



W A V E R L E Y
COUNCIL

FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING

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

7.00 PM, TUESDAY 7 NOVEMBER 2023

Emily Scott
General Manager

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Delegations of the Finance, Operations and Community Services Committee

On 10 October 2017, Waverley Council delegated to the Finance, Operations and Community Services Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
 - (a) The appointment of a general manager.
 - (b) The making of a rate.
 - (c) A determination under section 549 as to the levying of a rate.
 - (d) The making of a charge.
 - (e) The fixing of a fee
 - (f) The borrowing of money.
 - (g) The voting of money for expenditure on its works, services or operations.
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
 - (j) The adoption of an operational plan under section 405.
 - (k) The adoption of a financial statement included in an annual financial report.
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
 - (t) This power of delegation.
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

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 Meeting

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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

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

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

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6. Urgent Business

7. Meeting Closure

**CONFIRMATION OF MINUTES
FC/4.1/23.11**

Subject: Confirmation of Minutes - Finance, Operations and
Community Services Committee Meeting - 5 September
2023

TRIM No: SF23/17

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Finance, Operations and Community Services Committee meeting held on 5 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 committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

Attachments

1. Finance, Operations and Community Services Committee Meeting Minutes - 5 September 2023 .



**MINUTES OF THE FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 5 SEPTEMBER 2023**

Present:

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

Staff in attendance:

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

At the commencement of proceedings at 7.00 pm, those present were as listed above, with the exception of Cr Nemesh who arrived at 7.10 pm during item FC/5.3/23.09.

At the request of Cr Wy Kanak (Chair), Cr Murray (Deputy Chair) chaired the meeting.

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

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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

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

1. Apologies

Apologies were received from Cr Sally Betts and Cr Tony Kay.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Addresses by Members of the Public

There were no addresses by members of the public.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray
Seconder: Cr Masselos

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

FC/4.1/23.09 Confirmation of Minutes – Finance, Operations and Community Services Committee Meeting – 1 August 2023.

FC/5.1/23.09 Reconciliation Action Plan Advisory Committee Meeting – 22 June 2023 – Minutes.

FC/5.2/23.09 Council Resolutions – Status Update.

FC/5.5/23.09 Tamarama Kiosk Lease – Post-Exhibition.

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

4. Confirmation of Minutes**FC/4.1/23.09 Confirmation of Minutes - Finance, Operations and Community Services Committee Meeting - 1 August 2023 (SF23/17)****MOTION / UNANIMOUS DECISION**

Mover: Cr Murray
Seconder: Cr Masselos

That the minutes of the Finance, Operations and Community Services Committee meeting held on 1 August 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

5. Reports**FC/5.1/23.09 Reconciliation Action Plan Advisory Committee Meeting - 22 June 2023 - Minutes (A14/0173)****MOTION / UNANIMOUS DECISION**

Mover: Cr Murray
Seconder: Cr Masselos

That Council:

1. Notes the minutes of the Reconciliation Action Plan Advisory Committee meeting held on 22 June 2023 attached to the report.
2. Notes the Committee's recommendation in relation to outstanding Council resolutions to consider and prioritise an Aboriginal Heritage Study as a framework to manage key local priorities, and consider dual naming, acknowledging the Frontier Wars and local treaties as part of this study.

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

FC/5.2/23.09 Council Resolutions - Status Update (SF22/3521)**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray
Seconder: Cr Masselos

That Council:

1. Notes the status of outstanding Council resolutions from February 2018 to April 2023, as set out in the attachment to the report.
2. Notes that finalised resolutions from February 2018 to April 2023 have been distributed separately to Councillors.
3. Receives an update on the status of outstanding resolutions each quarter.

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

FC/5.3/23.09 Barracluff Park - Dog Off-Leash Area and Management (A22/0336)**MOTION**

Mover: Cr Gray
Seconded: Cr Wy Kanak

That Council:

1. Declares Barracluff Park to be a dog off-leash area between 3 pm and 10 am daily:
 - (a) Except when it has been hired or licensed for sporting activities and community events.
 - (b) Not including the playground and within 10 metres of the playground and community hardcourt area, in accordance with section 13(6) of the *Companion Animals Act 1998*.
2. Approves an upgrade to the sports field surface in 2023–24 bringing forward \$695,150 currently allocated in the Long Term Financial Plan 6.1 in 2025–26, with a maintenance program to be developed to ensure co-location of uses.
3. Following the 2024–25 winter season, consults the community and sports clubs on the satisfaction of all users, and officers report back to Council.

AMENDMENT 1 (WITHDRAWN)

Mover: Cr Goltsman

That clause 1 be amended to read as follows:

‘Trials a timed dog-leash area on the sports field for six months between 3 pm and 10 am daily except when it has been hired or licensed for sporting activities and community events, to commence in April 2024.’

AMENDMENT 2

Mover: Cr Burrill
Seconded: Cr Goltsman

That clause 1 be amended to read as follows:

‘Trials a timed dog off-leash area on the sports field for six months at Barracluff Park between 3 pm and 10 am daily:

- (a) Except when it has been hired or licensed for sporting activities and community events.
- (b) Not including the playground and within 10 metres of the playground and community hardcourt area, in accordance with section 13(6) of the *Companion Animals Act 1998*.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Burrill, Goltsman and Nemes.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Declares Barracluff Park to be a dog off-leash area between 3 pm and 10 am daily:

- (a) Except when it has been hired or licensed for sporting activities and community events.
 - (b) Not including the playground and within 10 metres of the playground and community hardcourt area, in accordance with section 13(6) of the *Companion Animals Act 1998*.
2. Approves an upgrade to the sports field surface in 2023–24 bringing forward \$695,150 currently allocated in the Long Term Financial Plan 6.1 in 2025–26, with a maintenance program to be developed to ensure co-location of uses.
 3. Following the 2024–25 winter season, consults the community and sports clubs on the satisfaction of all users, and officers report back to Council.

FC/5.4/23.09 Flickerfest 2024 and 2025 - Financial Assistance (A22/0540)

MOTION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. In accordance with section 356(2) of the *Local Government Act 1993*, publicly exhibits for 28 days the proposal to grant \$350,428 (including GST) in financial assistance to Flickerfest Pty Ltd to support the cost of Flickerfest in 2024 and 2025.
2. Notes that the proposed grant of \$350,428 comprises:
 - (a) Direct costs of \$61,890 (including GST) for 2024 and \$66,532 (including GST) for 2025.
 - (b) In-kind costs to the value of \$133,979 (including GST) for 2024 and \$144,027 (including GST for 2025).
3. Officers prepare a report to Council following the exhibition period.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION, MOVED BY CR MURRAY AND SECONDED BY CR MASSELOS, WAS PUT AND DECLARED CARRIED UNANIMOUSLY:

‘That Council moves into closed session to deal with this item in accordance with section 10A of the *Local Government Act 1993*, as 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.’

At 7.27 pm, Council moved into closed session.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1 AND 2 THE ADDITION OF A NEW CLAUSE.

A PROCEDURAL MOTION TO RESUME IN OPEN SESSION, MOVED BY CR GOLTSMAN, WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

At 8.03 pm, Council resumed in open session.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. In accordance with section 356(2) of the *Local Government Act 1993*, publicly exhibits for 28 days the proposal to grant \$195,869 (including GST) in financial assistance to Flickerfest Pty Ltd to support the cost of Flickerfest in 2024.
2. Notes that the proposed grant of \$195,869 comprises:
 - (a) Direct costs of \$61,890 (including GST) for 2024.
 - (b) In-kind costs to the value of \$133,979 (including GST) for 2024.
3. Requires Flickerfest to provide audited financials to Council, including itemised salaries of directors and key management personnel, prior to progressing with the 2024 agreement.
4. Officers prepare a report to Council following the exhibition period.

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

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

FC/5.5/23.09 Tamarama Kiosk Lease - Post-Exhibition (A23/0231)**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray
Secunder: Cr Masselos

That Council:

1. Approves in principle the granting of a lease of up to five years for the operation of Tamarama Kiosk.
2. Notes that a tender process will be undertaken to seek a lessee, with a report to be presented to Council to grant the lease to the preferred tenderer.

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

6. Urgent Business

There was no urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 8.06 PM.

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SIGNED AND CONFIRMED
CHAIR
7 NOVEMBER 2023

REPORT
FC/5.1/23.11

Subject: Social Media Policy and Media Policy - Adoption

TRIM No: A23/0625

Manager: Adam Hassan, Executive Manager, Customer Experience and Communications

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

RECOMMENDATION:

That Council:

1. Adopts the Social Media Policy attached to the report (Attachment 1).
2. Adopts the Media Policy attached to the report (Attachment 2).

