



W A V E R L E Y
COUNCIL

STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

7.30 PM, TUESDAY 6 FEBRUARY 2024

Emily Scott
General Manager

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Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development 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. Despite clause 1(i) above, the Waverley Strategic Planning and Development Committee does not have delegated authority to accept any tenders.
3. 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 General Manager 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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5. Reports

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6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/24.02



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 5 December 2023

TRIM No: A23/0763

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee meeting held on 5 December 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. Strategic Planning and Development Committee Meeting Minutes - 5 December 2023 .



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 5 DECEMBER 2023**

Present:

Councillor Paula Masselos (Mayor) (Acting Chair)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward

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 7.34 pm, those present were as listed above.

Crs Burrill, Goltsman, Gray, Keenan and Lewis attended the meeting by audio-visual link.

Due to the chair, Cr Lewis, being unable to chair the meeting, the Committee elected Cr Masselos as acting chair of the Committee for this meeting.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Acting Chair read the Acknowledgement of Indigenous Heritage:

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

1. Apologies

Apologies were received from Cr Tim Murray, Cr Will Nemesh and Cr Dominic Wy Kanak.

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

3.1 B Mouroukas – PD/5.6/23.12 – Strata Parking Area Agreements

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Fabiano

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

PD/4.1/23.12 Confirmation of Minutes – Strategic Planning and Development Committee Meeting – 7 November 2023

PD/5.4/23.12 Housing Advisory Committee Meeting – 29 August 2023 – Minutes.

PD/5.8/23.12 Tamarama Park and Beach Plan of Management – Adoption.

4. Confirmation of Minutes

PD/4.1/23.12 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 November 2023 (SF23/18)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

That the minutes of the Strategic Planning and Development Committee meeting held on 7 November 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/23.12 Planning Proposal - Council Advertising on Public Domain Assets (PP-2/2023)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.
3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.
4. Notes that Council will determine the location of multi-functional communication panels as part of a separate process.

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

UNANIMOUS DECISION

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition, subject to the following amendment:
 - (a) Page 27 of the agenda, part 2, 'Signage – Council communications panels advertising' – Add the following new clause 8: 'Must not include any political advertising.'
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.
3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to

exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.

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

Division

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

Against the Motion: Nil.

PD/5.2/23.12 Planning Proposal - Dwelling Density (PP-3/2023)

A notice of motion to rescind this resolution has been submitted with the General Manager. The rescission motion will be considered at the Council meeting on 12 December 2023.

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

- Forwards the planning proposal attached to the report (Attachment 1) to prevent the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
- Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.
- Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Betts

That Council defers this item to a Councillor briefing in early 2024 for consideration of the planning proposal and to discuss how it fits into Council's strategic vision.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

- Forwards the planning proposal attached to the report (Attachment 1) to prevent the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
- Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.

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

Division

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

Against the Motion: Crs Betts, Burrill, Goltsman and Kay.

PD/5.3/23.12 Subsidised Lease Program (A23/0388)**MOTION / UNANIMOUS DECISION**

Mover: Cr Gray

Seconder: Cr Keenan

That Council:

1. Officers prepare a draft policy on the implementation of the Subsidised Lease Program.
2. Notes that the Subsidised Lease Program would complement and not compete with other more conventional approaches to increasing affordable housing stock.

PD/5.4/23.12 Housing Advisory Committee Meeting - 29 August 2023 - Minutes (SF23/4556)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council notes the minutes of the Housing Advisory Committee meeting held on 29 August 2023 attached to the report.

PD/5.5/23.12 Clause 4.6 Variations to Development Standards - Quarterly Report - July-October 2023 (A23/0244)**MOTION**

Mover: Cr Gray

Seconder: Cr Keenan

That Council notes:

1. The clause 4.6 variations to development standards for the period 1 July 2023 to 31 October 2023 attached to the report.
2. That from 1 November 2023, the Department of Planning and Environment (DPE) no longer requires councils to report clause 4.6 variations to development standards or submit quarterly reports, as this information will be extracted directly from the NSW Planning Portal and published by the DPE for all NSW councils.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes:
 - (a) The clause 4.6 variations to development standards for the period 1 July 2023 to 31 October 2023 attached to the report.
 - (b) That from 1 November 2023, the Department of Planning and Environment (DPE) no longer requires councils to report clause 4.6 variations to development standards or submit quarterly reports, as this information will be extracted directly from the NSW Planning Portal and published by the DPE for all NSW councils.
2. Officers continue to report on clause 4.6 variations to development standards to Council on a quarterly basis.

