only consultation with interest groups, in particular, ones that have narrow vested interests.
43. The Strategic Plan consultation process did not raise any specific concerns with alcohol consumption at Bondi Beach from the local community.

²⁵ Community Engagement Report, page 29

²⁶ CM/7.11/19.11 and CM/8.1/19.12.

D. Specific Elements

Alcohol & Water Safety

44. Whilst controlled alcohol consumption is only a fragment of the BBVF experience, in our view, water safety is one of the most important issues the *BBVF* must investigate.
45. In 2020 there were 111 national coastal drowning deaths²⁷, which equates to 0.0004% of Australia's population of 24.9 million. It should be noted the majority of those deaths were young males²⁸, most pertinently in the 20-39 age group, which accounted for 35% of deaths²⁹.
46. Of that amount 49 occurred in NSW, and of those 36% occurred at the beach³⁰, with 20% of those deaths attributable to swimming or wading³¹.
47. Although alcohol was a contributory factor to 14%³², none of the alcohol related deaths occurred while swimming or wading at a patrolled beach, which are the circumstances applicable to the hospitality village proposed in this Application.
48. The *National Coastal Safety Report 2020* reveals that alcohol most commonly contributed to deaths among young males³³ in context of recreational jumping at jetty and marina locations, as well as while boating or controlling powered watercraft, and land based fishing activities³⁴, rather than swimming or wading activities which might be engaged in by restaurant patrons.
49. The low number of drownings across all patrolled Australian beaches is a testament to the diligence of *Surf Life Saving Australia* (SLSA) who pulled 7,500 people from the water and administered first aid to 70,000 more. It is estimated an approximate 1,300 coastal deaths were prevented thanks to SLSA's efforts.
50. Bondi Beach is Australia's most patrolled beach with not one, but two volunteer Surf Life Saving Clubs ensuring the safety of beach goers, as well as a team of full time Lifeguards patrolling approximately a kilometre of beach.
51. The *BBVF* is committed to doing its part to ensure it promotes water safety, and thereby to compliment SLSA's efforts in this regard.

²⁷ National Coastal Safety Report 2020, *Surf Life Saving Australia ("SLSA Report")*, page 31, Fig 34.

²⁸ SLSA Report, page 33, Fig 37.

²⁹ SLSA Report, page 35.

³⁰ SLSA Report, page 33, Fig 38.

³¹ SLSA Report, page 33, Fig 38.

³² SLSA Report, page 48, Fig 63.

³³ SLSA Report, page 47, Fig 60.

³⁴ SLSA Report, page 47.

52. Council reports regarding the *Moseley Beach Club* which has operated on Adelaide's Glenelg Beach for over four years confirm that consumption of alcohol on the beach in a controlled environment has not resulted in any increase in alcohol related water incidents, which is consistent with the *National Coastal Safety Report 2020*.
53. The Adelaide experience further demonstrates that customers who attend the beach hospitality generally do not engage in swimming, but rather attend the venue to enjoy the service and ambiance, relax in a scenic setting and socialise with friends. In the case of BBVF, they will attend to enjoy the Beach Volleyball tournament, as well as the venue itself.
54. The team behind the *BBVF* has an impeccable RSA record in relation to its Urban Polo series, and the same standards will be strictly applied to this hospitality venue.
55. Nonetheless, if required by Council, the *BBVF* will employ a dedicated Lifeguard, at a ratio of 1 per 100 customers (which is higher than Council's ratio of Lifeguards to beach goers on a busy day). At the beginning of each session, the Lifeguard will carry out a Surf Safety briefing addressing general matters, as well as specific observations about the surf on that day.
56. Although overt intoxication will be precluded by RSA adherence, guests will be generally discouraged from swimming after alcohol consumption, especially during challenging conditions, and a breathalyser as well as a defibrillator will be installed for patrons.
57. Generally speaking, the family friendly hospitality village is unlikely to attract the type of demographic identified in the *National Coastal Safety Report 2020* as susceptible to alcohol related mishaps, nor proliferate the type of dangerous activities accounting for the majority of alcohol related fatalities. The safety briefing will further emphasise the importance of not mixing alcohol with swimming, while preparing our guests for a safe day at the beach better than most beachgoers.
58. Considering the fact aquatic activities will not be the main focus for those attending the BBVF (other than occasionally cooling off on a hot day), and having regard to the beach club case study in Adelaide, as well as factoring in the additional dedicated Lifeguard, it is our view the proposed event precinct, which entails a controlled environment for responsible consumption of alcohol, is unlikely to pose any increased or discernible risk in terms of water safety, although this will be a matter for continual monitoring and assessment by event managers. It will certainly pose no greater risk than other restaurants and Surf Clubs adjacent the beach currently do.

Weather Related Risks

59. The southern orientation of Bondi Beach means that it is relatively sheltered from potential strong winds and storm surges in February, which, statistically, originate from the east at this time of the year³⁵.
60. Further, the proposed event date in February is outside of the peak storm season on the NSW coast, which is considered to be March, July and October³⁶. In comparison, the Sydney Gay and Lesbian Mardi Gras, approved by Council, took place on 4 March 2023, which is peak storm season at Bondi Beach.
61. If the event site is likely to be affected by strong wind, or an impending storm, the lighter activation elements, such as seating and beach umbrellas, can easily and quickly be moved into the heavy steel shipping container hospitality activation, which has emergency storage space. If a dramatic storm is forecast, posing a storm surge risk, the shipping containers can be quickly removed from the beach. The Applicant notes, however, that during the renovation of the Pavilion in 2021, three shipping containers were safely positioned on Bondi Beach for more than six months, including through peak storm season.

Community Benefit

62. The importance of sporting events to local communities is well established, and does not require extensive discourse within this Application, sufficed to say that *"[s]uccessful events and athletic performances can bring together a wide range of social groups even those who are not generally interested in sports"*³⁷.
63. Sporting events *"can stimulate infrastructure spending, employment, tourism, international exposure, and other potential benefits"*³⁸. In particular, 60% or 18+ Australians stated that watching a sporting event (either live or on TV), was instrumental in taking up a new sport, or becoming physically active themselves³⁹.
64. Any event which encourages sport, especially among young people, which the family friendly BBVF will achieve, should be embraced by Waverley Council. *"The benefits of sports are numerous and can impact lives in profound ways. Team sports participation promotes health and wellbeing, builds confidence, and can help maintain mental health."*⁴⁰
65. At an economic level, a high profile two day Beach Volleyball event is likely to attract at least 300 spectators per day (600 total), if we take an extremely conservative

³⁵ http://www.bom.gov.au/jsp/ncc/climate_averages/wind-velocity/index.jsp?period=feb#maps

³⁶ <https://www.coastalconference.com/2010/papers2010/Tom%20Shand%20full%20paper.pdf>

³⁷ https://www.clearinghouseforsport.gov.au/major-event-impact-and-legacy/community-and-social-engagement#engaging_the_community

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ https://www.sportaus.gov.au/youth_participation

approach. Based on “*Tourism Research Australia*” data, if each spectator spends \$111 per day, that translates to an injection of \$66,000 into the local economy for the weekend, without even factoring in accommodation, which could add another \$150,000 based on a \$250 per night stay for 600 tourists.

66. If we factor in the economic benefits of the hospitality component, the value increases further. An Economic Benefit Assessment, commissioned by the Applicant and prepared by Urbis, in relation to a stand-alone Beach restaurant at Bondi Beach with a capacity of 100, demonstrated that, such an installation would have the potential to generate \$5.3 million for the Bondi Beach economy over 5 months.
67. Over two days, as proposed in context of the BBVF, the additional benefits would be around \$60,000, taking the total estimated economic benefit for Bondi Beach to \$276,000, at a conservative calculation.

Accessibility

68. The elderly and handicapped struggle with enjoying the beach given access difficulty. Trudging through shifting sand is difficult enough, and the notion of carrying day beds and umbrellas for shade, as well as an Esky for refreshments, makes the undertaking impossible for many.
69. The BBVF hospitality precinct features comfortable day bed recliners, or larger cabanas laden with mattress and pillows, where those with mobility issues can enjoy the Beach Volleyball comfortably, under the generous shade of beach umbrellas, while the personal service renders the Esky unnecessary.
70. A wooden walkway leading away from Ramp 2, through the heart of the food village, makes wheelchair access easy, whilst members of our staff will be eager to assist in the transfer from the mobility device to the seating or cabana.

Diversification

71. As alluded to in the above Strategic Outline, maximising utility of public spaces entails sanctioning activities that can be enjoyed by a broader spectrum of society.
72. Australian beach culture is currently dominated by the surf culture, in its various manifestations. This is what makes Australian beaches unique, and provides us with a sense of national identity. Everything from nippers, SLSA Club competitions to surfing, are iconic to Australian beaches, and embraced by the team behind BBVF.
73. The 55,000 or so square metres of Bondi Beach, however, can accommodate a variety of uses, to cater for various demographics, as long as they can reasonably co-exist. We have yoga lessons, fitness sessions, swimmers, sand joggers and sun bathers all sharing the beach happily, as well as various commercial activations.
74. Allowing a Beach Volleyball tournament accompanied by a temporary hospitality precinct on the beach to provide a F&B service in comfort, merely adds a further dimension to the beach, without interfering with any existing uses, whilst generating

much needed jobs in the hospitality industry, boosting the local economy and benefitting the community extensively.

E. Stakeholder Consultation

Community

75. Bondi Beach is a state asset, and the most popular beach for greater Sydney, with a majority of visitors on busy days being predominantly outside of the Waverley precinct⁴¹. Nonetheless, community sentiment is certainly a highly relevant factor.
76. Although any formal community feedback process pursuant to the BBVF is yet to commence, we took the liberty to gauge community sentiment informally.
77. The community response has been overwhelmingly positive. The idea of celebrating Beach Volleyball on our iconic Bondi's beach, accompanied by a festive hospitality precinct, is considered an exciting and vibrant proposition.
78. Certain members of the community have raised valid and constructive questions which have been very helpful in identifying additional issues, and formulating operational considerations. Some of these were already being addresses in the BBVF, whilst others were new and have subsequently been incorporated.
79. Bondi Beach's is certainly famous for a vocal and active minority of its local population with a penchant for opposing innovation and progress. Examples include opposing Woolworths at Bondi Beach, the commercial revitalisation of the Pavilion and, more famously, failed protests against the Olympic Volleyball Stadium, among many others.
80. These individuals will lobby vigorously, without compromise or rationality, against any idea that conflicts with their narrow interpretation of how the beach must be used. In our view, such a dictatorial attitude is at odds with Bondi Beach's tolerant, inclusive, cosmopolitan and multicultural community sentiment.
81. Opposition driven by strict personal preferences should be given short thrift in the current economic and social climate. The priority for the Bondi Beach community must revolve around revitalising our wonderful coastal suburb, creating jobs and promoting the return of tourism, which is integral to the Bondi Beach economy.
82. Such initiatives must, of course, be balanced against a variety of considerations, such as environmental impact, waste management, water safety, alcohol management, consumer demand and integration into existing uses of the beach, which are the pertinent issues in context of the application.
83. Ultimately, the test isn't even whether the majority of locals support the event (which is a measure that cannot be determined), but rather, whether

⁴¹ <https://www.destinationnsw.com.au/wp-content/uploads/2019/09/bondi-visitor-profile-ye-march-19.pdf>

Council is able to balance community needs and expectations, as well as existing uses of the beach, in a way which would allow this economically beneficial initiative, for which there is clear demand, to proceed.

F. Conclusion

84. The proposed event is a celebration of the outdoors, sport, fitness and fine food, which will generate tourism, jobs, stimulate the economy and increase vibrancy within the local community. It will also promote exercise, especially among the younger demographic, thereby facilitating mental and physical health benefits.
85. *Bondi Beach Volleyball Festival* promotes Government initiatives, falls squarely within the *Strategic Plan*, is a compliant event, and encapsulates Council's most recent desire to limit commercial activities on any beach, involving the service of alcohol, to no greater than two days' duration⁴².