1. Executive Summary

At its Finance, Operations and Community Services meeting on 4 July 2023, Council resolved to publicly exhibit the draft Social Media Policy and draft Media Policy attached to this report for 28 days and to prepare a report to Council following the exhibition period.

The two draft policies were exhibited between 17 July and 27 August 2023. One person provided a response to both draft policies during the exhibition period.

The two draft policies were last reviewed in 2019 and were updated in 2023 in accordance with the Office of Local Government (OLG)'s Model Media and Social Media policies, issued in 2022, and reflect a changing media and social media landscape.

The draft Social Media Policy 2023 provides a framework for Councillors and all Council staff with guidance when using social media. The policy also ensures responses to issues raised through Council's social media channels are addressed in a consistent and timely manner and referred to the correct business area. It is recommended that Council adopts the Media Policy and Social Media Policy as exhibited.

The Media Policy provides a framework for Councillors and all Council staff (as well as volunteers, contractors and advisory committee members) to uphold our reputation and promote the good work that Council undertakes. It clearly indicates Council's authorised spokespersons to ensure that media coverage of Council matters is accurate, fair and reliable.

2. Introduction/Background

Council's current Social Media and Media policies were adopted in 2019. With a model policy provided by the OLG in 2022, we had an opportunity to update both policies to be reflective of the recommendations made in the Model policy.

The purpose of the Social Media Policy 2023 is to:

- Provide Council staff (including temporary staff and contractors) and Councillors with guidance when using social media.
- Ensure responses to issues raised through Council's social media channels are addressed in a consistent and timely manner and referred to the correct business area.

The draft policy also clarifies staff use of their own social media profiles and how they may represent themselves as Council employees.

It aims to respect everyone's right to free speech; while also recognising that Council staff and Councillors have obligations in their personal use of social media to avoid the potential to directly or indirectly cause damage to Council's reputation, create conflicts of interest or undermine the ability to carry out its role effectively.

The Australian Competition and Consumer Commission (ACCC) also recently determined that publishers are responsible for content on their social media sites, so it is incumbent on Council to monitor, and where necessary moderate, content on Council channels. This is reflected in the Social Media Policy 2023.

The Media Policy 2023 provides a framework for Councillors and all Council staff (including volunteers, contractors and advisory committee members) to uphold our reputation and promote the good work that we do. It clearly indicates Council's authorised spokespersons to ensure that media coverage of Council matters is accurate, fair and reliable.

The Media Policy aims to:

- Promote open exchange of information between the Council and the media.
- Limit the publication of inaccurate information, miscommunication, and reputational risk.
- Strengthen positive media relations.
- Clearly indicate Council's authorised spokespersons.
- Ensure appropriate authorisation and responsibility for the information provided.
- Ensure consistency by staff and Councillors in dealing with the media.

3. Relevant Council Resolutions

Meeting and Date	Item No.	Resolution
Finance, Operations and Community Services Committee 4 July 2023	FC/5.4/23.07	That Council: <ol style="list-style-type: none"> 1. Publicly exhibits the draft Social Media Policy and Media Policy attached to the report for 28 days. 2. Officers prepare a report to Council following the exhibition period.

4. Discussion

One submission was made during the exhibition period relating to both policies. The comment made was *'Council is using social media for propaganda purposes. Social media should be for notification of key items only, such as works or emergencies.'*

As only one person responded and made identical comment on both draft policies, officers recommended that Council adopts the draft policies attached to this report.

Table 1. Summary of changes to the Social Media Policy as reflected in the draft Social Media Policy 2023.

Section	Change	Comment
1.	Update wording	Better reflect current understanding of social media, and tidy up some writing.
4.2	Role of the publisher	Based on OLG Model Policy and required due to Australian legislative changes.
4.3	Council can post to third parties where needed	Helps with engagement and clarity
4.7	Staff required to take active steps to ensure their views are not interpreted as views of Council	Wording from legal advice, especially around dealing with high profile employees
4.8	Use of social media by Councillors	From OLG Model Policy

Table 2. Summary of changes to the Media Policy as reflected in the draft Media Policy 2023.

Section	Change	Comment
1-5-2	Update wording	Reflect headings used in Social Media Policy, and make wording more concise
2. 4.3	Additional paragraph	Council staff must not speak to media about Council matters, or provide information, footage or photos, or Council materials such as emails and reports, without approval from the Manager, Communications and Engagement, or the Senior Media Advisor
4.1	Additional sentence	Comments made by the Mayor are informed by the General Manager, Senior Media Advisor and Manager, Communications and Engagement
4.2	Additional sentence	Councillors should not provide materials such as emails and reports to media without the approval from the Manager, Communication & Engagement or the Senior Media Advisor.
4.3	Update wording to include the following (<i>italicised</i>)	Council staff must not speak to the media about Council matters, or provide information, footage or photos, or Council materials such as emails and reports, without approval from the Manager, Communications and Engagement, or the Senior Media Advisor
5—5.2	Additional section	Review of policy was not included in 2019 policy.

5. Financial impact statement/Time frame/Consultation

There are no financial impacts.

6. Conclusion

The updates to the Social Media Policy and Media Policy were based on recommendations set by the OLG from the respective model policies and best practice. The policies provide a framework for Councillors and all Council staff to uphold our reputation and promote the work that Council undertakes.

7. Attachments

1. Social Media Policy [↓](#)
2. Media Policy [↓](#) .



Social Media Policy

Social Media Policy^{So}

Policy owner	Communications and Engagement
Approved by	
Date approved	
Commencement date	
TRIM Reference	
Next revision date	
Relevant legislation/codes	Local Government Act
Related policies/procedures/guidelines	Council's Code of Conduct D13 31469 Social media policy 2013 Social Media Policy 2019 Council's Records Management Policy
Related forms	

REPORT
FC/5.2/23.11**WAVERLEY**
COUNCIL

Subject: Bondi Pavilion - Screenings - Trial Outcomes

TRIM No: A23/0012

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

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

RECOMMENDATION:

That Council hosts public screenings of popular sporting, cultural and other events in the inner courtyard of Bondi Pavilion as part of future programming.

1. Executive Summary

In February 2023, Council passed a resolution requesting officers to investigate the potential role of the refurbished Bondi Pavilion as a venue to gather, watch, celebrate and soak up the atmosphere of exciting sporting, cultural and other events. This included considering the suitability and use of three locations arounds the Pavilion—the inner courtyard and the two external, natural amphitheatres—to host screenings.

The resolution noted the important role of Council in fostering a sense of community, the popularity of the Bondi Pavilion since reopening and that increasing the use/utility of the venue by different groups of people should be a priority for Council.

As required by the resolution, consultation in relation to the proposal was also undertaken with the Precinct committees, which returned a range of views and feedback.

At the 16 May Council meeting the inner courtyard of Bondi Pavilion was determined to be the most viable option for hosting public screenings with a trial to be undertaken by showing a number of FIFA Women's World Cup matches in July/August 2023.

The trial was considered to be a success and it is recommended that Council provides support for future public screenings of popular sporting, cultural and other events in the inner courtyard of Bondi Pavilion.

2. Introduction/Background

Public screenings at Bondi Pavilion are intended to provide a place for the community to gather and celebrate significant sporting, cultural and other events and enjoy the recently restored venue. The screenings are a drawcard for families and visitors seeking to participate in the events in a safe and welcoming environment.

The courtyard screenings utilise existing Council resources and capabilities to deliver the events in a controlled and manageable way, ensuring a positive experience for all attendees. They also make use of venue amenities, such as toilets and waste facilities, and minimise the impact on the surrounding area and residents.

The Bondi Pavilion venue team organised and delivered seven screenings of the Matildas World Cup matches in July/August in the Garu Courtyard. More than 3,200 pre-event registrations were received with approximately 2,000 people attending across the dates through a combination of ticketed and walk-up entries.