PD/5.6/23.12 Strata Parking Area Agreements (A16/0667)**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Defers this item to a Councillor briefing in the first half of 2024.
2. Officers review and update the draft Guidelines on Strata Parking Area Agreements attached to the report to include a fee structure and calculation methodology.
3. Officers prepare a draft pro forma agreement and operational policy and procedure to be followed by Council staff and strata managers.
4. Notes the document tabled at the meeting titled 'Some Suggested Operational Aspects for a Strata Parking Enforcement Scheme at Waverley Council.'

B Mouroukas addressed the meeting.

PD/5.7/23.12 Urban Greening and Cooling Strategy - Adoption (A23/0489)**MOTION / DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council adopts the Urban Greening and Cooling Strategy attached to the report.

The motion was declared carried on the casting vote of the chair.

PD/5.8/23.12 Tamarama Park and Beach Plan of Management - Adoption (A21/0475)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Notes the feedback on the draft Tamarama Park and Beach Plan of Management received during public exhibition, as set out in the report, and that no substantial changes have been required to the draft Plan of Management as a result of the consultation.
2. Adopts the Tamarama Park and Beach Plan of Management attached to the report (Attachment 1) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Lands Management Act 2016*.

6. Urgent Business

There was no urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 8.40 PM.

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SIGNED AND CONFIRMED
CHAIR
6 FEBRUARY 2024

REPORT
PD/5.1/24.02

Subject: Bronte Park and Beach Plan of Management - Adoption

TRIM No: A16/0168

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the feedback on the draft Bronte Park and Beach Plan of Management received during public exhibition, as set out in the report, and that no substantial changes have been required to the draft Plan of Management as a result of the consultation.
2. Adopts the Bronte Park and Beach Plan of Management attached to the report (Attachment 1) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Lands Management Act 2016*.

1. Executive Summary

A plan of management is a document that defines the value, use, management practices and intent for the broad public purpose for which the land has been reserved. On 20 October 2020, Council resolved (CM/7.6/20.10) to update the Bronte Park and Beach Plan of Management (PoM) in response to changes made in 2018 to the *Crown Land Management Act 2016* (CLM Act).

On 23 December 2022, in accordance with section 70B of the *Crown Land Management Regulation 2018*, the Minister for Lands and Property (the Minister) provided written consent for Council to adopt the Bronte Park and Beach PoM, following a successful public exhibition process, subject to the inclusion of amendments requested by Crown Lands (Attachment 3).

The draft plan was publicly exhibited for 42 days from 3 November to 17 December 2023 to provide the community with the opportunity to review the updates and provide further feedback. A summary of consultation findings is attached to this report (Attachment 3).

Community feedback and ideas received were in line with what the community told us in early rounds of consultation and are reflected in the draft PoM and Masterplan. Feedback received has not required any substantive changes to the PoM, with a majority of respondents supporting each amendment.

The PoM, with non-substantial amendments (minor editorial corrections) highlighted, is attached to the report (Attachment 1).

Should Council wish to substantially amend the PoM following exhibition, it will need to be resubmitted to the Minister for review and receive written consent to re-exhibit and adopt the amended PoM.

The community have expressed their support for the plan and it is therefore recommended that Council adopt the updated PoM attached to this report in accordance with section 40 of the *Local Government Act*

1993 and lodge a copy of the adopted PoM with the NSW Department of Planning and Environment – Crown lands.

2. Introduction/Background

The Bronte Park and Beach Plan of Management (BPB PoM) was developed through research and public consultation including public exhibition before it was adopted by Council in July 2017. In October 2020, Council resolved to update a priority list of Plans of Management (PoMs) to comply with the new Crown Land Management Act, including Bronte Park and Beach PoM.

The CLM Act, which commenced on 1 July 2018, introduces significant changes to the management of Crown land in NSW. The Act directs that plans of management must be produced for all Crown Land managed by Crown Land Managers (CLM). The Act also directs that councils will now manage their dedicated or reserved land as if it were public land under the *Local Government Act 1993* (LG Act). Bronte Park and Beach comprises both Crown land and community land. Council is the Crown land manager for the land.

As parts of Bronte Park and Beach are classified as ‘community land’ under the LG Act, Council is required to have plans of management for this land. The updated BPB PoM is fully aligned with the new CLM Act, and the LG Act. Initial consultation conducted to inform the Plan of Management in 2016 provided information about how the public uses the park and beach, tested ideas for enhancement and received feedback from the community about the park. All this information was incorporated into the previous adopted BPB PoM and included in the revised PoM placed on public exhibition.