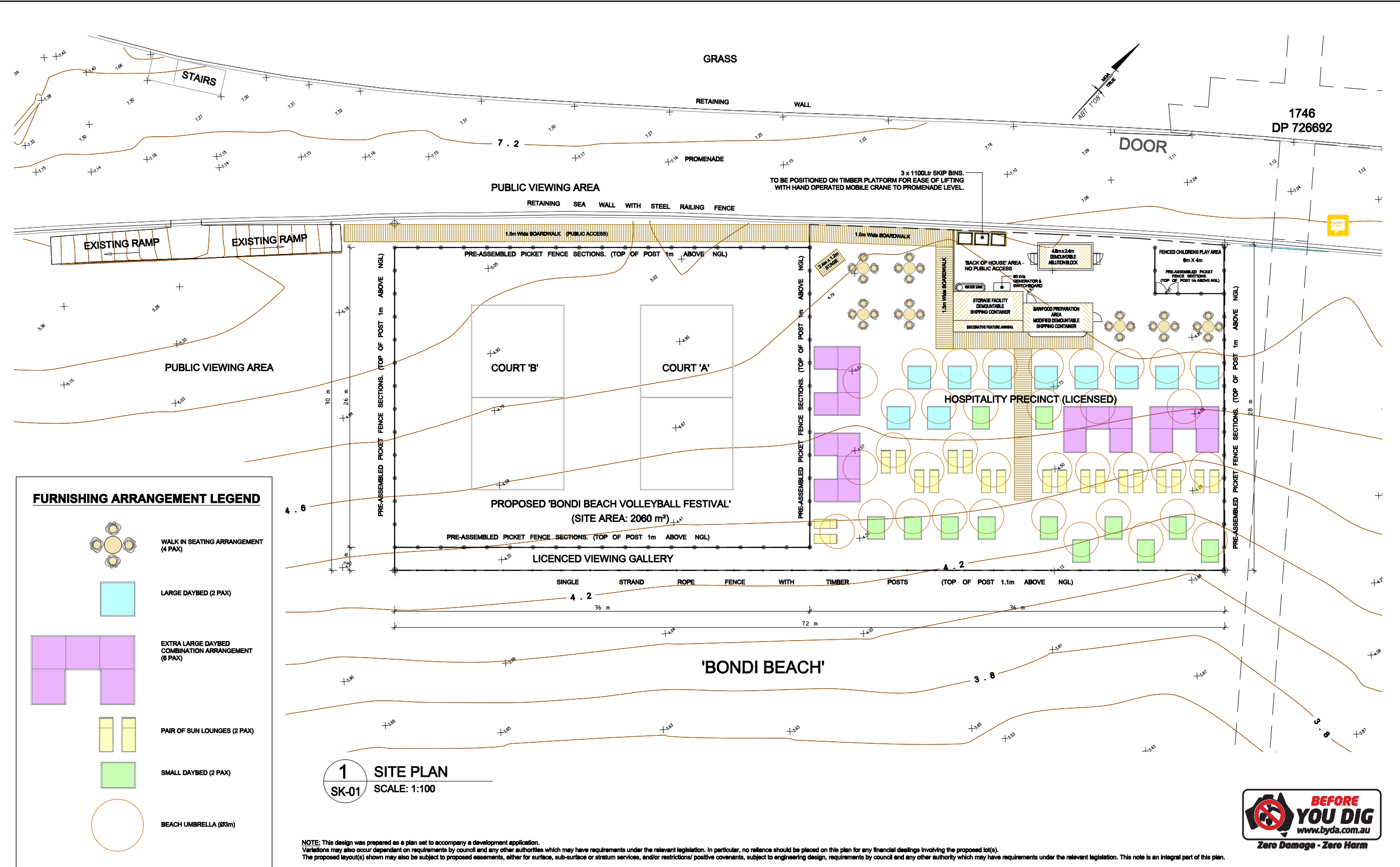
Yours Faithfully



John Gazecki

Southern Land Productions Pty Limited

⁴² <https://haveyoursay.waverley.nsw.gov.au/events-policy?fbclid=IwAR0VDUvwtyqtb4TRHGj2sHrN-y3jXSByzEAnZsfSo9hAShkekqaEbyBu7FU>



REV.	DATE	DESCRIPTION	BY	<div>ASTIQUE DESIGN CONSULTANCY</div> <div>FURNITURE & INTERIOR FIT OUT DESIGN ◦ BUILDING DESIGN AND DRAFTING ◦ LAND DEVELOPMENT DESIGN</div> <div>ph: 0425 244 871 e: brett@astiquedesign.com.au www: astiquedesign.com.au</div>			<div>Client: Bondi Beach Volleyball Festival</div> <div>Project Address: Bondi Beach, Campbell Pde, Bondi NSW 2555</div> <div>L.G.A: Waverley Council</div> <div>Folio Identifier: NA</div>		<div>Project Title: Bondi Beach Volleyball Festival</div> <div>Drawing Title: Site Plan</div> <div>Drawn: BW Approved: JG Scale: 1:150</div>			Job Number: 23003	
A	06/07/23	INITIAL ISSUE	BW									Drawing Number: 23003-SK- 01	
				<div>01234510</div> <div>SCALE: 1:100</div> <div>METRES</div>					Rev: A Size: A1				
				<div>LENGTHS ARE IN MILLIMETRES UNLESS OTHERWISE SHOWN.</div> <div>USE FIGURED DIMENSIONS ONLY, DO NOT SCALE, NOT TO BE USED FOR CONSTRUCTION.</div>					Sheet : 1				

REPORT
CM/7.9/23.10

Subject: Amended Voluntary Planning Agreement - 194-214
Oxford Street and 2 Nelson Street, Bondi Junction

TRIM No: SF21/3455

Manager: George Bramis, Executive Manager, Urban Planning Policy and Strategy

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

RECOMMENDATION:

That Council:

1. Approves the amended planning agreement attached to the report applying to land at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction, offering a total contribution of \$7.45 million, comprising a \$1.15 million in-kind contribution (a through site link and a public plaza on the development site) and a \$6.3 million cash contribution to be allocated to the items set out in schedule 1 of the planning agreement, in accordance with Council’s Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

1. Executive Summary

This report seeks Council’s endorsement to execute the attached amended draft planning agreement (VPA) associated with the approved planning proposal PP-1/2015 and the approved development application DA-400/2021 at 194-214 Oxford Street and 2 Nelson Street, Bondi Junction. The VPA was negotiated as a public benefit after the Sydney Eastern City Planning Panel approved a planning proposal to increase the floor space ratio from 1.5:1 to 3.5:1.

The VPA has been amended from the previous version endorsed by Council in May 2023 to reflect a technical change in property ownership. No material changes to the document have been made. The contribution allocation and terms of contribution delivery remain the same as the version endorsed by Council in May 2023.

The amended draft planning agreement associated with the planning proposal and 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

On 14 June 2019, the applicant of the planning proposal (PP-1/2015) concerning 194-214 Oxford Street and 2 Nelson Street, Bondi Junction, made a public benefit offer which included entering into a VPA to the value of \$7.45 million. The value of the contribution was reached through valuations in accordance with the Council’s Planning Agreement Policy.

Despite Council not supporting the proposal, the Department of Planning and Environment (DPE) finalised the planning proposal, which was gazetted on 20 September 2019.

As DPE finalised the planning proposal without requiring the applicant to formally enter into a VPA (contradicting the Planning Agreement Policy 2014), the applicant deferred the drafting of the VPA itself until the development application associated with the site was determined. DA-400/2021 at 194-214 Oxford Street and 2 Nelson Street was granted a deferred commencement consent by the Sydney Eastern City Planning Panel on 18 August 2022 with a revised letter of offer confirming a monetary contribution of \$6.3 million and in-kind public works valued at \$1.15 million. The development consent requires the applicant to provide adequate security and enter into a VPA prior to obtaining a construction certificate for above-ground works, delivering the contribution prior to occupation certificate.

A planning agreement associated with PP-1/2015 and DA-400/2021 was publicly exhibited between March and April 2023 and was approved by Council at its meeting on 16 May 2023. The agreement was entered into by the developer, and the General Manager and Mayor in June 2023.

After the planning agreement was approved, the landowner of the property known as 2 Nelson Street, Bondi Junction (one of the sites subject to DA-400/2021) changed from Westgate BJ Pty Ltd to Bell Vue Pty Ltd and Bellosh Pty Ltd. Bell Vue Pty Ltd and Bellosh Pty Ltd involve the same directors as Westgate BJ Pty Ltd. This change in company ownership requires an update to the associated planning agreement.

Although there are no material changes to the agreement, some minor wording changes have been made. The contribution allocation and terms of contribution delivery remain the same as the version approved by Council in May 2023.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 May 2023	CM/7.12/23.05	<p>That Council:</p> <ol style="list-style-type: none"> Approves the planning agreement attached to the report applying to land at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction, offering a total contribution of \$7.45 million, comprising a \$1.15 million in-kind contribution (a through site link and a public plaza on the development site) and a \$6.3 million cash contribution to be allocated to the items set out in schedule 1 of the planning agreement, in accordance with Council's Planning Agreement Policy. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

4. Discussion

The amended draft planning agreement and associated documents are attached to this report.

Planning agreement's contribution to a public purpose

No change to the contribution allocation compared to the version endorsed by Council in May 2023 has been made. Section 7.4 of the EP&A Act requires that the contribution from a planning agreement be allocated to a public purpose. The draft planning agreement as amended continues to offer a total contribution value of \$7.45 million, comprising a \$1.15 million physical in-kind contribution (a through site link and a public plaza on the development site) and a \$6.3 million cash contribution that is still drafted to

be assigned to items detailed in schedule 1 of the draft planning agreement and in Table 1 below, in accordance with Council's Planning Agreement Policy 2014.

Table 1. Drafted contribution breakdown.

Contribution item	Contribution amount
Waverley's Affordable Housing Program	\$3,462,500
Public plaza and through site link for public outdoor amenity and recreation (in-kind - estimated value for agreement purposes)	\$1,150,000
Clementson Park upgrades	\$550,000
St James Park upgrades	\$350,000
Waverley's Complete Streets Program including trees, upgrades to roads and upgrades to public spaces in the local area	\$787,500
Bondi Junction gateway artwork replacement	\$500,000
Mill Hill Heritage Conservation Area road and footpath upgrades	\$500,000
Waverley Small Grants Program	\$150,000
Total	\$7,450,000

Public exhibition of the draft planning agreement

The amended draft planning agreement was exhibited for a period of at least 30 days in accordance with section 7.5 of the EP&A Act. Specifically, the amended draft planning agreement, explanatory note and positive covenant documents were exhibited from 15 August 2023 to 14 September 2023, and included advertising on Council's Have Your Say website and notices to the Precincts.

Submissions

One submission was received during the exhibition period for the amended VPA through the Have Your Say website. The submission commented on the development application itself, which has already been approved by the Sydney Eastern City Planning Panel, and '[urged] Council to press for more compensation.' The contribution figure was reached through a detailed valuation process in accordance with the Waverley Planning Agreement Policy 2014.

5. Financial impact statement/Time frame/Consultation

If entered into by both Council and the applicant, and thereafter an occupation certificate for the project is obtained by the applicant, the subject VPA will result in public contributions to the value of \$7.45 million.

The contributions will fund public benefits informed by advice from Council officers and community feedback obtained during the numerous public exhibitions held for VPA's in relation to this site.

6. Conclusion

The draft planning agreement as amended has been placed on exhibition in accordance with section 7.5 of the EP&A Act. It is recommended that Council endorses the attached amended draft planning agreement for execution.