The screenings provided a valuable opportunity to test several aspects of the venue when used in this format. These are outlined in the discussion below.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 May 2023	CM/7.8/23.05	<p>That Council:</p> <ol style="list-style-type: none"> 1. Trials hosting public screenings of popular sporting, cultural and other events in the inner courtyard of Bondi Pavilion by showing the FIFA Women's World Cup in July/August 2023. 2. Officers provide an email update to Councillors prior to the event commencing. 3. Officers prepare a report to Council following the trial.
Council 21 February 2023	CM/8.1/23.02	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the important role of Council in fostering a sense of community. 2. Notes the popularity of the Bondi Pavilion since reopening, with over 25 regular hirers, hundreds of casual bookings, Summer at the Pav and the upcoming Sydney WorldPride programming, plus major events such as Flickerfest. 3. Notes that increasing the use/utility of the Pavilion by different groups of people should be a priority for Council. 4. Notes the potential role of the refurbished Pavilion as a venue for the community to gather to watch, celebrate and soak up the atmosphere of exciting sporting, cultural (and other) events. 5. Officers investigate and prepare a report by the June 2023 Council meeting on: <ol style="list-style-type: none"> (a) The use of the inner courtyard and the two external, natural amphitheatres of the Pavilion to host screenings of popular sporting, cultural (and other) events. (b) Steps required to get the Pavilion ready to host screenings (overall and for each

		<p>screening).</p> <p>(c) Crowd, traffic and noise management required for screenings.</p> <p>(d) The possibility of partnering with relevant organisations to deliver screenings, provided that no gambling sponsorship be included.</p> <p>(e) Estimated costings in relation to clause 5(b) above and funding source.</p> <p>6. Undertakes consultation with all Precinct committees in relation to the proposal.</p>
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4. Discussion

The Pavilion hosted seven FIFA Women’s World Cup screenings in the Garu Courtyard to showcase the Matildas matches:

- Australia v Ireland – Thursday 20 July, 8 pm.
- Australia v Nigeria – Thursday 27 July, 8 pm.
- Australia v Canada – Monday 31 July, 8 pm.
- Australia v Denmark – Monday 7 August, 8.30 pm.
- Australia v France – Saturday 12 August, 5 pm.
- Australia v England – Wednesday 16 August, 8 pm.
- Australia v Sweden – Saturday 19 August, 6 pm.

The event site was enclosed with temporary fencing to create a defined viewing area, which was calculated to comfortably accommodate up to 750 people seated on the ground and standing around the edges. The main public amenities were included in the footprint with separate entrance and exit points established to manage the flow of people. Of the seven matches, one was interrupted by wet weather and relocated to the High Tide Room.

Although the matches were screened for free, attendees were requested to pre-register for tickets to assist with staffing and crowd control measures. Given the anticipated interest in the matches, a 10-metre inflatable screen was hired to ensure as many people as possible would be able to enjoy uninterrupted views of the match. This is larger than the six-metre screen already owned by Council and was determined to be of suitable scale to maximise the number of attendees in the courtyard. In this configuration the screen faced south, rather than east as was the case for a previous Council-organised family movie screening, which used the smaller Council-owned screen.

In addition to the Pavilion’s technical team, a technician from the screen hire company was engaged to assist with set up and pack down of the screen and audio visual equipment. This provided useful training for the Pavilion team who were able to observe the most effective way to prepare and operate the screening equipment. The content was streamed live via Optus Sport (under a licence agreement) and encountered no technical issues.

As part of the event planning updates were regularly provided to the local Police Area Command regarding anticipated attendance numbers and onsite security and staffing measures. The police also visited the site during the events and were comfortable with the venue’s approach to management and safety. This was reinforced by the events being appropriately staffed, family friendly and alcohol-free.

Promotion for the events was undertaken through Pavilion and Council channels including social media, websites and newsletters. Registration was managed through the Pavilion's ticketing platform, Humanitix, and while tickets were checked as required, walk-ups were also admitted subject to availability. The first match was delivered in partnership with the Consulate General of Ireland, who made a financial contribution and provided some merchandise for giveaway at the event.

The inner courtyard (Garu and Guya Courtyards) of the Pavilion is an ideal location to host Council-run screenings. This is due to: relative ease of setup; ability to utilise existing equipment, resources and amenities; reduced exposure to wind and the elements; ability to manage crowds and antisocial behaviour; creating a controlled environment to minimise noise and disturbance to local residents; flexibility to increase capacity as required; and close proximity to the Pavilion's food and beverage operators.

Challenges associated with this option include: limited capacity (500–1,000 patrons dependent on location and size of screen); and limited visibility to passing foot traffic.

There were no reported incidents of antisocial behaviour during the screenings. Further, with the majority of events completed by 10 pm, no noise, crowd or traffic disturbances were reported by local residents or businesses during the trial.

5. Financial impact statement/Time frame/Consultation

Financial impact

The most cost-effective ongoing option is to utilise Council's existing six-metre inflatable screen and position it between the Garu Courtyard palm trees facing east. This allows for an audience of up to 500 people seated on the ground and is operationally straight forward to manage.

Time frame

With sufficient lead time and planning, the Pavilion is operationally prepared to deliver future screening events as part of Council programs.

Consultation

Feedback from internal and external stakeholders regarding the trial screenings was overwhelmingly positive, noting the need to provide sufficient lead time for planning, promotion and allocation of staff resources. No negative feedback from received from local residents or businesses.

6. Conclusion

Screenings of significant popular sporting, cultural and other events at Bondi Pavilion provides an opportunity for Council to continue fostering sense of community and increase use of the recently upgraded venue.

Subject to sufficient planning time and allocation of budget, the screenings are an effective way of showcasing and activating Bonid Pavilion and providing free access to family-friendly events for residents to enjoy.

7. Attachments

Nil.

REPORT
FC/5.3/23.11**WAVERLEY**
COUNCIL

Subject: Affordable Housing Program Tenancy Policy - Exhibition

TRIM No: A09/0354

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council:

1. Publicly exhibits the draft Affordable Housing Program Tenancy Policy attached to the report (Attachment 1) for 28 days.
2. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

This report seeks endorsement, for public exhibition, of proposed amendments to the Affordable Housing Tenancy Policy to address the endorsed recommendation of the SGS Economics Social and Affordable Housing Review to improve its capacity to support households in severe rental stress. The key change proposed is to detach the Program from market driven rents, and to utilise instead household income as the key policy driver.

2. Introduction/Background

The Affordable Housing Program Tenancy Policy sets out the objectives for the Program and key elements to guide its operation. The policy is consistent with the development application conditions applying for each property and references the NSW Affordable Housing Ministerial Guidelines. The guidelines provide key reference information, including income classifications which are updated annually.

The key components of the current policy are:

- Targets working people on low to moderate incomes who can demonstrate that they have been living in Waverley for at least three years or working in Waverley for at least five of the last ten years.
- Sets the rent at 75% of the market median with a further 10% reduction allowable for up to a third of tenancies to provide for access by low income earners.
- Allows one term of rental of up to three years.

These components interact to determine the market for the program and so the outcomes it can deliver. In operation, properties are advertised on real estate/rental sites, including Domain, with the advertised rent set at 75% of the market median at the time, and with notice that income limits apply for the tenancy. Applicants are income tested and required to provide evidence of their connection with Waverley to determine their eligibility for the program. The generalised income limits for Sydney are utilised, and adjustment of limits for household size is not specified. This means that for single income households in particular, income limits are higher than those adjusted for household size.

In practice, there has long been a tension between the formula used for setting rents and the income limits specified. This was exacerbated by the significant increases in rents that have occurred in Waverley. The additional 10% reduction for low income earners endorsed by Council in 2014 was sufficient to make the program accessible only to those households in the top of the low income range.

The policy settings for the Program were reviewed by SGS Economics, including examination of the characteristics of households in rental stress in Waverley. Council endorsed the Review's recommendation to update the Affordable Housing Program Tenancy Policy to improve its capacity to support households in severe rental stress. The households identified as being in the most severe rental stress were single income households earning 'low' incomes, including single person and single parent households.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 3 May 2022	PD/5.2/22.05	<p>That Council:</p> <ol style="list-style-type: none"> <li data-bbox="614 728 1396 862">1. Notes the findings and recommendations of the Social and Affordable Housing Program and Portfolio Review Report prepared by SGS Economics and Planning attached to the report. <li data-bbox="614 907 1396 1041">2. Updates the Affordable Housing Program Tenancy Policy to target highest priority households that are in severe housing stress to maximise the social outcomes achieved from Council's affordable housing portfolio. <li data-bbox="614 1086 1396 1355">3. Endorses the award of a new contract to a community housing provider to manage Council's social and affordable housing tenancies following a tender process, with the new contract to reframe maintenance responsibilities and contain a robust performance management framework to ensure improved outcomes for tenants and Council, with a report to be prepared to Council to endorse the award of the contract. <li data-bbox="614 1400 1396 1624">4. Continues to support the funds raised through voluntary planning agreements to be paid into the Affordable Housing Contributions Reserve to be used to fund additional housing to expand Council's affordable housing portfolio only, in accordance with the Planning Agreement Policy. <li data-bbox="614 1668 1396 1937">5. Endorses entering a new partnership with a community housing provider to deliver additional housing stock under a delivery contract via an open tender process, noting that the partnership will allow Council to leverage off a community housing provider's access to significant State and Federal funding to increase Council's affordable housing portfolio, with a report to be prepared to Council to endorse the award of the contract. <li data-bbox="614 1982 1396 2072">6. Pursues additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or

		<p>alternative models, such as cooperative housing, that may present themselves in the affordable housing space.</p> <p>7. Notes that Council submitted the Affordable Housing Contributions Scheme to the Department of Planning and Environment in April 2021, with a decision expected by mid-2022.</p> <p>8. Notes that it is proposed to retain vacant units in the portfolio to be used to temporarily house tenants from those units in the greatest need of refurbishment to allow for the asset management backlog to be addressed, with this only taking place if the vacant unit is in a satisfactory condition and meets the tenants' needs.</p>
Council 17 June 2014	CRD.41/14	<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorses the draft Waverley Housing for Older People Tenancy Policy. 2. Endorses the draft Waverley Community Living Program Tenancy Policy. 3. Endorses the draft Waverley Affordable Housing Program Tenancy Policy.