The updated BPB PoM was placed on public exhibition from 3 November to 17 December 2023 and updates were supported in the majority. A summary of consultation findings is attached to this report (Attachment 3).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 July 2022	CM/7.5/22.07	That Council: <ol style="list-style-type: none"> 1. Submits the draft Bronte Park and Beach Plan of Management attached to the report to the Minister for Lands and Water for approval. 2. Publicly exhibits the draft Bronte Park and Beach Plan of Management for 42 days once the Plan is approved by the Minister. 3. Authorises the Acting Director, Assets and Operations, to make any amendments to the Plan that may be required by the Minister prior to its public exhibition. 4. Officers prepare a report to Council following the exhibition period.
Council 20 October 2020	CM/7.6/20.10	That Council: <ol style="list-style-type: none"> 1. Pursuant to section 3.23 of the <i>Crown Lands Management Act 2016</i>, gives notice to the Minister administering the <i>Crown Lands Management Act 2016</i> of the initial categorisation of Bondi, Bronte, Tamarama

		<p>and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report.</p> <ol style="list-style-type: none"> 2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands. 3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new <i>Crown Lands Management Act 2016</i>. 4. Updates the plans of management as prioritised in the report. 5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change. 6. Writes to the Crown Lands Area Manager requesting them to: <ol style="list-style-type: none"> (a) Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands. (b) Formally confirm the earliest permissible time for the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club. 7. Notes that there are capacity issues in completing all the requirements by the current deadline and that there are discussions underway with Crown Lands in relation to a possible extension of deadline and programming of work. 8. Investigates options for recognising the cultural significance of land to First Nations people in NSW within plans of management.
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4. Discussion

Council's open spaces are planned for, and managed through, the Open Space and Recreation Strategy (OSRS) and parks' plans of management. The OSRS helps to understand the priorities for our parks to deliver quality greenspace and community recreation outcomes, as well as provide direction in their management. In addition, the Inclusive Play Study further defines how Council plans and upgrades play spaces.

All the preliminary ideas presented in Stage 1 of the Bronte Park and Beach PoM consultation in 2016 were identified through these existing Council strategies. The strategies are based on community feedback and independent expert advice. The ideas presented in Stage 1 were tested and affirmed through the

consultation process, which was extensive in reach and engagement, featuring one Have your Say day event, providing detailed overviews of all components of the engagement and enabling respondents to provide direct feedback to council, a councillor workshop and utilisation of the Have your Say platform to conduct both short form and detailed surveys.

Public exhibition

The updated PoM was provided to Crown Lands for approval on 20 July 2022. On 23 December 2022, the draft plan was approved by Crown Lands to proceed to public exhibition, subject to completion of the amendments listed in Attachment 2. This approval and associated conditions were issued via email notification to Councillors on 31 October 2023, prior to public exhibition.

The plan was publicly exhibited for 42 days from 3 November to 17 December 2023 to provide the community with the opportunity to review the revisions and provide further feedback. A summary of consultation findings is attached to this report (Attachment 3).

A range of engagement methods were used to maximise the opportunity for community participation. The methods used align with the IAP2 model for community engagement which has been adopted by Waverley Council including:

- Have Your Say website – 552 page views, 393 visitors, 17 project followers.
- Online survey – 6 submissions.
- On-site poster – 17 posters displayed at park, beach or gully entrances.
- Flyer drop with QR code link to project – Issued to approximately 2,430 properties,
- Mail and email notifications – Stakeholders, adjacent residents, precincts and contributors to earlier rounds of consultation.
- Have Your Say engagement e-newsletter – Over 6,000 recipients.

The aim of the public exhibition was to inform the public of the updates to the Plan of Management, which were limited to updates required to comply with the *Crown land Management Act 2016* and the *LG Act*. Updates to the PoM were related to native title declaration, community land categorisation, lease, licence and other estates authorisation with feedback on Council's dedicated Have Your Say Page targeted to these updates.

Respondents were asked to confirm whether they had read the draft plan, whether they agree with the areas and categorisations contained in section 6.8 of the PoM – Community Land categorisation, and whether they supported the proposed leases and licences identified within section 6.9 of the PoM – Lease, Licence and other estates authorisation. An assessment and adherence to the *Native Title Act 1993* is now a requirement under the CLM Act 2016 for plans of management, and additional information related to the need for advice related to native title was included on the Have your Say Page.

Respondents were then asked to provide general feedback in relation to the updates within the Plan of Management.

Summary of feedback and key ideas

There was a clear majority of community support related to the Community Land Categorisations with 100% (6 out of 6 respondents) of survey respondents noting their agreement with the areas and categorisations identified within the plan of management.