7. Attachments

1. Amended VPA - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction [↓](#)
2. Amended Annexure A - Positive Covenant - Through Site Link [↓](#)
3. Amended Annexure A - Positive Covenant - Public Plaza [↓](#) .

WAVERLEY COUNCIL

(Council)

AND

**WESTGATE BJ PTY LTD
(ACN 601 663 343)**

AND

**BELL VUE PTY LTD
(ACN 655 143 641)**

AND

**BELLOSH PTY LTD
(ACN 655 103 683)**

(Developer)

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**

PLANNING AGREEMENT NO. _____

Section 7.4 of the Environmental Planning and Assessment Act, 1979

THIS AGREEMENT is made on

2023

PARTIES

WAVERLEY COUNCIL of Cnr Paul Street and Bondi Road, Bondi Junction NSW 2022 ABN 12 502 583 608 ("**Council**")

AND

WESTGATE BJ PTY LTD (ACN 601 663 343) of Suite 1, Level 1, 109 Oxford Street, Bondi Junction NSW 2022, **BELL VUE PTY LTD (ACN 655143641)** of Suite 1, Level 1, 109 Oxford Street, Bondi Junction NSW 2022, **BELLOSH PTY LTD (ACN 655 103 683)** ("**the Developer**")

BACKGROUND/RECITALS

- A.** The Developer is the registered proprietor of the Land with the benefit of the Development Consent.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** In March 2015, the Developer lodged a planning proposal with Council seeking to increase maximum building height and FSR and remove local heritage status. In October 2015, an amended proposal was submitted to Council which sought a maximum building height of 36m and FSR of 3.5:1 and removing local heritage status relating to 194 – 200 Oxford Street, Bondi Junction.
- D.** Between December 2015 and January 2016, a pre-Gateway review was submitted to the Department of Planning and Environment. In September 2016 the Developer submitted a draft public benefit offer. On 22 December 2016 a Gateway determination was issued subject to conditions which included the preparation of a site-specific

Development Control Plan.

- E. In January 2017 the planning proposal was amended to address the conditions of the Gateway determination (the Planning Proposal).
- F. On 24 October 2018 the Planning Proposal was referred to the Independent Planning Commission NSW and on 25 February 2019 the Commission issued a Planning Proposal Review.
- G. Following the Independent Planning Commission's Review, on 14 June 2019 Westgate BJ Pty Ltd made a revised public benefit offer which included entering into a Planning Agreement and paying a monetary contribution of \$4.7 million in addition to delivery of public benefits previously offered.
- H. On or about 11 September 2019 the Amending LEP was made by the Department of Planning and Environment and on 20 September 2019 the Amending LEP was published on the NSW Legislation Website as *Waverley Local Environment Plan 2012 (Amendment No 15)* and commenced taking effect from the date of publication.
- I. Following the making of the Amending LEP, between 5 February and 10 April 2020 a site specific Development Control Plan was exhibited by Council (SSDCP). The SSDCP included public domain benefits which were included in the developer's draft public benefit offer. The SSDCP came into effect on 1 October 2020.
- J. On 27 September 2021 Westgate BJ Pty Ltd made the Development Application to Council for Development Consent to carry out the Development on the Land. On 29 July 2022 Westgate BJ Pty Ltd submitted a further revised public benefit offer (**Public Benefit Offer**).
- K. Westgate BJ Pty Ltd and the Council had agreed to the making of Development Contributions in connection with the Planning Proposal and Development Consent in accordance with the Public Benefit Offer and as set out in this Agreement.
- L. The Development Consent as granted in respect to the Development on 18 August 2022 required the owner of the Land, including 2 Nelson Street, Bondi Junction, to enter into this Agreement and register the Agreement on the title of the Land prior to the consent becoming operative.
- M. Bell Vue Pty Ltd and Bellosh Pty Ltd became registered proprietors of a part of the Land, being 2 Nelson Street, Bondi Junction, on or about 27 January 2023.

- N.** On 19 June 2023 Westgate BJ Pty Ltd entered into a Planning Agreement ("**Planning Agreement dated 19 June 2023**") with Council pursuant to the Development Consent granted on 18 August 2022.
- O.** Bell Vue Pty Ltd and Bellosh Pty Ltd as proprietors of a part of the Land, being 2 Nelson Street, Bondi Junction are required to be parties to a planning agreement with the Council, along with Westgate BJ Pty Ltd, to give effect to the condition in the Development Consent.
- P.** Westgate BJ Pty Ltd, Bell Vue Pty Ltd and Bellosh Pty Ltd as registered proprietors of the Land and collectively the "**Developer**" have made a further revised public benefit offer dated 17 July 2023 (**Revised Public Benefit Offer**) in the same terms of and confirming the Public Benefit Offer previously made by Westgate BJ Pty Ltd, and in accordance with the Revised Public Benefit Offer wish to enter into a planning agreement with Council on the same terms as the Planning Agreement dated 19 June 2023.
- Q.** .
- R.** The Parties acknowledge that upon the execution by the Parties of this Agreement the Planning Agreement dated 19 June 2023 is superseded and terminated by this Agreement.

OPERATIVE PROVISIONS:

1 PLANNING AGREEMENT UNDER THE ACT

The parties agree that this Agreement is a planning agreement governed by Section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the Development approved by the Development Consent, as may be modified or consent to a further development application in respect of the Land.

3 OPERATION OF THIS AGREEMENT

- 3.1 The Parties must execute and enter into this Agreement as soon as possible.
- 3.2 This Agreement shall take effect on and from the date on which the parties execute and date this Agreement.
- 3.3 This Agreement supersedes and terminates the Planning Agreement dated 19 June 2023 forthwith upon execution and dating of this Agreement by the Parties.

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 and any Schedules, Plans or other attachments to it;

“Amending LEP” means the *Waverley Local Environmental Plan 2012* incorporating the Planning Proposal amendments;

“Bank Guarantee” means an irrevocable and unconditional undertaking by a trading bank approved by the Council to secure the Developer’s obligations under this Agreement for the delivery of the Monetary Contribution, containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

“Business Day” means a day that is not a Saturday, Sunday or public holiday, on which banks are open for general services in Sydney, New South Wales;

“Caveat Form” means an irrevocable authority to Waverley Council to register and maintain a caveat on the Land, in a form acceptable to Council and executed by the owner of the Land, or such other form of owner’s consent to caveat as may be required by Council;

“Certifying Authority” means any accredited private certifier including where appropriate, a Principal Certifying Authority (PCA) appointed or to be appointed to certify the Development or any aspect of it;

“Construction Certificate” means any construction certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

“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;

“Development” means the development the subject of the Development Application described in item 4 of Schedule 1;

“Development Application” means the development application referred to in item 3 of Schedule 1;

“Development Consent” means the development consent in respect of the Development Application described in item 3 of Schedule 1;

“Development Contributions” means the Monetary Contribution and Public Works Contribution as described in item 5 of Schedule 1;

“Development Contribution Date” means the time the Development Contributions are to be delivered as specified in item 7A and 7B of Schedule 1;

“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;

“Insolvency Event” means the occurrence of any of the following:

- (a) a party is liquidated, whether compulsorily or voluntarily (other than for the purpose of amalgamation or reconstruction whilst solvent)
- (b) a party becomes unable to pay its own debts as they fall due;
- (c) a party enters into any arrangement with creditors;
- (d) a party becomes subject to external administration within the meaning of Chapter 5 of the *Corporations Act 2001* (Cth), including having a receiver or administrator appointed over all or any part of its assets; or
- (e) anything analogous or having a substantially similar effect to the events specified in clauses (a) to (d) above occurs in relation to a party, including court appointment of a receiver;

“Land” means the land described in item 2 of Schedule 1;

“Location Plan” means the attached plan identifying the location of the Public Plaza and the Through Site Link; being Drawing No. DA – 9520/5.

“Monetary Contribution” means the money offered and payable by the Developer in connection with the Public Benefit Offer as set out in item 5A of Schedule 1;

“Occupation Certificate” means any occupation certificate as referred to in s 6.4 of the Act in respect to any development on the Land;

“Party” means a party to this Agreement including their successors and assigns;

“Planning Proposal” means (PP_2016_WAVER_003_00) seeking to amend height and floor space ratio and remove local heritage status of four residential terrace houses;

“Plaza Instrument Terms” means the terms of the s 88B Instrument including Easement in Gross and Public Positive Covenant to be registered against the Land relating to the Public Plaza to be delivered by way of Public Works Contribution under this Agreement, as set out in Schedule 2 of this Agreement;

“Prescribed Transaction” in relation to the Land means either one or more of the following: sell, transfer, assignment, charge, encumbrance or other dealing with the Land and novation of this Agreement;

“Public Benefit Offer” means the planning agreement offer from the Westgate BJ Pty Limited to Council, dated 29 July 2022;

“Public Plaza” means the public plaza limited in depth to the finished street level at No. 2 Nelson Street, Bondi Junction, approximately 311sqm in area and marked (A) on the Location Plan the subject of the Public Plaza Instrument Terms, to be delivered and maintained at no cost to Council;

“Public Purpose” for the purpose of this Agreement means the public purpose

described in item 6 of Schedule 1;

“Public Works Contribution” means the easements for public access and associated public works, offered by the Developer in connection with the Planning Proposal and Development Application being the provision of the Through Site Link and the Public Plaza, as set out in items 5A and 5B of Schedule 1;

“Registered Proprietor” means any and all of the following entities:

Westgate BJ Pty Ltd (ACN 601 663 343) of Lots 10, 11, 12 and 13 in DP260116; Lot 1 in DP 79947, Lot 16 in DP 68010

Bell Vue Pty Ltd (ACN 655 143 641) of Lot 1 in DP583228; and

Bellosh Pty Ltd (ACN 655 103 683) of Lot 1 in DP583228.

“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;

“Revised Public Benefit Offer” means the planning agreement offer from the Westgate BJ Pty Limited to Council, dated 29 July 2022 as confirmed by a further revised planning agreement offer dated 17 July 2023 from Westgate BJ Pty Ltd, Bell Vue Pty Ltd and Bellosh Pty Ltd on the same terms as the Public Benefit Offer;

“SSDCP” means the Site Specific Development Control Plan for the Development as set out on pages 336 – 343 of the *Waverley Development Control Plan 2012*;

“Schedule” means a schedule to this Agreement;

“Strata Plan” means a plan of subdivision including either one or more strata scheme(s) or community scheme(s) registered on title of the Land for the purposes of the Development.