4. Discussion

Officers have undertaken careful analysis of current and potential policy settings with consideration for the social benefit the Program can achieve for the community and for its individual tenants, and its costs to operate. It is proposed that replacing 'market rent' with 'household income' as the key driver for the policy's operation and utilising the income limits for households of varying size, available annually in the NSW Affordable Housing Ministerial Guidelines, will maximise the social outcomes the program can achieve, whilst ensuring its ongoing financial sustainability.

Proposed policy amendments

The proposed amendments are summarised in the table below. The marked-up policy is attached to the report (Attachment 1).

Current	Proposed
<ul style="list-style-type: none"> • Targets working people on low to moderate incomes who can demonstrate that they have been living in Waverley for at least 3 years or working in Waverley for at least 5 of the last ten years. 	<ul style="list-style-type: none"> • Targets working people on low to moderate incomes who can demonstrate that they have been living and/or working in Waverley for at least 3 years
<ul style="list-style-type: none"> • Sets the rent at 75% of the market median with a further 10% reduction allowable for up to a third of tenancies to provide for access by low income earners. 	<ul style="list-style-type: none"> • Sets the rent at 75% of the bottom quartile market median and allows the CHP to offer further rent reductions to ensure that rents are affordable for single low income households of varying types.
<ul style="list-style-type: none"> • Allows one term of rental of up to three years. 	<ul style="list-style-type: none"> • Allows one term of rental of up to five years.

Impacts and intended outcomes

Detaching the rents charged in the program from the market and, utilising the income limits specified for households of different sizes, will bring the program's operation into line with expectations for government subsidised programs and improve access for a wide range of households, including single parent families, and essential workers on low incomes. A term of five years will provide most with enough relief from high rents to 'find their feet', get their kids into or through school, or complete 'early stage' employment in professions such as nursing and teaching.

Special local needs groups

The lack of housing locally that is affordable for women escaping domestic and family violence has been raised by specialist local service agencies. The model established by Woollahra Council was explored at a Housing Advisory Committee Meeting held in June 2022.

The policy amendments proposed will improve access for all single women and single parent households. Council could also provide priority access to applicants who are trying to leave a situation involving family violence and explore opportunities for supporting these women through its social housing program.

Companion animals

To avoid potential conflict with strata owners corporations, the Affordable Housing Tenancy Policy has had a 'blanket no pets' rule. The importance of companion animals to many households is now recognised and owners corporations are no longer allowed to apply blanket 'no pets' rules.

Council's Older Persons Housing Tenancy Policy has allowed companion animals for many years without a problem. Tenants are required to seek approval and sign an undertaking to provide appropriate care and respond should any issues arise. By law, owners corporations are now required to implement a similar process. In response to these changes, officers recommend the removal of the 'no pets' rule in the Affordable Housing Tenancy Policy.

5. Financial impact statement/Time frame/Consultation

Council's Affordable Housing Program currently covers its operating costs and returns a very modest surplus that is available for capital improvement. The policy changes proposed have been carefully calibrated to balance support for people in need with maintaining the ongoing financial viability of the Program. It is anticipated that the changes proposed will result in a reduction in rental income from an average of \$24,000 per unit to an average \$19,000 per unit. Providing that an even mix of low-moderate single income households is achieved in implementation, officers do not anticipate the requirement for an operating subsidy. As the properties age, assistance with capital maintenance may be required.

Officers have consulted with key staff from Bridge Housing. Internal consultation with other teams represented on the Housing Working Group (Urban Planning, and Property and Facilities) has occurred and the Housing Advisory Committee meeting in August 2023 has provided feedback. A summary of outcomes is included in the Q&A attached to this report (Attachment 2).

6. Conclusion

The proposed amendments to Council's Affordable Housing Tenancy Policy provide a timely opportunity to refine the Program's operations with a clear focus on the outcomes it can achieve for the community and tenants. The proposed amendments will improve access for a range of households including single parents and essential workers on low incomes. A term of five years will provide most tenants with enough relief from high rents to 'find their feet' or get their kids through school. Attention to the financial viability of the

Program provides it with a solid foundation for maintenance and potential growth as it moves through its third decade of operation.

7. Attachments

1. Draft Affordable Housing Program Tenancy Policy [↓](#)
2. Q&A on proposed changes to policy [↓](#) .

REPORT
FC/5.4/23.11



Subject: Access and Inclusion Advisory Panel - Community Membership Extension

TRIM No: A21/0096

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council extends the term of the community members on the Access and Inclusion Advisory Panel to September 2024 to align with the Council term.

1. Executive Summary

At its meeting on 16 March 2021, Council adopted Terms of Reference for the Access and Inclusion Advisory Panel.

Following an expression of interest process, eight out of 16 community members were appointed to the eight available positions. The round was highly competitive, resulting in the appointment of high calibre applicants whose demonstrated skills and experience are exceptionally well aligned with the requirements of the Panel, representing a diverse range of disabilities or professional expertise.

The Terms of Reference provide for a two-year term of office. It is recommended that Council extends the term of office of the Advisory Panel’s eight community members for one year to September 2024 to align with the Council term.

2. Introduction/Background

The aim of the Panel is to promote an inclusive community and enhance the inclusion and participation of people of all abilities in community life. Panel membership comprises the Mayor, councillors and up to eight community members who have a direct experience of disability either personally, professionally, academically or through a care/support role.

A community member is to be appointed as an individual member of the community and not as a representative of an organisation, business, advocacy body, or stakeholder group. Community members shall hold office for a two-year term (or such other period of appointment) or when reviewed by Council. Where possible the term is to coincide with the Council term.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 25 May 2021	CM/7.9/21.05	That Council: 1. Appoints the following community members to the Access and Inclusion Advisory Panel for the period June 2021 to September 2023:

		<ul style="list-style-type: none"> (a) Danny Hui. (b) Andre Cioban. (c) Aydan Costello. (d) Ben Alexander. (e) Ben Whitehorn. (f) Rachel Lazarov. (g) Petra Pattinson. (h) Zoe Dunn. <p>2. Offers the unsuccessful applicants a reserve place on the Panel.</p>
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4. Discussion

Following the adoption of the Terms of Reference in March 2021, Council endorsed eight community members to be appointed to the Access and Inclusion Advisory Panel for the period June 2021 to September 2023. The Panel was very impressed with the field of applicants, who covered a broad spectrum of experiences, qualifications, and interests, resulting in a highly competitive selection process for the eight community positions available on the Panel.

Current membership represents people with varied experience of disability, including lived experience, experience in a carer or support role, as well as professional experience in the disability sector or working with people with disability and their families, achieving a good balance of 50% of members living with disability and the other half offering professional experience. The last Panel meeting was delayed and held in October 2023.

Given the high calibre of community panel members and recommendations to align panel membership with the council term, officers recommend that the current membership be extended for another year, until September 2024 when Council elections are held.

Mia Capitanelis replaced Aydan Costello as a change of personal circumstance meant he could not take up his position. Mia was recruited from the reserve list following the selection panel’s recommendation.

The advisory panel’s Terms of Reference are due to be updated. This provides an opportunity to review terms of office, selection criteria, meeting format/frequency and administrative procedures.

Council remains keen to actively engage with all interested parties to proactively seek their input and technical expertise whenever opportunities arise. These would include invitations to provide technical advice on specific disability issues (e.g. recreation, education or employment) and participation in access audits or co-design workshops/consultation events supporting Council’s Community Strategic Plan (CSP) and Disability Inclusion Action Plan (DIAP).

5. Financial impact statement/Time frame/Consultation

Panel meetings and facilitation are included in Council’s operational budget and within existing resources.