Similarly, 83% of respondents supported the proposed leases and licences outlined in the PoM.

Written general responses were accepted as part of the survey process in relation to the identified updates. Council also received two emails during the public exhibition phase. The open format of this question allowed respondents to comment on a range of issues, many of which had already been addressed in the plan or were unrelated to the updates.

Key findings from the public exhibition and written responses were in line with what the community told us in the previous consultation and have been addressed in the relevant PoM Action plans. This feedback was collated and categorised under the relevant themes contained within the updated PoM. The key concerns that arose from the combined responses received from the online survey and written responses were:

- Masterplan And Action Plan:
 - Desire to minimise lighting within the Calga Cutting (one mention).
- Getting to and around the park:
 - Improvement to universal accessibility (one mention).
 - Improvement of cycling access and connections (one mention)
- Playing and relaxing
 - Support for an increase in dog off-leash area (three mentions).
 - Desire for improved amenities (one mention)
- Management and maintenance / Compliance:
 - Desire for better maintenance of existing stairs (two mentions).
 - Desire for better enforcement of dog off leash breaches (two mentions).
 - Desire for better enforcement of antisocial behaviour (noise and alcohol compliance) (two mentions)
 - Desire for better enforcement of commercial use regulations (three mentions)

These key ideas were in line with what the community told us in the previous consultation and therefore have been addressed within the relevant Action plans contained in the PoM. Reference to the relevant actions addressing the comments raised is included in the Engagement Summary Report (Attachment 3).

5. Financial impact statement/Time frame/Consultation

The ongoing preparation of PoMs is funded annually under the Capital Works Program. This project is within budget.

It is intended that the implementation of the Plan of Management will be included in the Long Term Financial Plan with ongoing maintenance from the Operational Plan and major upgrades funded from future Capital Works Programs.

Once the PoM is formally adopted by Council, officers will update the community and respond directly to residents and stakeholders who have provided feedback through the course of the PoM development.