“Subdivision Certificate” means any subdivision certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

“Through Site Link” means the Pedestrian/Cycleway through site link from Oxford Street to Osmund Lane, totaling approximately 136sqm in area and marked (B) on the Location Plan, limited in depth to the finished ground level, the subject of the Through Site Link Instrument Terms, to be delivered and maintained at no cost to Council;

“Through Site Link Instrument Terms” means the terms of the s 88B Instrument including Easement in Gross and Public Positive Covenant to be registered against the Land relating to the Pedestrian/Cycleway Through Site Link to be delivered by way of Public Works Contribution under this Agreement, as set out in Schedule 3 of 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 CONTRIBUTIONS TO BE MADE UNDER THIS AGREEMENT

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contributions to be applied for the Public Purpose.
- 5.2 The Developer must deliver the Development Contributions to the Council in accordance with this Agreement on or before the Development Contribution Date and this is an essential term of the Agreement.
- 5.3 The Developer acknowledges and agrees that the Public Works Contributions are to be delivered at no cost to Council, to the satisfaction of Council and in accordance with the Development Consent and this Agreement.
- 5.4 In respect to the Public Works Contributions to be made under this Agreement, prior to the Development Contribution Date, the Developer must do all things necessary at the Developer's cost to:
 - (a) register upon the title to the Land a plan of easement approved by Council and the associated instruments required to facilitate the delivery of the Through Site Link in accordance with the Through Site Link Instrument Terms and this Agreement;
 - (b) register upon the title to the Land a plan of easement approved by Council and the associated instruments required to facilitate the delivery of the Public Plaza in accordance with the Public Plaza Instrument Terms and this Agreement; and
 - (c) enter into a Deed with Council relating to on-going maintenance and servicing at no cost to Council in accordance with condition 92 of the Development Consent and this Agreement which has been drafted by a suitably qualified conveyancing solicitor in consultation with Council, and binds the Developer and any successors in title to the Land (e.g. Deed to be novated). The terms of such Deed are to include a maintenance schedule and are to be reproduced in the By-laws and Management Statement for any associated Strata or Community Scheme, easement terms, positive covenants and restrictions on the use of land which are to be registered against the title to the Land in respect to the Public Plaza and Through Site Link and be to the satisfaction of Council, acting reasonably.
- 5.5 In addition to the Development Contributions to be delivered under this Agreement, the Developer acknowledges and agrees that it will provide all public domain works as set out in the SSDCP and condition 37 of the Development Consent, including but not limited to street paving/footpaths, street lighting, street furniture, public art, landscaping and stormwater drainage to the satisfaction of Council.
- 5.6 The Developer acknowledges and agrees that the delivery of all Public Works

Contributions includes all necessary works so that the Public Works Contributions are to be designed, completed and maintained, in accordance with the Deed and instruments referred to in clause 5.4(c), all relevant Council development controls and policies and to the satisfaction of Council, including but not limited to *Bondi Junction Complete Streets Project*, *Public Domain Technical Manual*, *Street Design Manual*, *Open Space & Recreation Strategy 2021-2031*, *Creative Lighting Strategy* and the *Water Management Technical Manual*.

- 5.7 Notwithstanding any other provision herein, the easements referred to in this clause shall be registered at the time of any subdivision of the Land or the Development Contribution Date, whichever occurs earliest.
- 5.8 Any and all entities which comprise the Developer at any time during the Development including assignees are jointly and severally liable for any and all obligations of Developer under this Agreement.

6 APPLICATION OF THE DEVELOPMENT CONTRIBUTIONS

- 6.1 The Council will apply the application of the Development Contributions towards the Public Purpose as soon as practicable, and to the extent possible, after they have been delivered by the Developer to the Council.

7 APPLICATION OF S7.11 AND S7.12 OF THE ACT TO THE DEVELOPMENT

- 7.1 This Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the Development.
- 7.2 The Development Contribution provided by the Developer will not be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.

8 REGISTRATION OF THIS AGREEMENT

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each

- person who has an estate or interest in the Land registered under that Act; or
- (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 As soon as possible and in any event, within 30 business days of entering into this Agreement, the Developer will at its cost arrange and lodge this Agreement for registration upon the title to the Land under s7.6 of the Act and will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
- (b) provide the Council with a cheque in favour of NSW Land Registry Services, NSW for the registration fees for registration of this Agreement, or deliver funds electronically as Council may direct;
- (c) subject to the Council providing to the Developer a tax invoice for its costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement, provide the Council with a cheque in favour of the Council for those costs, expenses and fees, and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement, or deliver funds electronically as Council may direct; and
- (d) take any other necessary action so as to ensure this Agreement can be lodged for registration on the title to the Land.
- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon delivery of the Development Contribution in full, the Developer may request in writing that Council apply for the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 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) Prior to the issue of any Construction Certificate for the Development, the

Developer must deliver to the Council a Bank Guarantee to secure the payment of the Monetary Contribution under this Agreement, 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 of \$6,300,000; and
 - (vi) on the terms otherwise satisfactory to the Council.
- (b) The Developer acknowledges that the Council enters into this Agreement in consideration, amongst other things, of the Developer providing the Bank Guarantee prior to the issue of any Construction Certificate for the Development as a security for the Monetary Contribution.

9.2 Calling on Bank Guarantee

Without limitation to the Council's rights under this Agreement and at law arising from a breach of this Agreement by the Developer:

- (a) Subject to clause 9.2(b), the Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Monetary Contribution in accordance with this Agreement by the Development Contribution Date; or
 - (ii) breaches any other term or condition of this Agreement relating to delivery of the Monetary Contribution,
- and fails to remedy the relevant failure or breach within 7 business days after the Council's notice.
- (b) The Council is not to call on the Bank Guarantee unless it has first given 20 business days' written notice to the Developer of its intention to do so and included written particulars of why it intends to call on the Bank Guarantee, and the Developer has failed to remedy the relevant failure or breach within that time.
- (c) The Council may call on the Bank Guarantee without notice to the Developer in the event that an Insolvency Event occurs in respect of the Developer, but only if the Monetary Contribution remains wholly or partly unpaid as at the date of the Insolvency Event.

- (d) If the Council calls on the Bank Guarantee pursuant to this clause, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the Monetary Contribution and any costs and expenses incurred by Council in rectifying any default by the Developer to pay the Monetary Contribution under this Agreement. In circumstances where Council calls upon the Bank Guarantee and the available amount is insufficient to satisfy the Council's claim, the Developer will be required to pay to the Council any outstanding balance.

9.4 Return of Bank Guarantee

Subject to clause 9.3, provided that the Developer has complied with its obligations under this Agreement to deliver the Monetary Contribution in accordance with this Agreement, the Council will return the Bank Guarantee to the Developer.

10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

11 DISPUTE RESOLUTION

11.1 Notice of dispute

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

11.2 Response to notice

Within ten (10) 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 (5) 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 (5) 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 (5) 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 or her function as mediator, he or she 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 or her knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five (5) business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (vii) In relation to costs and expenses
 - (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the

full cost of the mediation to be borne by that Party.

11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
 - (a) Agreed upon and appointed jointly by the Council and the Developer; or
 - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

11.7 Litigation

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

11.8 Continue to Perform Obligations

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

12 ENFORCEMENT

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contributions have been delivered in full and the Developer's obligations herein have been met, an Occupation Certificate must not be issued and the Developer must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for 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;
- (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 Contributions have been delivered and the Developers obligations herein have been met; and
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer acknowledges and agrees that:

- (a) The Land is charged with the delivery of the Development Contributions to Council until the Development Contributions are delivered in full to Council, or this Agreement is registered on the title to the Land;
- (b) Council has a caveatable interest in the Land until the Development Contributions and any other monies due to Council under this Agreement are delivered in full to Council, or the Planning Agreement is registered on the title to the Land;
- (c) Council may lodge and maintain a caveat against the title to the Land to notify of and protect its interests created by this Agreement (including the charge in (a), until this Agreement is registered on the title of the Land in accordance with clause 8 of this Agreement;
- (d) Upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and
- (e) Upon registration of this Agreement on the title of the Land, the Developer may request in writing that Council apply for the removal of the caveat from the title to the Land. The Council will not withhold its consent to such

removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.

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 Schedule 1; and
 - (b) emailed to that Party at its email address set out below in Item 8 of Schedule 1.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its postal and/or email address any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest postal and/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 email, 24 hours after the email was sent, if the sender does not receive a delivery failure message from the sender's Internet service provider within 24 hours of the email being sent.
- 13.4 If any notice, consent, information, application or request is delivered, or emailed 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

- 15.1 If the Developer proposes to enter into a Prescribed Transaction or attempts or

purports to do so, the Developer must seek the consent of Council which consent is not to be unreasonably withheld, and, if required, the Developer must:

- (a) at no cost to Council, procure the execution by the incoming party of an Agreement in favour of Council on the same terms as this Agreement as if the incoming party were a Party to this Agreement; and
- (b) not be in breach of its obligations under this Agreement.

15.2 For the purposes of sub-clause 15.1(b) the Developer is not in breach of its obligation under this Agreement in the event that:

- (a) the Developer provided at least fourteen days' notice in writing of a Prescribed Transaction to Council and either of the provisions of sub-clauses (i) or (ii) applies:
 - (i) the Developer confirms to the Council and the Council is satisfied that the Developer is not in breach of its obligations under this Agreement at the time of the proposed Prescribed Transaction;
 - or
 - (ii) in the event that the Council identifies that the Developer is in breach of its obligations under this Agreement the Council gives notice in writing of the breach to the Developer providing the Developer with a period of fourteen days to rectify the breach and the Developer rectifies the breach to satisfaction of the Council, acting reasonably, within the fourteen days period (or such further period agreed to between the Council and the Developer).

15.3 The provisions of clause 15.1 do not apply to, and the consent of Council is not required under this Agreement, in relation to the following:

- (a) a mortgage or charge against the Land in circumstances where the mortgagee or chargee is bound by this Agreement;
- (b) the Developer entering into a contract for an off-the-plan sale, however the Developer must obtain consent of Council to effect settlement of those sales;
- (c) dealings directly involving the consolidation of the lots comprising the Land;
- (d) any service easements, positive covenants and restrictions on the use of the Land required by utility service providers or New South Wales government agencies or authorities, in accordance with the Development Consent, provided that grant of such easements, covenants and restrictions will not impact, impede or prohibit in any way delivery of the Public Works Contribution under this Agreement.

15.4 For the purposes of sub-clause 15.3(b) the Developer is not required to obtain consent of Council provided that the following provisions are satisfied:

- (a) the Developer has complied with all provisions of sub-clause 5.4(c) of this

Agreement; and

- (b) the Monetary Contribution has been delivered to the Council on or before Monetary Contribution Development Contribution Date; and
- (c) the Public Works Contribution has been delivered to the Council in accordance with sub-clauses 5.4(a) and 5.4(b) on or before Public Works Contribution Development Contribution Date; and
- (d) Strata Plan by-laws registered on title of the Land (as subdivided) which satisfy the requirements of provisions of condition 92 of the Development Consent and sub-clause 5.4(c) of this Agreement at no cost to Council and to satisfaction of Council, including, but not limited to reproducing terms of a deed between the Developer and the Council relating to:
 - (i) on-going maintenance and servicing of the Through Site Link and the Public Plaza; and
 - (ii) operation times of the Through Site Link and the Public Plaza; and
 - (iii) funding for renewal of the Through Site Link and the Public Plaza every 20 years as a part of the Strata Plan's sinking fund and provision of annual financial reports of the fund to the Council; and
 - (iv) restrictions on use of land.

16 COSTS

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

17 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 NON-FETTER

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

22 REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

23 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

25 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

26 GOODS & SERVICES TAX

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the

purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

27 EXECUTION IN TRIPLICATE

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the Act. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE 1

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	Westgate BJ Pty Ltd (ACN 601 663 343) and Bell Vue Pty Ltd (ACN 655 143 641) and Bellosh Pty Ltd (ACN 655 103 683)
2	Land	194 – 214 Oxford Street and 2 Nelson Street, Bondi Junction (Lots 10, 11, 12 and 13 in DP 260116, Lot 1 in DP 79947, Lot 16 in DP 68010, Lot 1 in DP 708295 and Lot 1 in DP583228)
3	Development Application	DA-400/2021
4	Development (description)	Demolition of existing structures; construction of a shop top housing development, comprising ground floor retail, 10 floors of residential apartments across two buildings (known as Oxford Street tower and Nelson Street tower) and four levels of basement parking
5	Development Contributions	5A: A Monetary Contribution in the amount of \$6,300,000. 5B: A Public Works Contribution valued at \$1,150,000 (Estimated value for Agreement purposes) incorporating: (a) the Through Site Link; and (b) the Public Plaza.