6. Conclusion

This report recommends that Council grants community members appointed to the Access and Inclusion Panel in 2021 a one-year extension of their term of office until September 2024.

7. Attachments

Nil.

REPORT
FC/5.5/23.11

Subject: **Multicultural Advisory Committee Meetings - Minutes - 4 May 2023 and 3 August 2023**

TRIM No: A23/0649

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council notes the minutes of the Multicultural Advisory Committee meetings held on 4 May 2023 and 3 August 2023 attached to the report.

1. Executive Summary

This report provides the minutes of the Multicultural Advisory Committee (MAC) meetings held on 4 May 2023 and 3 August 2023 for Council's noting. The minutes are attached to the report.

2. Introduction/Background

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

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

3. Relevant Council Resolutions

Nil.

4. Discussion

Council's Multicultural Advisory Committee (MAC) has been active for many years, providing input and advice on a range of issues relating to culturally and linguistically diverse communities. The Terms of Reference were updated earlier this year, and a new MAC term began in May 2023.

5. Financial impact statement/Time frame/Consultation

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

6. Conclusion

This report provides meeting minutes of the MAC held on 4 May 2023 and 3 August 2023 for information and noting before being placed on Council's website.

7. Attachments

1. MAC - 4 May 2023 - Minutes [↓](#)
2. MAC - 3 August 2023 - Minutes [↓](#) .

REPORT
FC/5.6/23.11

Subject: Reconciliation Action Plan Advisory Committee Meeting - Minutes - 20 September 2023

TRIM No: A14/0173

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council notes the minutes of the Reconciliation Action Plan Advisory Committee meeting held on 20 September 2023 attached to the report.

1. Executive Summary

This report provides the minutes of the Reconciliation Action Plan (RAP) Advisory Committee meeting held on 20 September 2023 for Council's noting. The minutes are attached to the report.

2. Introduction/Background

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

3. Relevant Council Resolutions

Nil.

4. Discussion

During the June meeting, the Gujaga Foundation presented information about the 2022 Cultural Audit which included recommendations for 20 sites in the Waverley local government area. Some themes emerging from the audit related to recognition and protection of significant cultural sites, sharing stories and acknowledging local culture and language.

During the September meeting, the committee prioritised recommendations from the Cultural Audit, rating each as high, medium and low priority, considering the human and financial resources available, along with cultural significance. This was a productive discussion and will provide a structure to work toward over the next year as we begin to develop a new Reconciliation Action Plan. A separate report will be prepared for Council to consider and endorse recommendations arising from this work.

5. Financial impact statement/Time frame/Consultation

Nil.

6. Conclusion

This report provides the minutes of the RAP Advisory Committee meeting held on 20 September 2023 to Council for noting.

7. Attachments

1. RAP Advisory Committee - 20 September 2023 - Minutes [↓](#) .

**REPORT
FC/5.7/23.11**



Subject: War Memorial Hospital - Significant Trees
TRIM No: SF19/2986
Manager: Ben Kusto, Executive Manager, Open Space and Recreation Operations
Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council lists eight additional trees at the War Memorial Hospital in the Significant Tree Register, as set out in Table 2 of the report.

1. Executive Summary

The purpose of this report is to provide an overview of the assessment undertaken by LandArk Pty Ltd in September 2023 to establish the heritage significance and potential inclusion of additional trees on the Significant Tree Register (STR) located within the grounds of the War Memorial Hospital, 125 Birrell Street, Waverley, bordered by Bronte Road (west boundary), Church Street (south boundary), Carrington Road (east boundary), and Birrell Street (north boundary).

In accordance with the heritage assessment undertaken in this study, it is recommended that eight significant trees be added to the STR.

2. Introduction/Background

In September 2023, LandArk Pty Ltd conducted a detailed survey of the health and condition of relevant trees for investigation and determination of heritage significance.

The assessment methodology for determining significant trees is based on the criteria, as developed for the Register of the National Estate, in accordance with the ICOMOS Burra Charter (2013). This is a nationally consistent approach to heritage identification and assessment and can be applied to all types of heritage places and items.

This methodology is consistent with the NSW Heritage Office’s guidelines for Assessing Heritage Significance (2001), Department of Planning and Environment guidelines for Assessing Heritage Significance (2023), and other heritage tree methodologies including Tree AH: Assessing Heritage Trees (Barrell, 2013).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 1 August 2023	PD/5.1/23.08	That Council: 1. Notes: (a) That the Conservation Management Plan prepared by the architect Hector Abrahams:

		<ul style="list-style-type: none"> (i) Details the historical significance of the site as an outstanding example of private philanthropy and its conversion to a war memorial hospital, which should be preserved and not obscured. (ii) The aspects of the site that are of rare aesthetic significance should be preserved, including four Victorian houses and stables, private streetscape, Victorian and 1920s landscape planting and features, 1930s hospital and chapel. (iii) The mansion tower and Norfolk pines should be preserved as landmarks in the surrounding areas. <p>(b) The significance of the historic gates at the corner of Bronte Road and Birrell Street, and that the draft Development Control Plan (DCP) preserves continued public access via these gates at a minimum of nine daylight hours per day, as well as setbacks from the street frontage that will provide opportunities for landscaping, including mature tree planting.</p> <p>(c) That the Edina Estate contains 20 trees listed on Council’s Significant Tree Register. Of these trees, one magnolia grandiflora tree, which is located on the boundary of the proposed building zone, may be impacted along with a significant fig near the existing tennis court.</p> <p>(d) That the War Memorial gardens are part of an important, continuous ecological corridor that spans from Waverley Oval to Centennial Park.</p> <p>(e) The 30% deep planting requirement within the draft DCP.</p> <p>(f) The <i>Waverley Local Environmental Plan</i> requires at least 10% of the gross floor area of 99–117 Birrell Street be used for the purposes of affordable housing.</p> <p>2. Adopts the Waverley Development Control Plan 2022, Part E7 – Edina Estate, attached to the report, subject to the following amendments:</p> <ul style="list-style-type: none"> (a) Page 41 of the agenda, clause 6.4.1, ‘Significant Fabric, Views, Spaces and Relationships’ – Add the following additional controls: <ul style="list-style-type: none"> (i) Ensure that the design of the central
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		<p>building is such that the significant fig near the existing tennis court is retained, along with the significant magnolia grandiflora, and their wellbeing preserved.</p> <p>(ii) Maximise the protection of significant trees on the site and their corresponding tree protection zones.</p> <p>(b) Page 41 of the agenda, clause 6.4.1(g), 'Significant Fabric, Views, Spaces and Relationships' – Amend the second sentence to read as follows: 'This must include the use of the gates as a pedestrian access to the site.'</p> <p>3. Urgently seeks a further report from the General Manager on the cost to engage an independent report from a level 5 arborist to assess all trees on the War Memorial site to identify any additional trees, and their corresponding tree protection zones, that should be placed on Waverley's Significant Tree Register or the Waverley DCP.</p> <p>4. Urgently seeks a meeting with the Minister for Heritage, the Hon Penny Sharpe, to urgently place the War Memorial site on the State Heritage Register.</p> <p>5. Writes to all those who made submissions advising them of Council's decision.</p> <p>6. Officers circulate the amended DCP to Councillors before it is published on Council's website.</p>
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4. Discussion

The report prepared by LandArk Pty Ltd is included at Attachment 1.

The assessment methodology for determining significant trees is based on the criteria, as developed for the Register of the National Estate, in accordance with the ICOMOS Burra Charter (2013). This is a nationally consistent approach to heritage identification and assessment and can be applied to all types of heritage places and items.

Furthermore, this methodology is consistent with the NSW Heritage Office guidelines on Assessing Heritage Significance (2001), Department of Planning and Environment guidelines for Assessing Heritage Significance (2023) and other heritage tree methodologies including Tree AH: Assessing Heritage Trees (Barrell, 2013).

The scope of services for this report include:

- A review of items shown in the updated schedule (incl. confirmation of species ID, age structure, health/ condition, historic/ cultural context, and management issues)
- Literature review, including Council documents, Council's STR, *Local Environmental Plan*, NSW Heritage listing, reports/ articles on historical background, and a review of NSW Heritage - SixMaps (1943 aerial photos of the site)

- An assessment of significance is based on the collected data for each tree’s (or group of trees), contextual relationship to other similar trees, and relative importance in terms of the following criteria:
 - Historic and/ or natural significance.
 - Botanic/ scientific significance.
 - Social, cultural, and commemorative significance.
 - Aesthetic and visual significance.

Twenty trees are currently listed for this site in the STR.

Table 1. Current STR listings for War Memorial Hospital.