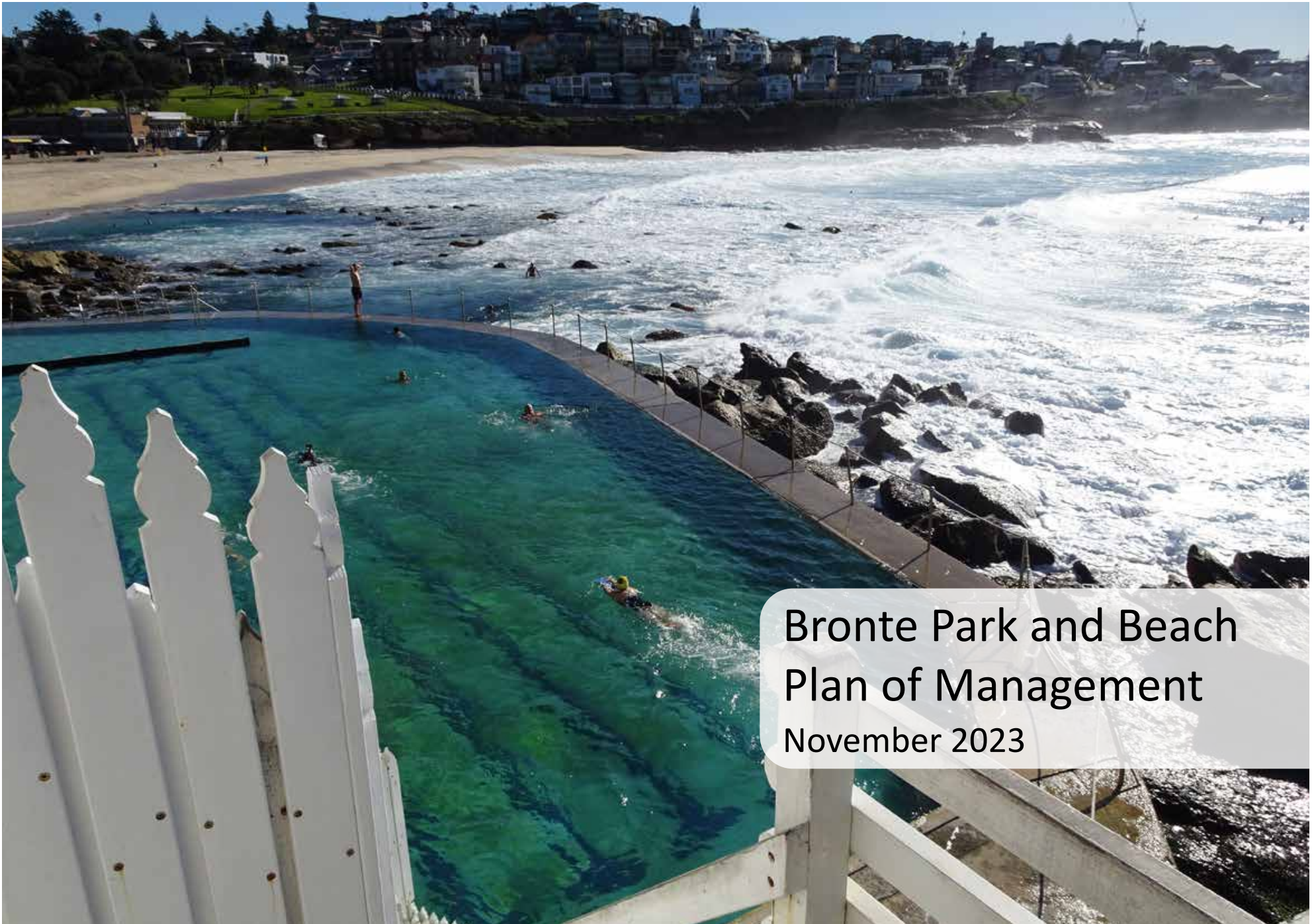
6. Conclusion

Council resolved to update the Plan of Management for Bronte Park and Beach. The Plan of Management has now been updated and placed on public exhibition for consultation and community feedback. The community have expressed their support for the plan and it is therefore recommended that the Bronte Park and Beach Plan of Management be adopted by Council. On adoption of the Plan, a copy will be issued to the Minister for Lands and Property and Department of Planning and Environment – Crown Lands.

7. Attachments

1. Bronte Park and Beach Plan of Management - Changes highlighted [↓](#)
2. Crown Land - Bronte Park and Beach Plan of Management - Public exhibition notice [↓](#)

3. Bronte Park and Beach Plan of Management - Public Exhibition Summary Report [↓](#) .



**Bronte Park and Beach
Plan of Management
November 2023**

This Management Plan is approved for implementation. Its purpose is to direct all aspects of management of the park and historic areas until the plan is reviewed.

Aboriginal and Torres Strait Islander people are advised that this document may contain images, names, quotes and other references to deceased people.

Acknowledgement

The Bronte Park and Beach Management Plan is a strategic guide for managing and protecting Bronte Park.

The Bronte Park Management Plan (BPMP) has been developed through consultation with a wide range of interested community and stakeholder groups and individuals. This management plan describes the current condition of Bronte Park and addresses the intent of future management. It articulates management directions for the Park over a 10-year time frame aimed at enhancing the scenic appreciation, cultural heritage and community enjoyment of the Park.

The approved management plan will guide the direction and strategic approach applied to managing Bronte Park. Consequently, the plan does not detail operational work activity but rather will help shape such activity by encouraging compatibility with the vision for the Park and existing strategies and guidelines established by Council. The Plan has provided an important opportunity for Traditional Owners to express the significance and meaning of their Country. The Park provides a place enjoyed by many and the Plan seeks to protect the values of the Park and set out a planning framework to ensure the value that the park brings to the Waverley community is assured for the future.

Waverley Council acknowledges the Bidjigal and Gadigal people, who traditionally occupied the Sydney Coast and we also acknowledge Aboriginal Elders both past and present.

Our vision for reconciliation is for Waverley to be a vibrant, resilient, caring, and inclusive community where Aboriginal and Torres Strait Islander peoples:

- Practice and celebrate their culture and heritage proudly
- Are honoured for their survival and resilience, and supported to continue to overcome adversity
- Are respected and acknowledged as First Nations peoples with the right to determine their own futures Waverley Council will continue to value and protect our environment with respect to Aboriginal and Torres Strait Islander peoples' intrinsic relationship with the land and waters.

Disclaimer

This plan is prepared without prejudice to any negotiated or litigated outcome of any native title determination applications covering land within the plan's area. It is acknowledged that any future outcomes of native title determination applications may necessitate amendment of this plan; and the implementation of this plan may require further notifications under the procedures in Division 3 of Part 2 of the Native Title Act 1993 (Cwlth).

The plan is also prepared without prejudice to any future negotiated outcomes between the State or Federal Governments and NSW Aboriginal communities. It is acknowledged that such negotiated outcomes may necessitate amendment of this plan. Waverley Council's legal advice on Native Title of Bronte Park is detailed below.