6	Public Purpose	Waverley's Affordable Housing Program	\$3,462,500
		Public Plaza for public outdoor amenity and recreation (Estimated value for Agreement purposes)	\$1,150,000
		Clementson Park Upgrades	\$550,000
		St James Park Upgrades	\$350,000
		Waverley's Complete Streets Program including trees, upgrades to roads and upgrades to public spaces in the local area	\$787,500
		Bondi Junction Gateway Artwork Replacement	\$500,000
		Mill Hill Heritage Conservation Area Road and Footpath Upgrades	\$500,000
		Waverley Small Grants Program	\$150,000
		Total	\$7,450,000
7A	Monetary Contribution Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development or on the date of registration of a Strata Plan, whichever is earlier	
7B	Public Works Contribution Development Contribution Date (Delivery date for the Development Contribution)	Prior to the issue of an Occupation Certificate for the Development or on the date of registration of a Strata Plan, whichever is earlier	
8	Developer Address	Suite 1, Level 1, 109 Oxford Street, Bondi Junction NSW 2022	
	Developer Fax	N/A	
	Developer Email	info@stargateproperty.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	

SCHEDULE 2

PUBLIC PLAZA (S 88B) INSTRUMENT TERMS

Definitions

In this instrument, the following words have the following meanings:

Council means Waverley Council and its successors;

Development means the development the subject of the Development Consent;

Development Consent means the development consent granted to DA-400/2021, as modified from time to time;

Easement means this Easement;

Easement Site means the Easement shown in the Plan being a Public Plaza totaling approximately 311 sqm and limited in depth to the finished street level at No. 2 Nelson Street, Bondi Junction;

Lot Burdened means the lot or lots subject to the Easement;

Maintenance Schedule means the schedule for the on-going maintenance of the Easement Site including, but not limited to, all Council approved structures, landscaping and improvements as required by and to the satisfaction of Council.

Owner of the Lot Burdened means the registered proprietor of the Lot Burdened from time to time;

Plan means a plan to which this instrument relates.

Easement Terms

1. The Owner of the Lot Burdened grants to the Council and any members of the public full and free right to go, pass and repass over and across the Lot Burdened within the Easement Site, or any part thereof, for all purposes, between at least the hours of 7 AM to 7 PM seven (7) days and at all times any adjoining retail premises are permitted to operate:
 - (a) with or without companion animals (as defined in the *Companion Animals Act 1998*) or other small pet animals; and
 - (b) on foot (without vehicles, other than prams, strollers, wheelchairs or other disabled access aids and not using rollerblades, skateboards, scooters, bicycles, shopping trolleys or similar items of equipment).
2. The Owner of the Lot Burdened must, to the satisfaction of Council, acting reasonably:
 - (a) keep the Easement Site (including any services in, on or under the Lot Burdened and any structures and landscaping) in good repair and condition;
 - (b) maintain and repair the Easement Site and all improvements on it in accordance with the Maintenance Schedule;
 - (c) keep the Easement Site clean and free from rubbish; and

- (d) maintain sufficient public liability insurance, in amount of at least \$20 million and as required by Council from time to time, acting reasonably, covering the use of the Easement Site in accordance with the terms of this Easement. The Owner of the Lot Burdened must with a certificate of currency of such insurance annually at the time of annual renewal;
 - (e) install and maintain adequate signage identifying the purpose of the Easement Site, its trafficable hours to the public and safety requirements;
 - (f) install and maintain adequate lighting and pay for the electricity supply associated with such lighting for the whole of the Easement Site; and
 - (g) install and maintain Closed Circuit Television (CCTV) monitoring the whole of the public area within the Easement Site;
 - (h) keep the Easement Site as an open-air plaza without any building or structures over the Easement Site as shown in the Plan;
 - (i) include in the sinking fund a plan for funding renovations of the Easement Site every 20 years from the date of registration of strata plan on the Lot Burdened pursuant to condition 92 of the Development Consent and every 20 years thereafter to satisfaction of Council acting reasonably and provide updates on the financial performance of the fund to Council on the anniversary of the registration of the strata plan.
3. The Owner of the Lot Burdened must ensure that any rules made by an Owners Corporation, including by-laws and management statements relating to the Easement Site have been approved by the Council and are consistent with the terms of the Easement and the Development Consent.
4. If any member or members of the public loiter or congregate, for any purpose which the Owner of the Lot Burdened, acting reasonably, considers to be a nuisance or a safety risk, the Owner of the Lot Burdened may either remove those members of the public, or arrange for their removal by an appropriate authority.
5. The Owner of the Lot Burdened may, but is not obliged to, engage security personnel to monitor and control the behaviour of the public including but not limited to prohibiting smoking, consumption of alcohol (except within licensed areas), passage of animals apart from those referred to in 1(a), riding bicycles, scooters and skateboards and the like in accordance with any rules made by an Owners Corporation relating to the Lot Burdened.
6. The Owner of the Lot Burdened may, with the written approval of Council acting reasonably (except in the case of an emergency, in which case the Council's prior written approval is not required), temporarily close or temporarily restrict access through all or part of the Lot Burdened including the Easement Site for the time and to the extent necessary but only on reasonable grounds for the purposes of:
- (a) maintenance and/or repairs; the installation and maintenance of services, or the

- installation of furniture or other public domain improvements; or
 - (b) public safety or evacuation of the Lot Burdened and adjoining buildings.
7. The Owner of the Lot Burdened must not erect any building or structure or place any item within the Easement Site, unless approved by Council.
8. The Owner of the Lot Burdened agrees that it indemnifies and will keep indemnified the Council from and against any loss suffered or incurred by the Council arising from or as a consequence of the exercise of rights in this instrument by the Council or members of the public, unless the loss is caused by the negligence of the Council, its employees, contractors, subcontractors or agents, including but not limited to:
- a. damage to any property of the Council or member of the public located on the Easement Site or the Lot Burdened; and
 - b. injury to any person on the Easement Site or the Lot Burdened;
- and will enter into any deed of indemnity as may be required by Council to reflect the provisions of this clause.

Release and Variation of Easement

9. The terms of this Easement can only be released, varied or modified with the written consent of the Council.

SCHEDULE 3

THROUGH SITE LINK (S 88B) INSTRUMENT TERMS

Definitions

In this instrument, the following words have the following meanings:

Council means Waverley Council and its successors;

Development means the development the subject of the Development Consent;

Development Consent means the development consent granted to DA-400/2021, as modified from time to time;

Easement means this Easement;

Easement Site means the Easement shown in the Plan being a Through Site Link from Oxford Street to Osmund Lane totaling approximately 136 sqm, limited in depth to finished ground level;

Lot Burdened means the lot or lots subject to the Easement;

Maintenance Schedule means the schedule for the on-going maintenance of the Easement Site including, but not limited to, all Council approved structures, landscaping and improvements as required by and to the satisfaction of Council;

Owner of the Lot Burdened means the registered proprietor of the Lot Burdened from time to time;

Plan means a plan to which this instrument relates.

Easement Terms

1. The Owner of the Lot Burdened grants to the Council and any members of the public full and free right to go, pass and repass over and across the Lot Burdened within the Easement Site or any part thereof, for all purposes, between at least the hours of 7am to 7pm, seven (7) days and at all times any adjoining retail premises are permitted to operate:
 - (a) with or without companion animals (as defined in the *Companion Animals Act 1998*) or other small pet animals; and
 - (b) on foot (without vehicles, other than non-motorised bicycles, non-motorised scooters, prams, strollers, wheelchairs or other disabled access aids and not using rollerblades, skateboards, scooters, shopping trolleys or similar items of equipment).
2. The Owner of the Lot Burdened must, to the satisfaction of Council, acting reasonably:
 - (a) keep the Easement Site (including any services in, on or under the Lot Burdened and any structures and landscaping) in good repair and condition;
 - (b) maintain and repair the Easement Site and all improvements on it in accordance with the Maintenance Schedule;
 - (c) keep the Easement Site clean and free from rubbish;
 - (d) maintain sufficient public liability insurance, in an amount of at least \$20 million

- and as required by Council from time to time, acting reasonably, covering the use of the Easement Site in accordance with the terms of this Easement. The Owner of the Lot Burdened must provide Council with a certificate of currency of such insurance annually at the time of annual renewal;
- (e) install and maintain adequate signage identifying the purpose of the Easement Site, its trafficable hours to the public and safety requirements, at each entry to the Easement Site;
 - (f) install and maintain adequate lighting and pay for the electricity supply associated with such lighting for the whole of the Easement Site and each entry and exit; and
 - (g) install and maintain Closed Circuit Television (CCTV) monitoring the whole of the public area within the Easement Site;
 - (h) include in the sinking fund a plan for funding renovations of the Easement Site every 20 years from the date of registration of strata plan on the Lot Burdened pursuant to condition 92 of the Development Consent and every 20 years thereafter to satisfaction of Council acting reasonably and provide updates on the financial performance of the fund to Council on the anniversary of the registration of the strata plan.
- 3. The Owner of the Lot Burdened must ensure that any rules made by an Owners Corporation, including by-laws and management statements, relating to the Easement Site are consistent with the terms of the Easement and Development Consent.
 - 4. If any member or members of the public loiter or congregate, for any purpose which the Owner of the Lot Burdened, acting reasonably, considers to be a nuisance or a safety risk, the Owner of the Lot Burdened may either remove those members of the public, or arrange for their removal by an appropriate authority.
 - 5. The Owner of the Lot Burdened may, but is not obliged to, engage security personnel to monitor and control the behaviour of the public including but not limited to prohibiting smoking, consumption of alcohol (except within licensed areas), passage of animals apart from those referred to in 1(a), riding bicycles, scooters and skateboards and the like in accordance with any rules made by an Owners Corporation relating to the Lot Burdened.
 - 6. The Owner of the Lot Burdened may, with the written approval of Council acting reasonably (except in the case of an emergency, in which case the Council's prior written approval is not required), temporarily close or temporarily restrict access through all or part of the Lot Burdened including the Easement Site for the time and to the extent necessary but only on reasonable grounds for the purposes of:
 - (a) maintenance and/or repairs; the installation and maintenance of services, or the installation of furniture or other public domain improvements; or
 - (b) public safety or evacuation of the Lot Burdened and adjoining buildings.

7. The Owner of the Lot Burdened must not erect any building or structure within the Easement Site, unless approved by Council.
8. The Owner of the Lot Burdened agrees that it indemnifies and will keep indemnified the Council from and against any loss suffered or incurred by the Council arising from or as a consequence of the exercise of rights in this instrument by the Council or members of the public, unless the loss is caused by the negligence of the Council, its employees, contractors, subcontractors or agents, including but not limited to:
 - a. damage to any property of the Council or member of the public located on the Easement Site or the Lot Burdened; and
 - b. injury to any person on the Easement Site or the Lot Burdened;

Release and Variation of Easement

9. The terms of this Easement can only be released, varied or modified with the written consent of the Council

**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 WESTGATE BJ PTY LTD
(ACN 601 663 343)**

In accordance with section 127 of the
Corporations Act 2001

ELIA LEIS

Director/Secretary

IGAL LEIS

Director

**EXECUTED by BELL VUE PTY LTD
(ACN 655 143 641)**

In accordance with section 127 of the
Corporations Act 2001

ELIA LEIS

Sole Director/Secretary

**EXECUTED by BELLOSH PTY LTD
(ACN 655 103 683)**

In accordance with section 127 of the
Corporations Act 2001

IGAL LEIS

Sole Director/Secretary

Definitions

Council means the Waverley Council and its successor;

“Land” means 194 – 214 Oxford Street and 2 Nelson Street, Bondi Junction being the whole or a part of Lots 10, 11, 12 and 13 in DP 260116, Lot 1 in DP 79947, Lot 16 in DP 68010, Lot 1 in DP 708295 and Lot 1 in DP583228;

Lot Burdened means the lot or lots subject to the Through Site Link as shown in the Plan of Easement;

Maintenance Schedule means the schedule approved by Council for the on-going maintenance of the Through Site Link including, but not limited to, all structures, Closed Circuit Television security system, landscaping and improvements as required and approved by and to the satisfaction of Council;

Plan of Easement means a plan of easement of the Through Site Link registered with this instrument;

Registered Proprietor means the registered proprietor of the Lot Burdened from time to time and all their executors, assigns, transferees and successors in title to the Lot Burdened, including for avoidance of doubt any Owners Corporation in the meaning of Strata Schemes Development Act 2015 (NSW).