ID	Botanical Name	Common Name
T55	<i>Magnolia grandiflora</i>	Southern or Bull Bay Magnolia
T58	<i>Ficus macrophylla</i>	Moreton Bay Fig
T60	<i>Magnolia grandiflora</i>	Southern or Bull Bay Magnolia
T74	<i>Phoenix canariensis</i>	Canary Island Date Palm
T75	<i>Phoenix canariensis</i>	Canary Island Date Palm
T76	<i>Ficus macrophylla</i>	Moreton Bay Fig
T77	<i>Araucaria heterophylla</i>	Norfolk Island Pine
T79	<i>Araucaria heterophylla</i>	Norfolk Island Pine
T82	<i>Ficus macrophylla</i>	Moreton Bay Fig
T83	<i>Ficus macrophylla</i>	Moreton Bay Fig
T85	<i>Ficus macrophylla</i>	Moreton Bay Fig
T87	<i>Phoenix canariensis</i>	Canary Island Date Palm
T89	<i>Phoenix canariensis</i>	Canary Island Date Palm
T90	<i>Phoenix canariensis</i>	Canary Island Date Palm
T109	<i>Phoenix canariensis</i>	Canary Island Date Palm
T110	<i>Phoenix canariensis</i>	Canary Island Date Palm
T111	<i>Phoenix canariensis</i>	Canary Island Date Palm
T112	<i>Phoenix canariensis</i>	Canary Island Date Palm
T113	<i>Phoenix canariensis</i>	Canary Island Date Palm
T114	<i>Phoenix canariensis</i>	Canary Island Date Palm

The estate grounds contain many trees of varying age, size, scale, and significance. The collection reflects a long history of cultural plantings, with additional overlays and in-fill planting over different periods. The inspection found no evidence of the original native plant community (Low Woodland/ Low Forest) or remnant specimens of this community.



Figure 1. Site plan showing location of trees currently scheduled in Waverly STR (yellow) and additional trees recommended for inclusion in the STR (green).

Together with existing STR listings (20 trees), an additional eight significant trees form an outstanding collection of mid-to late Victorian and early inter-war period planting on this site.

As individual specimens and, as a group, they create a distinctive sense of place and reinforce a thematic landscape character typical of other grand estates in the eastern suburbs and broader metropolitan area of Sydney. These trees have significance at the local level.

In accordance with the heritage assessment undertaken in this study it is recommended that these eight significant trees be added to the STR.

Table 2. Additional items recommended for inclusion in the STR.

ID	Botanical Name	Common Name	Height (m)	Canopy spread (m)	DBH (mm)	Health/Condition
T24	<i>Ficus macrophylla</i>	Moreton Bay Fig	28	35	3000+	good
T25	<i>Ficus macrophylla</i>	Moreton Bay Fig	22	25	2200	fair-good
T46	<i>Ficus macrophylla</i>	Moreton Bay Fig	25	30	2000	good
T57	<i>Ficus macrophylla</i>	Moreton Bay Fig	25	30	2500	good
T77*	<i>Ficus rubiginosa</i> <i>f. glabrescens</i>	Port Jackson Fig or Rusty Fig	12	15	1200	good

T84	<i>Jacaranda mimosifolia</i>	Jacaranda	12	12	700	good
T107	<i>Washingtonia robusta</i> ** [NOT <i>Livistona australis</i>]	Washington Palm	16 (14CT)	2	400	good
T123*	<i>Phoenix canariensis</i>	Canary Island Date Palm	12 (10CT)	6	700	good

Notes: * Refer to discussion for ID (Item No.) amendments.
 ** Species ID correction.

5. Financial impact statement/Time frame/Consultation

Nil.

6. Conclusion

For the reasons outlined in this report, it is recommended that the eight mature trees at the War Memorial Hospital set out in Table 2 of this report be added to the STR, in addition to the 20 existing items already listed for this site.

The new listing would therefore contain 28 mature trees with heritage significance at the local level.

7. Attachments

1. LandArc - Assessment of Heritage Significance of Additional Trees (not listed in STR) at Waverley War Memorial Hospital [↓](#) .

REPORT
FC/5.8/23.11

Subject: Miller Street Streetscape Upgrade - Consultation Outcomes

TRIM No: SF23/4280

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Develops a concept design for the Miller Street Streetscape Upgrade, avoiding design elements such as a cul-de-sac, mid-street median and pocket park, and publicly exhibits the design for 28 days.
2. Officers prepare a report to the Traffic Committee following the exhibition period.

1. Executive Summary

Council has proposed to conduct renewal of Council's assets along Miller Street between Castlefield Street and Imperial Avenue within the current financial year, delivered through Council's Strategic Asset Management Plan. On 12 April 2022, Council resolved to undertake community consultation on potential changes within the road reserve that can be considered through to a detailed design process.

This report seeks to inform Council of the community consultation outcomes and propose recommendations of next steps.

2. Introduction/Background

Miller Street was identified through Council's Street Play Initiative as a key community play space for local children to walk, play and ride. Miller Street runs between Castlefield Street and Imperial Avenue, which both carry significant traffic between Bondi Road and Edward Street. It has some dilapidated assets along the length of the street and was slated for asset renewal in the 2023-24 Capital Works Program so that it can continue to evolve to meet community needs and become a safer, more welcoming space.

As part of the scope of the project, the following design ideas were presented to the community for their consideration:

- Promoting pedestrian safety in the street.
- Increasing tree plantings.
- Creating a pocket park for community interaction.
- Introducing traffic calming measures.
- Creating a planted mid-street median.

Funded by Council, the upgrade proposes to renew street assets and improve pedestrian safety to facilitate safe child play through strategic design. Through community consultation, the project has explored options for streetscape upgrades in addition to asset renewal. This component of the project is driven by Council's People, Movement and Places Strategy which identifies improving pedestrian safety as a key priority.

A motion to upgrade Miller Street was passed in April 2022. Several residents were opposed to the initial resolution and have maintained their opposition to the upgrade since then.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 12 April 2022	CM/8.2/22.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that the community has a desire that Miller Street, Bondi, is a safe pedestrian street. 2. Undertakes a design of a streetscape upgrade that considers the following: <ol style="list-style-type: none"> (a) Narrow either end of the street to the width that a large truck can pass. (b) Make small speed bumps or pebbled surface at either end of the street. (c) Increase planting and traffic islands within road at either end of the street. (d) Plant an indigenous garden with information about how to use foods. (e) Increase and encourage grass verge gardens and planting. (f) Create seating where neighbours and pedestrians can sit and talk or work on street projects. (g) Set up community notice boards at either end with information about the area's history and connections, such as indigenous names/people/history, Margaret Whitlam's house, original homesteads, local school, church. (h) Set up a 'found-it-on-the-corner' spot where people can put lost items or notices about things they have lost. (i) Establish a street library. (j) Install one or more EV charging hubs. (k) Support community days about gardening, solar technologies, seasonal planting, produce sale and exchange, garage sales, clothes swaps and learn-to-ride-a-bike days. (l) Implement periodic pedestrian/bike-only days. 3. Undertakes community consultation on the design to

		<p>ensure residents are satisfied with the design.</p> <p>4. Officers prepare a report to Council on the consultation outcomes and the budget source for the project.</p> <p>5. Notes that this project is to be considered independent of the planned traffic study in the area.</p>
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4. Discussion

Technical analysis

A Healthy Streets check was carried out on the existing street layout and is included at Attachment 2. The healthy streets tool provides a general picture of how healthy the existing layout of the street is. The tool provides an assessment on the 10 healthy streets indicators and provides information to designers and decision-makers on areas that can be improved within the streetscape.

Miller Street scored 48 out of 100 on the existing layout of the street. The street scored very well on the shade and shelter indicator with 100 out of 100.

The street scored lower on indicators such as:

- Everyone feels welcome.
- Easy to cross.
- Places to stop and rest.
- People choose to walk and cycle.
- People feel safe.
- People feel relaxed.

Miller Street has a potential to improve on the healthy streets indicators, particularly with improvement to pedestrian safety and comfort at the intersections.

Community engagement

Community feedback on the Miller Street Upgrade has expressed strong consensus for asset renewal but is divided regarding further opportunities for an upgraded streetscape design. This division in community feedback has been noted in all the consultative engagement meetings held for this project.

Further feedback has been received on the streetscape design ideas from a group of residents opposed to the council motion as it stands. Simultaneously there has also been significant support and enthusiasm for a more extensive streetscape upgrade from other members in the community, particularly those with younger children.

Key ideas that garnered widespread community support related to preserving parking, replacement of end-of-life poplar trees, increased plantings and introducing rain gardens to deal with seepage issues. There was also a willingness to consider limited traffic calming measures such as a continuous footpath and kerb extensions.