Every effort has been made to ensure that the information in this plan is accurate. Waverley Council does not guarantee that the publication is without flaw of any kind and therefore disclaims all liability for any error, loss or other consequence that may arise from you relying on any information in the publication.

REPORT
PD/5.2/24.02



Subject: Environmental Upgrade Agreements

TRIM No: A22/0263

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability

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

RECOMMENDATION:

That Council does not extend its services agreement with Better Building Finance to deliver Environmental Upgrade Agreements due to no agreements being signed in the two-year trial period.

1. Executive Summary

In August 2021, a Council report agreed to implement a two-year trial of the Environmental Upgrade Agreements (EUA) in the Waverley local government area (LGA) and prepare a report outlining the performance of the trial. During the two-year trial, there were no Environmental Upgrade Agreements completed in Waverley, rendering the trial unsuccessful. It is recommended to discontinue EUAs in Waverley and look to undertake other opportunities to engage businesses to take sustainability action.

2. Introduction/Background

Council has ambitious greenhouse gas emission reduction targets and is aspiring to achieve net zero emissions for the community by 2035. In August 2021, Council approved a two-year trial which offered Environmental Upgrade Agreements to businesses in Waverley. Environmental Upgrade Agreements are delivered via a contract between Council, a finance provider, and a building owner. Under the contract, the finance provider funds the building owner to undertake sustainability upgrades to the existing commercial building, for example installing solar systems, energy and water efficient equipment or projects that minimise waste. The funds are repaid by means of an Environmental Upgrade Charge levied and collected by Council as part of their standard rates mechanism.

The Waverley trial began in August 2021 and finished in August 2023. Better Building Finance was appointed as the third-party administration provider for the two-year ‘trial’. There was minimal interest in the program and no businesses applied for or completed Environmental Upgrade Agreements during this time period.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 2 May 2023	PD/5.3/23.05	That Council: 1. Notes: (a) That the achievement of Council’s net zero community target by 2035 remains reliant on emissions offsets to meet the calculated shortfall of Council’s current emissions

		<p>reduction pathway.</p> <p>(b) That it is not Council’s intention to rely on emission offsets to meet its 2035 target.</p> <p>(c) The consultation and engagement that is occurring with the community and experts on emissions reduction actions to meet the net zero community emissions target.</p> <p>2. Writes to the NSW Minister for Climate Change, the Hon. Penny Sharp MP, seeking additional and accelerated investment in net zero initiatives to support progress towards meeting Council’s net zero community emissions target.</p> <p>3. Engages stakeholders from the Net Zero Roundtable event to work together to progress and promote the increased acceleration of net zero actions across the Waverley business community.</p> <p>4. Continues to lead by example in taking all available opportunities and advocating strongly to urgently reduce greenhouse emissions across Council operations and community actions.</p> <p>5. Updates residents on progress to net zero 2035 via all Council communication channels to build support and participation in the change.</p>
<p>Council 17 August 2021</p>	<p>CM/7.10/21.08</p>	<p>That Council:</p> <p>1. Supports the implementation of Environmental Upgrade Agreements within the Waverley local government area.</p> <p>2. Appoints a third-party provider to deliver streamlined Environmental Upgrade Agreements for a trial period of two years.</p> <p>3. Supports the integration of Environmental Upgrade Agreements within Council’s finance systems.</p> <p>4. Officers prepare a report to Council at the end of the trial period on the performance of the Environmental Upgrade Agreements.</p>

4. Discussion

Aim of the trial

The trial aimed to attract one small project (i.e. below \$50,000), one medium project (i.e. below \$100,000) and one large project (i.e. below \$500,000) to receive EUA funding through support from the third-party provider Better Building Finance, the sustainability team, the economic development team, community groups, installers, and sustainability partners. As part of the trial establishment, Waverley Council signed a Services Agreement with Better Building Finance in 2021.

Promotion of EUAs during the two-year trial period

A range of promotional activities were conducted during the trial period.

- Emails to all small and medium-sized enterprises (SMEs) in Waverley promoting the EUA program, supported by comprehensive online resources on Council's website.
- A mayoral letter to owner occupier businesses with assessed solar opportunities to inform them and encourage them to take up an EUA. This was followed up by a phone call from Better Building Futures to businesses.
- Multiple promotions of EUAs through Council's communication channels, including a webinar during small business month featuring Better Building Finance.
- Convening discussions with other NSW councils (Lane Cove, North Sydney, and Lake Macquarie Councils) to learn what promotional activities were successful.