“Strata Plan” means a plan of subdivision including either one or more strata scheme(s) or community scheme(s) registered on the title of the Land.

Through Site Link means the site shown in the Plan of Easement with an area totaling approximately 136 sqm being a Through Site Link from Oxford Street to Osmund Lane limited in depth to finished ground level;

Terms of Positive Covenant

1. The Registered Proprietor of the Lot Burdened will in respect of the Through Site Link:
 - (a) regularly keep the Through Site Link clean and free from rubbish, weeds, food debris and spillages, unwanted and abandoned items, unauthorised posters and advertising, and the like to allow unobstructed and safe passage of members of public through the Lot Burdened in accordance with the Maintenance Schedule;
 - (b) maintain, replace and repair at the sole expense of the Registered Proprietor in accordance with the Maintenance Schedule the Through Site Link to prevent deterioration or damage without delay so that the Through Site Link maintains and demonstrates presentable and safe character to the public to promote its enjoyment and use;
 - (c) must provide to the satisfaction of Council upon request a Maintenance Schedule and on

an ongoing basis keep records of maintenance and repairs undertaken by a suitably qualified professional as per the Maintenance Schedule and must make these records available to Council upon request;

- (d) must provide a sinking fund that includes a plan for funding renovations to the Through Site Link on expiry of 20 years from the date of registration of the Strata Plan and every 20 years thereafter to satisfaction of Council and provide annual updates on financial performance of the fund to Council on the anniversary of the date registration of the Strata Plan.
 - (e) permit the Council or its authorised agents from time to time to enter and inspect the Through Site Link to determine its state of maintenance or repair for the compliance with the requirements of this covenant; and
 - (f) must do all things reasonably necessary to ensure no modifications to Through Site Link are made without the prior consent in writing of the Council;
 - (g) must do all things reasonably necessary to ensure the Through Site Link is operating in an efficient manner;
 - (h) comply with the terms of any written notice by the Council in respect to the requirements of this Covenant within the time stated in the notice.
2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 (the Act) the Council shall have the following additional powers:-
- (a) in the event that the Registered Proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the Through Site Link with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in Part 1 (e) above.
 - (b) the Council may recover from the Registered Proprietor in a Court of competent jurisdiction:
 - (i) any expenses reasonably incurred by it in exercising its powers under sub paragraph 2(a) hereof. Such expenses shall include reasonable wages for the Councils employees engaged in effecting the said work, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.
 - (ii) legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to

Section 88H of the Act.

3. Where there are two or more Registered Proprietors of the Lot Burdened the terms of this Covenant will bind them jointly and severally.

**Name of Authority empowered to release, vary or modify this Positive Covenant is
Waverley Council.**

EXECUTION BY

**EXECUTED by WESTGATE BJ PTY LTD
(ACN 601 663 343)**

In accordance with section 127 of the
Corporations Act 2001

ELIA LEIS

Director/Secretary

IGAL LEIS

Director

**EXECUTED by BELL VUE PTY LTD
(ACN 655 143 641)**

In accordance with section 127 of the
Corporations Act 2001

ELIA LEIS

Sole Director/Secretary

**EXECUTED by BELLOSH PTY LTD
(ACN 655 103 683)**

In accordance with section 127 of the
Corporations Act 2001

IGAL LEIS

Sole Director/Secretary

EXECUTION BY

WAVERLEY COUNCIL by its authorised delegate pursuant to Section 378 Local Government Act 1993.

Authorised Delegate (signature)

Authorised Delegate (print full name)

I certify that I am eligible witness and that the delegate signed in my presence

Signature of Witness

Name of Witness

Address of Witness:

Definitions

Council means the Waverley Council and its successor;

“Land” means 194 – 214 Oxford Street and 2 Nelson Street, Bondi Junction being the whole or a part of Lots 10, 11, 12 and 13 in DP 260116, Lot 1 in DP 79947, Lot 16 in DP 68010, Lot 1 in DP 708295 and Lot 1 in DP583228.

Lot Burdened means the lot or lots subject to the Public Plaza as shown in the Plan of Easement;

Maintenance Schedule means the schedule approved by Council for the on-going maintenance of the Public Plaza including, but not limited to, all structures, Closed Circuit Television security system, landscaping and improvements as required and approved by and to the satisfaction of Council;

Plan of Easement means a plan of easement of the Public Plaza registered with this instrument;

Public Plaza means the site shown in the Plan of Easement with an area totaling approximately 311 sqm and limited in depth to the finished street level at No. 2 Nelson Street, Bondi Junction;

Registered Proprietor means the registered proprietor of the Lot Burdened from time to time and all their executors, assigns, transferees and successors in title to the Lot Burdened, including for avoidance of doubt any Owners Corporation in the meaning of Strata Schemes Development Act 2015 (NSW).

“Strata Plan” means a plan of subdivision including either one or more strata scheme(s) or community scheme(s) registered on title of the Land.

Terms of Positive Covenant

1. The Registered Proprietor of the Lot Burdened will in respect of the Public Plaza:

- (a) regularly keep the Public Plaza clean and free from rubbish, weeds, food debris and spillages, unwanted and abandoned items, unauthorised posters and advertising, and the like to allow unobstructed and safe passage of members of public through the Lot Burdened in accordance with the Maintenance Schedule;
- (b) maintain, replace and repair at the sole expense of the Registered Proprietor in accordance with the Maintenance Schedule the Public Plaza to prevent deterioration or damage without delay so that the Public Plaza maintains and demonstrates presentable and safe character to the public to promote its enjoyment and use;
- (c) must provide to the satisfaction of Council upon request a Maintenance Schedule and on an ongoing basis keep records of maintenance and repairs undertaken by a suitably qualified professional, as per the Maintenance Schedule and must make these records available to Council upon request;

- (d) must provide a sinking fund that includes a plan for funding renovations to the Public Plaza on expiry of 20 years from the date of registration of the Strata Plan and every 20 years thereafter to satisfaction of Council and provide annual updates on financial performance of the fund to Council on the anniversary of the date registration of the Strata Plan.
 - (e) permit the Council or its authorised agents from time to time to enter and inspect the Public Plaza to determine its state of maintenance or repair for the compliance with the requirements of this covenant;
 - (f) must do all things reasonably necessary to ensure no modifications to the Public Plaza are made without the prior consent in writing of the Council;
 - (g) must do all things reasonably necessary to ensure the Public Plaza is operating in an efficient manner;
 - (h) comply with the terms of any written notice by the Council in respect to the requirements of this Covenant within the time stated in the notice.
2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 (the Act) the Council shall have the following additional powers:-
- (a) In the event that the Registered Proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the Public Plaza with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in Part 1 (e) above.
 - (b) the Council may recover from the Registered Proprietor in a Court of competent jurisdiction:
 - (i) any expenses reasonably incurred by it in exercising its powers under sub paragraph 2(a) hereof. Such expenses shall include reasonable wages for the Councils employees engaged in effecting the said work, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.
 - (ii) legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act.
3. Where there are two or more Registered Proprietors of the Lot Burdened the terms of this Covenant will bind them jointly and severally.

**Name of Authority empowered to release, vary or modify this Positive Covenant is
Waverley Council.**

EXECUTION BY

**EXECUTED by WESTGATE BJ PTY LTD
(ACN 601 663 343)**

In accordance with section 127 of the
Corporations Act 2001

_____	_____
ELIA LEIS	IGAL LEIS
Director/Secretary	Director

**EXECUTED by BELL VUE PTY LTD
(ACN 655 143 641)**

In accordance with section 127 of the
Corporations Act 2001

_____	_____
ELIA LEIS	
Sole Director/Secretary	

**EXECUTED by BELLOSH PTY LTD
(ACN 655 103 683)**

In accordance with section 127 of the
Corporations Act 2001

_____	_____
IGAL LEIS	
Sole Director/Secretary	

EXECUTION BY

WAVERLEY COUNCIL by its authorised delegate pursuant to Section 378 Local Government Act 1993.

Authorised Delegate (signature)

Authorised Delegate (print full name)

I certify that I am eligible witness and that the delegate signed in my presence

Signature of Witness

Name of Witness

Address of Witness:

REPORT

CM/7.10/23.10



Subject: Petition - Resident Parking Scheme - Jackaman Street, Bondi

TRIM No: A16/0643

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council considers the petition requesting a resident parking scheme in Jackaman Street, Bondi, and surrounding streets as part of the wider resident parking scheme review.

1. Executive Summary

Council has received a petition containing 58 signatures requesting a resident parking scheme in Jackaman Street, Bondi, and surrounding streets.

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.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 18 October 2022	CM/7.5/22.10	That Council: <ol style="list-style-type: none"> Considers the petition requesting a resident parking scheme in Avoca Street, Bondi, as part of the wider resident parking scheme survey scheduled for February 2023. Officers consider bringing forward the survey timing to the earliest feasible date.
Council 23 September 2021	CM/8.1/21.09	That Council: <ol style="list-style-type: none"> Officers investigate areas/streets with unrestricted parking within the Waverley Ward of the Waverley local government area to determine whether they are suitable for a Resident Parking Scheme (RPS), commencing with, but not limited to, the following streets:

		<ul style="list-style-type: none"> (a) The western part of Area 11, including Silva Street, Carlisle Street and Fletcher Street. (b) The eastern part of Area 22, including Paul Street (south of Bondi Road), Dalley Street and Council Street (between Bondi Road and Birrell Street). (c) The north-eastern part of Area 25, including Henrietta Street (north of Victoria Street), Langlee Avenue and Seaview Street. <p>2. Officers survey the areas/streets in Waverley Ward that are deemed suitable for a new or extended RPS and report to the Waverley Traffic Committee on the survey results, with a recommendation to Council.</p> <p>3. Officers expedite the RPS surveys and any approved RPS installations by bringing forward the timetable identified in the General Manager's comments, where possible and subject to resourcing, and maintain the latest schedule on the RPS section of Council's website.</p> <p>4. Notes that the General Manager's comments state that the planned sequence and schedule for RPS surveys by Area is currently as follows:</p> <ul style="list-style-type: none"> (a) The western part of Area 11 (including Silva, Carlisle, Fletcher, Denham, Illawong, Carlisle, Gaerloch, Alexander) – November 2021. (b) The eastern part of Area 22 (Paul, Dalley, Council), noting that Transport for NSW is the determining authority for parking on Council Street, as it is a State Road – April 2022. (c) The north-eastern part of Area 25 (Henrietta, Langlee, Seaview) – August 2022. (d) The eastern part of Area 15 (Jackaman, Avoca, Tasman, Philip, Imperial, Tamarama, Boonara, Farrellys) – February 2023. (e) Streets within Areas 26 and 12 that do not already have resident parking – June 2023. <p>5. Notes that representations have been received from residents in the RPS areas mentioned above, with residents reporting that parking occupancy rates have increased to undue proportions over the last few years, especially during COVID-19 restrictions and the daylight-saving period.</p> <p>6. Notes that in October 2013, Council unanimously resolved that Council officers have discretion to</p>
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		conduct RPS resident surveys where an on-street parking problem is identified.
Council 19 February 2019	CM/5.4/19.02	<p>That:</p> <ol style="list-style-type: none"> 1. Council undertakes a review of the policy, process and procedures for the creation of resident parking schemes to ensure that the concerns of residents are better balanced with the need to apply a strategic approach to parking scheme management. 2. The two deferred resident parking schemes be used as test models with the new approach established by Council. 3. A future workshop be held to consider options.

4. Discussion

The petition states:

I am writing in relation to the recent implementation (without prior consultation) of a 2 hour restriction on parking in Jackaman Street and surrounding streets.

I am the owner and operator of London Carriage Nursery and Preschool - a long day care centre that has been servicing the families of Bondi, Tamarama and Bronte since 1994 - a total of almost 30 years. Our service provides care for local families for children aged two to five years old. The vast majority of our families are ratepaying members of the Waverley Council Precinct.