Overall, the community is strongly in support of road pavement resurfacing and rehabilitation, and tree treatments and replacements.

The community consultation report is attached to this report (Attachment 1).

Recommendation

The community consultation for the proposed Miller Street Upgrade has seen engaged involvement and feedback from residents and the wider community. Making the next step will involve careful consideration of the feedback received for the future of Miller Street. The support for an extensive upgrade at this time may not be viable however other alternatives supported by the results of the community consultation could be entertained. Recommendation would involve returning to the community with a concept design including raingardens and very limited pedestrian improvements such as a continuous footpath and or kerb extension while foregrounding the following:

- Renewal of road surface and footpath.
- Tree treatments.
- Kerb and gutter works.
- Maintaining existing parking spaces.
- Ensuring vehicle access and mobility.
- Ensuring pedestrian safety.

Using the above ideas and removing streetscape design ideas such as the cul-de-sac closure, mid street median and pocket park, still aligns with best practice and pedestrian-forward streetscape improvements outlined in Council's People, Movement and Places strategy.

It is recommended that should this project progress, that a concept design be exhibited for public feedback.

5. Financial impact statement/Time frame/Consultation

This project is funded through Council's Capital Works Program and has a budget of \$270,000.

Refer to section 4 above for the outcomes of the consultation.

6. Conclusion

Community feedback was divided with regards to some of the proposed ideas throughout the street. It is recommended that a concept design be developed avoiding contentious elements such as a cul-de-sac, mid street median and pocket park and exhibited for public feedback. The outcomes of the feedback should inform any changes needed to the concept design prior to being presented to the Traffic Committee for consideration.

7. Attachments

1. Community Consultation Report [↓](#)
2. Healthy Streets design check - Existing layout [↓](#) .

REPORT
FC/5.9/23.11

Subject: Sports Fields Hire - Short-Term Licences

TRIM No: A22/0369

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Grants new short-term licence agreements with the sporting clubs and organisations set out in Table 1 of the report for the use of sports fields up to 31 August 2024.
2. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

1. Executive Summary

Licence agreements for the use of sports fields by Eastern Suburbs District Rugby League Club, Clan Na Gael Gaelic Athletic Club, Easts Football Club, Maccabi NSW, Queens Park Football Club, UTS Bats Australian Football Club, Waverley Old Boys Football Club and Waverley Rugby Football and Sporting Club expired on 31 August 2023.

Due to staff departures and current workload commitments, Council has been unable to commence the expression of interest (EOI) process to establish long-term licences for the sports fields and outdoor courts, a two-step process which requires Council to publicly advertise its intention to offer community facilities for long-term licence followed by an EOI process to shortlist suitable clubs and sporting organisations before entering into extended negotiations on lease agreement terms and conditions.

Due to timing, the long-term licence will not be able to be completed and negotiated with clubs before the 2024 winter season.

To ensure clubs are able to commit to the 2024 winter season in Waverley, it is recommended that Council enters into new short-term licence agreements with the current clubs up to 31 August 2024. It is recommended the terms and conditions of new licences, such as facility allocations, times indexed fees and charges and subsidies and the like, remains consistent with the recently expired licences to ensure an equitable and efficient transition onto new agreements.

In parallel to new short-term licence agreements being executed, Council will commence the process for establishing long-term licences. The first step in commencing long-term licences is to complete a section 47A public advertisement of Council's intention to offer long-term licences on community venues. Officers will commence the section 47A advertisement in November 2023 followed by an EOI process seeking clubs interest in early 2024.

Council will then have long-term licences agreements in place the winter 2025 season onwards.

2. Introduction/Background

Council provides and maintains a great variety of facilities to cater for the recreational and play pursuits of the community. Council's commitment to the community is to provide affordable recreation and play opportunities through the provision of high-quality infrastructure that will increase participation and enhance the physical activity undertaken by the community.

Council maintains licence agreements with several sporting clubs for the use of its playing fields and some associated facilities. In addition, Council also takes short-term bookings for these facilities.

Hire agreements, short-term and long-term licence agreements provide the community with access to a range of sporting and recreational activities as well as supporting our local clubs. These outcomes support our open space and recreation goals in the Strategic Plan 2018-2029.

The agreements also provide the clubs certainty of the availability of sports facilities, enabling them to plan ahead for consecutive seasons and build membership. The agreements have been successful in achieving these goals.

In 2011, Council went through an EOI process to award long-term licence agreements for the winter season. As a result of this process, several long-term licence agreements were awarded. All clubs who made an application were awarded an agreement.

The 2011 licence agreements were for two years with a three-year option. When this time elapsed in 2018, the licences entered into a holding period for an additional season, before new licence agreements were put in place until 2023. All licence agreements for winter sport have since expired.

During this period the *Crown Lands Management Act 2016* came into effect in 1 July 2018. The change in legislation now requires Council to have an adopted Plan of Management (PoM) in place before being able to offer long-term leases and licences. However, Council can still enter into short-term licences agreements until a new PoM is adopted.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 1 November 2022	FC/5.2/22.11	That Council: <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 a minimum of 28 days Council's proposal to grant licences of three years with one two-year option for the long-term hire of the following sports fields and outdoor courts: <ol style="list-style-type: none"> (a) Waverley Park Oval. (b) Waverley Park #2 (synthetic). (c) Waverley Park #3. (d) Waverley Park netball courts. (e) Waverley Park multipurpose courts. (f) Waverley Park Southern Club Room

		<p>(Margaret Whitlam Recreation Centre).</p> <p>(g) Hugh Bamford Reserve sports field.</p> <p>(h) Rodney Reserve sports field.</p> <p>(i) Dudley Page Reserve.</p> <p>2. Undertakes an expression of interest (EOI) process for a minimum of 42 days for the long-term hire of the sports fields and outdoor courts above.</p> <p>3. Officers prepare a report to Council following the EOI period.</p>
Council 18 February 2020	CM/7.9/20.02	<p>That Council:</p> <p>1. Approves, in principle, new licence agreements for the use of Council's sports fields by Easts Football Club, Queens Park Football Club and Clan na Gael Gaelic Athletics Club for a period up to August 2023, applying the charity/community/not-for-profit rates under Council's Pricing Policy, Fees and Charges.</p> <p>2. Notes that direct negotiations will take place with the respective clubs on the details of the hours of use and location of fields of the licence agreements.</p> <p>3. Delegates authority to the General Manager to approve and sign the new licence agreements.</p>

4. Discussion

The sporting facilities in Waverley Park are on Crown Land. Council is Crown land manager for the land. Under the *Crown Land Management Act 2016*, Council Crown land managers are able to administer Crown land under the public land provisions of the *Local Government Act 1993*. This includes issuing leases and licences.

For all Crown land that is classified as 'community land', Council is required to have an adopted plan of management (PoM) that outlines the type of leases and licences that can be authorised on the land. The PoM for Hugh Bamford Reserve was finalised and adopted by Council on 2 June 2020. The PoM for Waverley Park expired in 2020. However, the new draft plan of management has been completed with input from key stakeholders and is due to be adopted by Council and Crown Lands. Likewise, a new Coastal Reserves PoM has commenced incorporating Rodney Reserve but is unlikely to be adopted by the time long-term lease agreements are established.

Until such time as the new Waverley Park PoM and Coastal Reserves PoM is adopted, the *Crown Land Management Regulation 2018* provides interim arrangements for granting of certain leases and licences. Under section 70(2)(a) of the Regulation, Council may, without the consent of the Minister, grant only a short-term licence of up to 12 months.

In summary Council can enter into both short and long-term licence agreements for community sporting facilities. However, the length a licence for facilities will be impacted by adoption of PoMs for those parks and reserves.

Community sports facilities - Short-term licences

Due to timing, it is recommended that Council enter into new short-term licence agreements with existing clubs to cover the winter 2024 sporting season. It is recommended that Council maintain all other terms of the agreements, such as allocated facilities, days of the weeks and times of the day, indexed fees and charges and subsidies and the like. New negotiations on these types of changes will be covered in the long-term licence process.

Terms of the recently expired agreements as well as the proposed extended agreements are summarised below:

Table 1. Short-term licence proposals.