Results of the EUA trial

Despite the promotional activities listed above, Council received no serious enquiries into the EUA finance and zero applications over the two-year trial period, rendering the trial unsuccessful.

Some of the challenges affecting uptake of EUAs in Waverley LGA include:

- Large proportion of businesses in Waverley rent – Most of the SMEs in Waverley are renters and are less likely to undertake environmental upgrades to building fabric.
- Size of businesses – Most of the businesses in Waverley are small to medium and do not manufacture products on-site. This means that there is less opportunity for energy/water saving technologies found in other semi-industrial/regional Councils with larger businesses.
- Program was managed by a third party based in Victoria – While initial communications to businesses were sent out by Council, Better Building Finance, which manages business recruitment, followed up directly with businesses. It is possible that a third-party calling from interstate would have had less local understanding or appeal to local businesses.
- Finance is available elsewhere – Some banks offer financing options for businesses purchasing eco-friendly vehicles, equipment, and machinery. While the terms may not be as long or fixed as through EUAs, businesses may be able to access money at low interest rates from other sources.
- COVID-related impacts – Business was impacted during the trial period by additional economic concerns and implications related to COVID lockdowns or recovery and had other issues such as supply chain and staffing, rather than sustainability upgrades.

EUAs have had historically low uptake in NSW and seem to enjoy more success in regional areas.

5. Financial impact statement/Time frame/Consultation

Time frame

The Environmental Upgrade Agreement trial was conducted for the stated two-year period and finished in August 2023.

Financial impact statement

There was no financial risk to Council during the trial. Under the agreement, the third-party provider Better Building Finance only receives payment paid by the building owner undertaking the EUA, of which there were none in the trial. Council did not pay any money to Better Building Finance or the lender at any time during the trial period. Had an agreement progressed, there would have been resource implications in integrating Environmental Upgrade Agreements within Council's finance systems.

It is recommended that Council now terminates the service agreement with Better Building Finance and removes online information regarding this program. There are no financial costs associated with termination.

6. Conclusion

Council trialled an innovative finance model with Better Building Finance to pilot Environmental Upgrade Agreements in Waverley. As no agreements were completed in the two-year pilot and there has been low interest in the program, Council proposes to discontinue with this pilot.

7. Attachments

Nil.

REPORT
PD/5.3/24.02

Subject: Communication Panels - Update

TRIM No: A24/0099

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Approves the draft list of communication panel locations, as set out in the report, for the purposes of tendering.
2. Approves the advertisement content criteria for the communication panels, as set out in the report.
3. Notes that Council will determine the exact location of the communication panels and bus shelters in its evaluation of the bus shelter advertising tender, which will be reported to Council.

1. Executive Summary

At the Strategic Planning and Development Committee (SPDC) meeting in December 2023, Council approved the submission of a planning proposal to make advertising on Council public domain assets exempt development. The Department of Planning and Environment has since issued Gateway determination and delegated to Council approval to see through the public advertisement and determination of the planning proposal. Part of the Council resolution was to report to Council prior to tendering for the advertising contract with further information about the locations and specifications of multi-functional communication panels. This report addresses this requirement.

2. Introduction/Background

This report seeks to address the Council resolution to 'determine the location of multi-functional communication panels as part of a separate process and that the request for tender documentation will detail specifications, including location, size and content, which will come to Council for approval prior to inviting tenders from the open market.'

Officers have drafted the request for tender documentation with the intent of testing the market for a suitable street furniture/advertising operation. The tender seeks to clarify the technical and commercial aspects of the tender and stipulate the specifics for the 10-year contract.

A draft list of locations is provided in this report. However, these locations need to be tested with the market to assess viability.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 December 2023	PD/5.1/23.12	<p>That Council:</p> <ol style="list-style-type: none"> 1. Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition, subject to the following amendment: <ol style="list-style-type: none"> (a) Page 27 of the agenda, part 2, 'Signage – Council communications panels advertising' – Add the following new clause 8: 'Must not include any political advertising.' 2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE. 3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> to amend the <i>Waverley Local Environmental Plan 2012</i>. 4. Notes that Council will determine the location of multi-functional communication panels as part of a separate process and that the request for tender documentation will detail specifications, including location, size and content, which will come to Council for approval prior to inviting tenders from the open market.

4. Discussion

Communication panels

As discussed at the Strategic Planning and Development Committee meeting on 5 December 2023, the proposed communication panel will have the primary purpose of facilitating promotion of Council products, services and events including:

- Council communications.
- Real time data for buses.
- Bike counters.
- Public Wi-Fi modules.
- Emergency broadcasting and sound alarms.