As you are aware, parking has now been restricted in the area surrounding our centre to a limit of two hours. As a local service provider, we have relied for many years on the dedication of our highly trained staff, some of whom travel to us from other areas of Sydney to work in our centre and provide our local families with a quality service. We are very lucky to have been able to retain our staff members for many years, providing our families and the children in our care with continuity of care and a nurturing environment. These staff members have mostly relied on private transport to be able to get to and from their workplace on time during operating hours from their various home locations. Unfortunately, the recent change in parking availability has severely restricted our staff members' ability to find adequate parking near our centre and efficiently travel to and from work. This is having a negative impact on our service. Having the means to travel to and from work and find parking not only impacts the staff members but the capacity of our centre to retain and attract quality staff, and to provide our local community with the service they have come to rely on.

It is apparent on the council website that several types of permits are available to accommodate residents who require the assistance of carers, tradespeople, or for teachers for example. However, it is not clear that our staff would fall into any such categories for the purpose of applying for a permit. This is despite the local community relying on our service to provide care for their families up until they reach school age. I note that council strives to provide some level of early education facilities - but that many families still rely on the availability of private day care and preschool facilities to meet the large demand for such services in our area. I note also that your own website states "Waverley Council values and support families".

Attached is a petition from the parents of the children who attend our centre and who rely on a daily basis on the care we are able to provide their children. We, and the families who rely on our service

write to request that Waverley Council may consider a range of solutions which could assist the staff of our centre in finding adequate parking given the recent change implemented. These could include:

- *Making an allowable area near or in the street non-restricted parking.*
- *Providing a certain class of permit for centre staff in recognition that residents require the service we provide as an essential part of our local community.*
- *Providing staff with the status of an authorised vehicle for parking in a particular part of the street or surrounding area during business hours only.*

We thank you for your time in considering our submission and look forward to hearing from you as soon as possible in relation to this issue.

The petition complies with Council's Petitions Policy.

5. Financial impact statement/Time frame/Consultation

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

6. Conclusion

It is recommended that the petition be considered as part of the wider resident parking scheme review.

7. Attachments

Nil.

REPORT CM/7.11/23.10



Subject: Tender Evaluation - Bondi Beach Mobile Vendor Licences - Refreshments and/or Beach-Related Services

TRIM No.: A23/0230

Manager: Andrew Best, Executive Manager, Property and Facilities

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Treats the tender evaluations attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The evaluations contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2021*:
 - (a) Accepts the preferred tenderer [NAME TO BE INSERTED BY COUNCIL AT THE MEETING] for the supply of beach refreshment services at Ramp 2, Bondi Beach, for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] over the initial three-year term of the licence.
 - (b) Accepts the preferred tenderer [NAME TO BE INSERTED BY COUNCIL AT THE MEETING] for the supply of beach refreshment services at Ramp 6, Bondi Beach, for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] over the initial three-year term of the licence.
 - (c) Accepts the preferred tenderer [NAME TO BE INSERTED BY COUNCIL AT THE MEETING] for the supply of beach refreshment services at Ramp 7, Bondi Beach, for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] over the initial three-year term of the licence.
3. Authorises the General Manager or delegate to enter into contract on behalf of Council with the preferred tenderers above for three years with two one-year options.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

1. Executive Summary

Bondi Beach is one of Sydney's major tourist destinations for both local, interstate, and international visitors.

Council has provided beach-related services through the award of mobile vending licences for many years, including three licences for the provision of beach-related refreshments or associated services.

At the Finance, Operations and Community Services Committee meeting on 2 May 2023, Council approved undertaking a tender to award three licences for beach refreshments and one for the beach equipment hire service.

The term of the licences is to be three years with two further one-year option periods.

This report summarises the tender evaluation process and seeks Council's approval to award the mobile vending licences to the top-ranked tenderer for Ramp 2 as set out in Attachment 2, Ramp 6 as set out in Attachment 3 and Ramp 7 as set out in Attachment 4 to this report.

2. Introduction/Background

Council has provided beach-related services through the award of mobile vending licences for many years, including three licences for the provision of refreshments or beach-related services. The licensees are approved to operate from predetermined locations being Ramp 2, 6 and 7, as shown in Attachment 1 of the report.

The services provided by mobile vendors supplement existing offerings and enhance the experience visitors to the beach.

At the Finance, Operations and Community Services Committee meeting on 2 May 2023, Council approved undertaking a tender process to award a mobile vending licence for the beach-related services for a period up to a maximum of five years. The term of the licences will be three years with two further one-year options.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 2 May 2023	FC/5.4/23.05	That Council: <ol style="list-style-type: none"> In accordance with section 47A of the <i>Local Government Act 1993</i>, publicly notifies and exhibits for 28 days the proposal to grant four licences of up to five years to mobile vendors at Bondi Beach for the provision of beach-related services. Officers prepare a report to Council following the exhibition period should any submissions be received. Subject to no submissions being received, approves in principle the granting of the licences. Notes that a tender process will be undertaken to seek licensees, with a report to be prepared to Council to grant the licences to the preferred tenderers.
Council 8 August 2017	CM/7.6/17.08	That Council: <ol style="list-style-type: none"> Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 10A(2)(c) of the <i>Local Government Act 1993</i>. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

		<ol style="list-style-type: none"> 2. Enters into mobile vendor licences with the following individuals and/or companies in accordance with the terms and conditions detailed in this report and their tender proposals: <ol style="list-style-type: none"> (a) Messina Events Pty Ltd. (b) David Pearson (trading as Tropical Sno). (c) Polar Cones Pty Ltd. 3. Authorises the Mayor and the General Manager to execute all necessary documents to complete the matter. 4. In accordance with clause 179 of the <i>Local Government (General) Regulation 2005</i>, notifies unsuccessful tenderers of the decision.
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4. Discussion

Tenders were called and evaluated in accordance with Council's Purchasing Policy Procedures and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

Tenders were called on 25 July 2023, with advertisements placed in the local government tenders section of the *Sydney Morning Herald* and the *Wentworth Courier* and the Tenderlink website. Tenders closed on 18 August 2023.

Three licences were available in total, each with a specific site location, being Ramps 2, 6 and 7 as indicated on the site plan provided as Attachment 1.

Applicants were asked to provide their first and second preference site locations in their submissions, and an evaluation was undertaken for each location.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of:

- Andrew Best – Executive Manager, Property and Facilities.
- John Andrews – Property Manager.
- Corey O'Malley – Events Coordinator.

Evaluation criteria

The tender evaluation criteria were developed and approved by the panel prior to the tender being issued. The evaluation criteria were:

- Demonstrated experience, skills and capability to deliver the offering/service.
- Product offering and service (proposed use).
- Business plan and financial viability.
- Environmental sustainability.
- Price – Rental offer.

Tenderers received

There were 37 downloads of the tender documents. Tenders were received from the following nine entities:

- Alchemy Saunas.
- All Suburbs Weddings and Hire Cars Pty Ltd.
- Amos Labi Pty Ltd.
- Gift Trading Pty Ltd.
- Messina Events Pty Ltd.
- Mr David S Pearson (trading as Tropical Sno).
- RFP Master Pty Ltd as Trustee for RFP Master Trust (trading as Oakberry Acai).
- Special Events and Venue Catering Pty Ltd (trading as Dairy King).
- Suelta Saunas Pty Ltd.

Conforming tenders

All nine were assessed as meeting the compliance criteria and therefore suitable to be assessed.

Tender evaluation

The tenders were assessed and scored against the advertised evaluation criteria listed in the tender documents and weightings agreed to by the panel. The outcome of the evaluation scoring for each of the site locations are attached. The tender evaluation for Ramp 2 is provided at Attachment 2, Ramp 6 at Attachment 3 and Ramp 7 at Attachment 4.

Ramp 2

The top-ranked tenderer as identified in the tender evaluation (Attachment 2) has operated under licence at Bondi Beach for many years and was therefore able to demonstrate experience and suitability of the offering. The operator has knowledge of the specific requirements of operating at the beach in relation to access issues and seasonality of trading in a beach location.

Ramp 6

The top-ranked tenderer for Ramp 6 as identified in the tender evaluation (Attachment 3) has also been trading at Bondi Beach for many years. The applicant was one of only two tenderers who submitted for the Ramp 6 location due to smaller footprint and the lack of power to the site. The simple offering and small scale of the operation make it suitable for this location.

Ramp 7

The top-ranked tenderer for Ramp 7 as identified in the tender evaluation (Attachment 4) scored well in relation to the technical evaluation criteria as they demonstrated relevant experience and a suitable offering for the beach locale. Their rental offering was significantly higher than that of the other tenderers which ensured they were the highest ranked applicant despite other tenderers scoring higher in some of the technical criteria.

Due to the high rent offer made by the top-ranked tenderer, the panel discussed the future viability of maintaining such a high rental through the seasonal conditions associated with operating on the beach front. It was considered prudent to conduct a credit check through Equifax Corporate Scorecard, which was arranged via Council's Procurement team.

The report received was based on two years of financial accounts, being 2020-21 and 2021-22, with the 2022-23 accounts not fully completed as at the date of the enquiry. Equifax Corporate Scorecard advised that these accounts were sufficient to conduct a financial and performance assessment.

While the review had identified strengths and weaknesses, the financial assessment indicated that the entity has a sound financial capacity to undertake the contract in question. Based on this pass score, it is considered that there is no reason to not accept the possible risk that maybe associated with a rental of this level. The licensee will not be permitted to sub-licence, franchise or on-sell the opportunity. The licence provides the licensee provide security equivalent to three months' rental, which offers Council a degree of protection.

Following the completion of the process, the panel agreed to award the licence for Ramp 7 to the top-ranked tenderer.

5. Financial impact statement/Timeframe/Consultation

Following Council approval, tenderers will be advised of the outcome of the process.

Officers will then execute licence documentation with the successful tenderers. Two of the successful applicants currently operate under licence at Bondi Beach, so will be able to continue trading without interruption.

The current operator of the Ramp 7 licence is operating on monthly holdover and will be given notice following Council's approval of the award of new licences. It is anticipated that the new operator has the capacity to commence trading soon after the licence agreement has been executed.

There are no rent-free periods or incentives, so rental will be received monthly in advance as from the licence commencement date.

6. Conclusion

The Tender Evaluation Panel recommends that Council grants a licence to the top-ranked tenderers for Ramps 2, 6 and 7 Bondi Beach as identified in attachments to this report.

The successful tenderers will deliver beach refreshment services at Bondi Beach for a term of three years with two one-year options.

7. Attachments:

1. Mobile vending locations map [📄](#)
2. Tender evaluation - Ramp 2 (confidential)
3. Tender evaluation - Ramp 6 (confidential)
4. Tender evaluation - Ramp 7 (confidential)



REPORT CM/7.12/23.10



Subject: Tender Evaluation - Bondi Beach Mobile Vendor Licence - Beach Equipment Hire

TRIM No.: A23/0229

Manager: Andrew Best, Executive Manager, Property and Facilities

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Treats the tender evaluation attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2021*, accepts the preferred tenderer [NAME TO BE INSERTED BY COUNCIL AT THE MEETING] for the supply of beach equipment hire services at Bondi Beach for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] over the initial three-year term of the licence.
3. Authorises the General Manager or delegate to enter into contract on behalf of Council with the preferred tenderer for three years with two one-year options.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

1. Executive Summary

Bondi Beach is one of Sydney's major tourist destinations for both local, interstate, and international visitors.

Council has provided beach-related services through the award of mobile vending licences for many years, including a licence to provide the hire of beach equipment. The service includes the hire of umbrellas, beach chairs, security lockers etc. The services provided through the mobile vending licences enhance the experience of visitors to the beach.

At the Finance, Operations and Community Services Committee meeting on 2 May 2023, Council approved a tender process to award a mobile vending licence for the beach equipment hire service.