Club	Proposed extended agreement			
	Premises	Term of agreement	Type of agreement	Expiry of agreement
Eastern Suburbs District Rugby League Club	Waverley Park Oval, Waverley Park Synthetic #2	1 year	Short-term licence	31 August 2024
	Hugh Bamford Reserve	1 year	Casual hire agreement	31 August 2024
Clan Na Gael Gaelic Athletic Club	Waverley Park Synthetic #2	1 year	Short-term licence	31 August 2024
Easts Football Club	Waverley Park Synthetic #2 & Waverley Park #3	1 year	Short-term licence	31 August 2024
Maccabi NSW	Waverley Park Synthetic #2	1 year	Short-term licence	31 August 2024
Queens Park Football Club	Waverley Park Synthetic #2	1 year	Short-term licence	31 August 2024
UTS Bats Australian Football Club	Waverley Park Pavilion Sports Club Facilities & Waverley Park Oval	1 year	Short-term licence	31 August 2024
Waverley Old Boys Football Club	Waverley Park #2 Synthetic & Waverley Park #3	1 year	Short-term licence	31 August 2024
Waverley Rugby Football and Sporting Club	Waverley Park Pavilion Sports Club Facilities & Waverley Park Oval	1 year	Short-term licence	31 August 2024

Community sports facilities - Long-term licences

In parallel to the short-term licence extension, Council will commence the long-term licences procurement process. The long-term licence process will be undertaken as a two-step process.

Step 1 – Section 47A process

Council must publicly advertise its intention to offer a long-term licence for community facilities, such as sports fields and outdoor courts for 28 days in accordance with its obligations under section 47A of the *Local Government Act 1993*. Following the 28 days, Council officers must report all public submissions to Council for consideration before officers can enter into any licence agreement.

The section 47A process will begin in early November 2023. Once completed, the process can begin to invite sporting clubs and organisations to submit applications for long-term licences in the new year.

Council is exempt from the provisions of section 47A, under section 117 of the *Local Government (General) Regulation 2021*, for the short-term licence agreements recommended in Table 1.

Step 2 – Procurement of community sports facilities long-term licences

The procurement process for the award of the long-term licenses will commence in early 2024 and consist of two stages:

Stage 1 – Expression of interest

Stage 1 is to establish the experience, capability and capacity of sporting clubs and organisations to successfully run community-based sporting activities, which sporting activities they are going to offer as well as which facilities they wish to utilise and when and how their clubs support the sporting needs of the Waverley community. Clubs and organisations must address the essential criteria listed in the EOI to progress to Round 2. EOIs are commonly used by Council to shortlist candidates across a range of services, programs and initiatives.

Stage 2 – Request for tender and licence agreement

Sporting clubs and organisations short-listed in Round 1 will be requested to submit final documentation via a request for tender process.

Those successful applicants will then be offered facilities and time slots. There will be an opportunity to further negotiate the use of facilities and the terms of agreement.

Council plans to run the EOI process in early 2024 with the aim of completing all licencing agreements before the end of the 2024 winter season. New licence agreements would then be in place ready for the 2025 winter season.

5. Financial impact statement/Time frame/Consultation

All clubs listed in Table 1 have been contacted and informed about the proposed short-term extension and have confirmed they're wiliness to enter into an extended agreement.

As all clubs will be receiving an extension of their existing licence, thus receiving the same rate for field hire, there will be no financial impact to Council in granting these licence agreements.

It is recommended that the new licence agreements issued to clubs immediately, with an end date of 31 August 2024.

All clubs listed in Table 1 have been contacted and informed about the proposed long-term licence procurement process and have expressed interest in participating when the EOI is released.

6. Conclusion

It is recommended that Council approve new short-term licences to allow use of facilities for the winter 2024 season, noting that Council will not be renegotiating terms, simply drafting new agreements based on the previous conditions with an expiry date of 31 August 2024.

The opportunity to negotiate new terms will be available as part of the long-term licence agreement process, with new licences expected to take effect in late 2024.

7. Attachments

Nil.

REPORT
FC/5.10/23.11

Subject: Tender Evaluation - Tamarama Kiosk - Lease

TRIM No: A23/0231

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 lease of Tamarama Kiosk for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] over the initial three-year term of the lease.
3. Authorises the General Manager or delegate to enter into a lease on behalf of Council with the preferred tenderer for a term of three years with a two-year option.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

1. Executive Summary

Tamarama Beach is one of the Eastern Suburbs' most popular beaches and enjoys good passing foot traffic as part of the coastal walk. There has been a kiosk operation providing light meals and drinks to locals and visitors for many decades.

At its meeting on 16 May 2023, Council resolved to exhibit its intention to grant a lease of Tamarama Kiosk for up to five years, as the current lease was expiring in September 2023. Submissions on the proposal were considered at the Finance, Operations and Community Services Committee on 5 September 2023

This report summarises the subsequent tender evaluation process and recommends awarding a lease to the top-ranked tenderer as identified in the confidential tender evaluation attached to this report

2. Introduction/Background

Council has leased a kiosk in Tamarama Park for many decades, firstly in a small building on the northern side of the park and more recently from the Tamarama kiosk and amenities building that was constructed in 2012.

At its meeting on 16 May 2023, Council resolved to exhibit its intention to grant a lease of Tamarama Kiosk for up to five years.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 5 September 2023	FC/5.5/23.09	That Council: <ol style="list-style-type: none"> 1. Approves in principle the granting of a lease of up to five years for the operation of Tamarama Kiosk. 2. Notes that a tender process will be undertaken to seek a lessee, with a report to be presented to Council to grant the lease to the preferred tenderer.
Council 16 May 2023	CM/7.14/23.05	That Council: <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 a lease of up to five years for the Tamarama Kiosk at Tamarama Park. 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 lease. 4. Notes that a tender process will be undertaken to seek a lessee, with a report to be prepared to Council to grant the lease to the preferred tenderer.

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 12 September 2023 with the tender closing on 6 October 2023. Advertisements were placed in the local government tenders' section of the *Sydney Morning Herald* and the *Wentworth Courier* and the Tenderlink website, Tenderlink being the local government procurement system. In addition, a large leasing sign was placed in a prominent location on the kiosk building. Site visits were mandatory, and four site visits were undertaken with prospective tenderers during the tender period.

As part of the Tenderlink promotion, 779 suppliers were notified that the tender was available and could be downloaded to review. There were 118 views of the tender through the Tenderlink portal and 22 downloads of the tender package.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of:

- Andrew Best – Executive Manager, Property and Facilities (Chair).
- John Andrews – Property Manager.

- John Coudounaris – Manager, Economic Development.

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 meet the requirement.
- Product offering and service (proposed use)
- Management plans
- Environmental and social sustainability
- Price – Rental offer over the initial three-year term of the lease

Tenders received

Tenders were received from the following four entities:

- Allan R Lewis and Jodie-Lee Boterhoek (trading as Tamarama Kiosk).
- Empire Cuisines Pty Ltd (trading as Pellegrini's Italian).
- Sonitec Pty Ltd.
- Tamarama Surf Life Saving Club Inc.

Conforming tenders

- Allan R Lewis and Jodie-Lee Boterhoek (trading as Tamarama Kiosk).

Non-conforming tenders

- Empire Cuisines Pty Ltd (trading as Pellegrini's Italian).
- Sonitec Pty Ltd.
- Tamarama Surf Life Saving Club Inc.

Given the premises is in a prime beach front locale the number of submissions received was somewhat low. Officers consider that this due to several factors. There is still a lack of general consumer confidence in launching a new food and beverage business in the current economic climate. The seasonality and impacts of the weather in this beach locale can lead to inconsistent trade, particularly in the winter months. Also, the long-standing and popularity of the incumbent lessee appeared to deter other local food and beverage operators from applying.

Of the four tenders received, the TEC determined three to be non-conforming. None of the three non-conforming tenderers had sent a representative to view the kiosk at one of the onsite meetings, which was a mandatory requirement. Further to this, two of the three non-conforming submissions contained incomplete returnable schedules with sections not populated, meaning they could not be evaluated.

The one confirming tender received was from the incumbent tenant. This was high-quality submission that demonstrated excellent experience, met the full requirement in terms of the food and beverage offering and included management plans that addressed the particular operational challenges of trading from a beach location.

On 6 October 2023, Council received a petition in support of the incumbent tenant. The petition contained 229 signatures from community members. The chair of the Tender Evaluation Committee was made aware of the petition, but the petition was not considered at any point during the evaluation meetings held to determine the outcome of the tender.

5. Financial impact statement/Time frame/Consultation

Following Council approval, Council will receive the total rent identified in the attachment over the initial three-year term of the lease. The annual rent under the new lease arrangements represents a small increase from the current rent received.

There are no rent-free periods or incentives, so the new rental amount will be received monthly in advance from the commencement date of the new lease expected to be 15 November 2023.

6. Conclusion

It is recommended that Council endorse the award of a lease over the Tamarama Kiosk to the top-ranked tenderer as identified in the attached evaluation scoring matrix. The lease will be for an initial term of three years with a two-year option period.

7. Attachments

1. Tender evaluation (confidential) .