To fund the communication panels and bus shelters across the local government area (LGA), it is necessary to have a supplementary second screen (only on one side) for the purposes of third-party advertising.

The latest version of the bus shelter advertising request for tender (RFT) is seeking proposals to install approximately 11 communication panels in the following high-activity areas:

- 2 x Oxford Street Mall.
- 1 x Waverley Street Mall cycleway.
- 1 x St James Reserve cycleway.
- 1 x Roscoe Street Mall.
- 1 x Campbell Parade (near bus stop, opposite Hall Street).
- 4 x under awnings on Bondi Road (between Park Parade and Denham Street).
- 1 x Carrington Road (near Robin Hood Hotel on Carrington Road).

The communications panels are to be approximately 2.2 m x 1.15 m x 0.5 m. The size may differ in large areas like malls.

Council has sought market specialist feedback regarding the locations above to optimise community usage of the communications panels as well as suitability for advertising. Other locations may be suitable but would not be known until the market tests this and provides Council with an offering.

The exact location will be presented to Council following the RFT process for approval. The locations above are not an exhaustive list for the purposes of the RFT. Tenderers will have the opportunity to provide additional or alternative locations based on their assessment. This will be assessed and presented to Council for consideration.

Advertisement content criteria

Furthermore, it is important that Council strictly define the type of advertising that is permissible through the contract. As such, the following constraints are included in the RFT and relevant contract documentation:

The Supplier must ensure that any advertisement:

- (a) *complies with all applicable Laws;*
- (b) *complies with all industry codes, standards and other regulatory requirements, including the applicable codes and published by the Australian Association of National Advertisers (AANA), as amended and replaced;*
- (c) *complies with voluntary codes of conduct established by the advertising industry, including but not limited to any direction by Ad Standards or Outdoor Media Association;*
- (d) *does not discriminate, vilify or degrade any persons or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief;*
- (e) *does not depict political, religious or other subject matter which is contentious;*
- (f) *does not depict wagering (including online betting platforms, for the avoidance of doubt, lottery advertising is permissible);*
- (g) *does not depict subject matter which is offensive;*
- (h) *does not portray violence, unless it is justifiable in the context of the product or service advertised;*
- (i) *does not resemble or be capable of confusion with directional or informational signs either by shape, size or colour;*
- (j) *does not adversely comment on, mock or denigrate Council or its clientele;*
- (k) *does not breach any Intellectual Property Rights or other rights of any person, including Council;*
- (l) *does not breach any other reasonable requirement notified by Council to the Supplier from time to time;*
- (m) *does not impact on the security and safety of Council Infrastructure; and...*

The above-listed requirements ensure that all relevant legislation is complied with and also includes provisions to ensure that online gambling is not allowable under the contract.

5. Financial impact statement/Time frame/Consultation

Financial Impact

The installation of communication panels will provide significant infrastructure and ongoing financial return for Council. It is difficult to ascertain the expected return without having received the tenders and the proposed offerings from the operators. Council needs to ensure that the tender process is flexible in terms of numbers of advertising bus shelters and exact locations of communications panels to test the market without constraints. The market will provide locations that are to then be presented to Council for approval prior to contract signing. Each operation will provide differing locations and numbers based on their expected advertising saturation metrics, which will be assessed during tender evaluation.

Consultation

The planning proposal will undergo community consultation in February and March 2024. Council will be presented with a further report for the adoption of the *Local Environmental Plan* update and the consultation summary report.

It is not anticipated that specific consultation for the communication panels is required given that the locations stipulated in this report are State roads, malls and mixed-use zones.

Timeframe

Council's existing advertising contract is due to expire on 12 June 2024. In planning for a new contract, the RFT process, evaluation and contract negotiation will need to occur prior to this date. The timeline is as follows:

- 7 February 2024–22 March 2024: issue request for tender (advertisement).
- 25 March 2024–29 March 2024: evaluation of tender.
- 1 April 2024–5 April 2024: Council report timeline.
- 16 April 2024: Council meeting.
- 17 April 2024–7 June 2024: contract negotiation.
- 12 June 2024: new contract date.

The new contract will need to be executed prior to the 12 June 2024 to ensure that the bus shelters across the LGA are maintained and serviced.

6. Conclusion

It is recommended that Council approves the draft locations for communication panels and advertising content criteria. A further report will be presented to Council for the acceptance of the preferred tenderer and the contract execution. A comprehensive list of locations based on the preferred tenderer for both bus shelters and communications panels will be presented to Council for adoption as part of that further report.

7. Attachments

Nil.