This report summarises the tender evaluation process and recommends that Council award a licence to the top-ranked tenderer as identified in the tender evaluation attached to this report (Attachment 2).

2. Introduction/Background

Council has provided beach-related services through the award of mobile vending licences for many years, including a licence to provide beach equipment hire service. The beach equipment hire licence is approved to operate from predetermined locations as indicated in Attachment 1 of the report. The service has operated from these two locations successfully for the duration of the previous licence.

The aim of the equipment hire service is to provide locals and visitors a hire service that enhances the enjoyment of beach related activities and promotes sun safety.

At the Finance, Operations and Community Services Committee on 2 May 2023, Council approved undertaking a tender process to award a mobile vending licence for the beach equipment hire service. The term of the licence is three years with two further one-year options.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 2 May 2023	FC/5.4/23.05	<p>That Council:</p> <ol style="list-style-type: none"> 1. In accordance with section 47A of the <i>Local Government Act 1993</i>, publicly notifies and exhibits for 28 days the proposal to grant four licences of up to five years to mobile vendors at Bondi Beach for the provision of beach-related services. 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 licences. 4. Notes that a tender process will be undertaken to seek licensees, with a report to be prepared to Council to grant the licences to the preferred tenderers.
Operations and Community Services Committee 7 November 2017	OC/5.6/17.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats the Tender Evaluation Matrix attached to this report as confidential under section 10A(2) of the <i>Local Government Act 1993</i> as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. 2. Enters into a contract under clause 178 of the <i>Local Government (General) Regulation 2005</i> with Dorajar Pty Ltd for the Bondi Beach Mobile Beach Equipment Hire Services for the sum of \$160,000 plus GST on the terms and conditions contained in this report. 3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the <i>Local Government (General) Regulation 2005</i>.

Council 17 November 2009	0911.16.2	<p>That:</p> <ol style="list-style-type: none"> 1. The report be treated as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2) of the <i>Local Government Act 1993</i>. 2. Authority be granted for the General Manager in conjunction with the Mayor to enter into agreements on behalf of Council with four businesses to provide Mobile Refreshment and/or Beach Related Services, namely Serious Sausage, David Pearson Snow Cones, Polar Cones T/A Dairy King and Peter Taylor T/A Dorajar Pty Ltd. 3. The unsuccessful applicants be notified of the result.
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4. Discussion

Tenders were called and evaluated in accordance with Council's Purchasing Policy Procedures. Compliance with provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2021* were also strictly adhered to.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of:

- Andrew Best – Executive Manager, Property and Facilities.
- John Andrews – Property Manager.
- Corey O'Malley – Events Coordinator.

Evaluation criteria

The tender evaluation criteria were developed and approved by the panel prior to the tender being issued. The evaluation criteria were:

- Demonstrated experience, skills and capability to deliver the offering /services.
- Product offering and service (proposed use).
- Business plan and financial viability.
- Environmental sustainability and meets community needs.
- Rental offer.

Tenders were called on 25 July 2023, with advertisements in the local government tenders section of the *Sydney Morning Herald*, *Wentworth Courier* and the Tenderlink website. Tenders closed on 18 August 2023.

Tenderers received

There were 10 downloads of the tender documents. Tenders were received from the following two applicants.

- Dorajar Pty Ltd.
- Let's Go Surfing Pty Ltd (as trustee for the Milwac Family Trust).

Conforming tenders

Both the tenders received were considered as having met the compliance requirements and were able to be evaluated.

Tender evaluation

The submitted tenders were assessed and scored against the advertised evaluation criteria listed in the tender documents and weightings agreed to by the panel. The tender evaluation (Attachment 2) details the agreed scores.

The top-ranked tenderer demonstrated a long-standing connection to the area, experience in operating under licence in Waverley and in providing high-quality professional services to the local community and visitors.

The second-ranked tenderer has provided the beach equipment hire service at Bondi Beach for over 10 years. As the previous provider of the service, the applicant was able to demonstrate relevant experience and suitability of the proposed offering.

While the panel scored the submission from the second-ranked tenderer more highly in the technical non-price criteria due to its prior experience and offering, overall it was determined that the submission from the top-ranked tenderer provided the best value for money outcome for Council.

5. Financial impact statement/Timeframe/Consultation

Following Council approval, the tenderers will be advised of the outcome of the tender process. Officers will then arrange for the licence documentation to be executed. It is anticipated that the service will commence shortly after.

There are no rent-free periods or incentives, so rental will be received monthly in advance from the licence commencement date.

6. Conclusion

The Tender Evaluation Panel recommends that Council grants a licence to the top-ranked tenderer as identified in the tender evaluation to provide beach equipment hire services at predetermined locations at Bondi Beach for a term of three years with two one-year options.

7. Attachments:

1. Mobile vender licence locations [↓](#)
2. Tender evaluation - Ramp 4 (confidential)



NOTICE OF MOTION CM/8.1/23.10



Subject: Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte

TRIM No: A17/0243

Submitted by: Councillor Kay
Councillor Betts

MOTION:

That Council urgently:

1. Researches the history and current ownership and operational status of the drainage reserve or laneway between 28 and 32 Belgrave Street, the properties to the immediate west and east of the laneway respectively, noting that it is used by local residents for pedestrian access between Dickson Lane and Belgrave Street, Bronte.
2. Takes necessary and appropriate steps to ensure public laneway access is retained until a proper investigation into the matter (clause 3 below) has taken place.
3. Assuming that the laneway is privately owned and therefore not owned by Council, investigates options for Council to ensure public laneway access into the future, such as purchasing the laneway or placing a caveat or easement over the title.
4. Receives a report on the above research, actions and investigation, including a recommendation on Council's legislative and consultative processes and actions to ensure the laneway retains its public right of way status, noting that this report may need to be placed in Council's confidential agenda due to matters being of a commercial and in-confidence nature, and how the laneway's amenity could be better maintained.

Background

The laneway between Dickson Lane and Belgrave Street, Bronte, has been used for pedestrian access for many decades, but there is a current risk that this may change. It is also poorly maintained.

Dickson Lane is a cul-de-sac at its eastern end for traffic. However, the old 'dunny lane' or drainage reserve (between numbers 28 and 32 Belgrave Street) is used by local residents as pedestrian access between Dickson Lane and Belgrave Street for such purposes as access for children and adults to Bronte Public School and Bronte Beach.

We understand the following from local residents:

- This laneway may be in private ownership (rather than with Council) and is on the market for sale.
- The owners of the properties on each side of the laneway, 28 and 32 Belgrave Street, have been approached to purchase the land.

- If the laneway is purchased by and integrated into a neighbouring property, it may be become closed off for public use.
- There is a drainage pipe approximately 0.6 m below the surface, leading to the conclusion that any construction above would not be allowed.
- Council formally wrote to the owner of 28 Belgrave Street in 1989 and stated that it would not sell the land to them on the basis of it being a drainage reserve, with the need to retain unencumbered access to the existing storm water drainage pipe, which is approximately 0.6m below the surface, and for pedestrian access to continue along this 'reserve' by surrounding residents. This is quite strange and contrary to other documents that indicate Council does not own the land.

It is considered necessary, in order to retain a well-used pedestrian access laneway asset on behalf of the community, that Council officers urgently pursue the matter as per the motion.

General Manager's comment

With Council approval, officers can undertake an investigation into the ownership and operational status of the laneway by engaging a solicitor or property conveyancer to research the matter. From initial review, it seems that the laneway is privately owned and therefore officers would need to obtain legal advice in relation to available options to retain public access and the pros and cons of each.

Officers would provide an update on the advice and investigations to Council at a future meeting.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.2/23.10



Subject: Bondi Bowling Club

TRIM No: SF19/2991

Submitted by: Councillor Betts
Councillor Kay

MOTION:

That Council:

1. Requests the Mayor to write to the Premier, the Hon Chris Minns MP and the Minister for Lands and Property, the Hon Stephen Kamper MP, requesting reconsideration of the over 400% increase in rent being imposed on the Bondi Bowling Club by the Minns Government without consultation with the club or community.
2. Investigates options for Council to offer to take over the management of this parcel of Crown land from the State Government, and works with the Bondi Bowling Club to see if Council could assist it raising funds by Council leasing the club premises for events.

Background

The volunteer-run Bondi Bowling Club is devastated after being hit with a 420% rent increase.

Around 11,000 Crown land leaseholders were notified last week that their rent had been redetermined. 360 of those are now facing rent increases greater than \$2,000 a week.

The beloved Bondi Bowlo, run by volunteers, historically paid about \$22,000 annually in rent. That price has now jumped to \$95,000, meaning the club will now have to pay an extra \$1,500 per week to keep their doors open.

The not-for-profit sees around 10,000 come through its doors each year, and has no pokies machines to build revenue.

The club is now concerned that they will have to pass the cost on to customers by increasing membership fees and food and drink prices. Many of the members are elderly and rely on the club for their sense of community.

General Manager's comment

The current management arrangements of the Crown Reserve is through a special lease dating from 1965, which provides tenure in perpetuity, the current entity being the Bondi Bowling Club Cooperative. Should Council wish to make an enquiry in relation to the possibility of Council becoming Crown Land Manager of the reserve, officers would write to Crown Lands in the first instance to establish whether such a change would be considered and, if so, what steps would need to be followed. Council officers would also recommend that appropriate due diligence be undertaken to ensure Council is aware of the full implications for taking over the management of the reserve and an existing lease to inform future decision-making.

Regarding with working with the club to assist in income generation, Council officers could reach out to the club to provide support and advice to market the club to the community for events. Council has many of its own venues across the local government area that are used for events and Council purposes. Council would need to allocate additional budget if events were required to be held at the Bondi Bowling Club.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.3/23.10



Subject: First Nations Sovereignty

TRIM No: A18/0112

Submitted by: Councillor Wy Kanak

MOTION:

That Council:

1. Reconfirms its discussions to place 'Welcome to Country' signs in Waverley.
2. Post-referendum, continues to take a sovereignty/'sovereignty' and treaty approach to its engagement with First Nations peoples.

Background

Uncle Kevin (with respect, deceased elder) Gilbert provided a statement on 'sovereignty' in '1988: Make a Treaty this Time': 'We, the Aboriginal People, restate that we are the Sovereign Owners of Australia. There have been no Treaties with us and we have never ceded our Sovereignty.'

The Statement from The Heart speaks of First Nations Aboriginal Torres Strait sovereignty co-existing with the sovereignty of the Crown:

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart: Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs...This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown. How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

General Manager's comment

Council commissioned the Gujaga Foundation to undertake a cultural audit of 20 sites across the Waverley local government area (LGA). Recommendations have been discussed with the Reconciliation Action Plan (RAP) Advisory Committee, and are being considered by Council for implementation.

These recommendations include signage/education and activation, as well as site management. The RAP Advisory Committee has requested that Council consider commissioning a full Aboriginal cultural heritage study, which Council officers are currently considering. The cultural heritage study would include agreement with the La Perouse Land Council (traditional custodians) around the management of significant sites.

Council also has a number of signs across the LGA acknowledging country, including our current street flag banners across Bondi Junction acknowledging the traditional owners.

Council has taken a Reconciliation Action Plan approach to our engagement with First Nations peoples, which has been endorsed by Council, rather than a 'sovereignty/“sovereignty” and treaty approach.' A change to Council's approach/policy would require a decision of Council and appropriate resourcing.

Ben Thompson

Director, Community, Culture and Customer Experience

URGENT BUSINESS
CM/10/23.10**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/11/23.10

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/11.1/23.10 CONFIDENTIAL REPORT - Flickerfest 2024 - Financial Assistance - Consultation Outcomes

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

CM/11.2/23.10 CONFIDENTIAL REPORT - Waverley Park Cafe - Lease

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

CM/11.3/23.10 CONFIDENTIAL REPORT - Shop 3, Bondi Pavilion - Lease - Amendment

This matter is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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/12/23.10

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.