



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

COUNCIL MEETING

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

7.00 PM, TUESDAY 18 JUNE 2024

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

Emily Scott
General Manager

Waverley Council
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Statement of Ethical Obligations

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

Live Streaming of Meetings

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

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

The Mayor will read the following Acknowledgement of Indigenous Heritage:

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

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The following matters are proposed to be dealt with in closed session and have been distributed to Councillors separately with the agenda:

CM/11.1/24.06	CONFIDENTIAL REPORT - Flickerfest 2025 - Financial Assistance - Consultation Outcomes
CM/11.2/24.06	CONFIDENTIAL REPORT - Drainage Reserve between Dickson Lane and Belgrave Street, Bronte - Update
CM/11.3/24.06	CONFIDENTIAL REPORT - 28-36 Ebley Street, Bondi Junction - Public-Private Partnership

12. Resuming in Open Session 288

13. Meeting Closure

OBITUARIES

CM/3/24.06

Subject: Obituaries

Author: Emily Scott, General Manager



The Mayor will ask Councillors for any obituaries.

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

CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/24.06



WAVERLEY
COUNCIL

Subject: Confirmation of Minutes - Council Meeting - 21 May 2024

TRIM No: A23/0761

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Council meeting held on 21 May 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

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

Attachments

1. Council Meeting Minutes - 21 May 2024 .



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 21 MAY 2024**

Present:

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

Staff in attendance:

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

At the commencement of proceedings at 7.00 pm, those present were as listed above, with the exception of Cr Goltsman who arrived at 7.03 pm during obituaries and Cr Lewis who arrived at 7.15 during addresses by members of the public.

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

At 8.45 pm, during the consideration of item CM/7.7/24.05, Cr Nemesh left the meeting and did not return.

At 8.47 pm, following the vote on item CM/7.7/24.05, Crs Burrill and Lewis left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

Cr Kay was previously granted leave of absence from this meeting.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Nemesh declared a less than significant non-pecuniary interest in item CM/7.4/24.05 – Small Grants Program 2023-24 – Round 2 and informed the meeting that he knows some of the applicants.
- 2.2 Cr Burrill declared a less than significant non-pecuniary interest in item CM/7.4/24.05 – Small Grants Program 2023-24 – Round 2 and informed the meeting that she knows some of the applicants.

3. Obituaries

There were no obituaries.

Council rose for a minute's silence for the souls of people generally who have died in our local government area.

4. Addresses by Members of the Public

- 4.1 T Buek – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.2 H Younan – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.3 S Strum – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.4 E Doyle – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.5 T Hanna – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.

4.6 J Lasky – CM/8.1/24.05 – Nancy and Clyde Street Intersection, North Bondi – Traffic Calming Measures

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

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

- CM/5.1/24.05 Confirmation of Minutes – Council Meeting – 16 April 2024.
- CM/5.2/24.05 Adoption of Minutes – Waverley Traffic Committee Meeting – 18 April 2024.
- CM/7.2/24.05 Quarterly Budget Review (Q3) – March 2024.
- CM/7.3/24.05 Investment Portfolio Report – April 2024.
- CM/7.4/24.05 Small Grants Program 2023-24 – Round 2.
- CM/7.5/24.05 Bondi Pavilion – Public Artwork Commission.
- CM/7.6/24.05 Bondiwood 2024 – Financial Assistance.
- CM/8.1/24.05 Nancy and Clyde Street Intersection, North Bondi – Traffic Calming Measures.
- CM/8.2/24.05 Online Petitions.
- CM/8.3/24.05 Bondi Pavilion – Audio Recording Training Program.
- CM/11.1/24.05 CONFIDENTIAL REPORT – High Impact Events 2024-25.

5. Confirmation and Adoption of Minutes

CM/5.1/24.05 Confirmation of Minutes - Council Meeting - 16 April 2024 (A23/0761)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council meeting held on 16 April 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/24.05 Adoption of Minutes - Waverley Traffic Committee Meeting - 18 April 2024
(A23/0764)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 18 April 2024 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

**CM/7.1/24.05 Boot Factory and Mill Hill Community Centre - Quarterly Project Update
(A23/0385)**

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes the project update on the Boot Factory and Mill Hill Community Centre (including Norman Lee Place), as set out in the report.
2. Notes that the quarterly budget review (Q3) will address the financial impacts of the project.

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

CM/7.2/24.05 Quarterly Budget Review (Q3) - March 2024 (SF23/3980)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2023–24 Operating and Capital budgets in accordance with the attachments to the report.
3. Notes that the Q3 deferrals will be considered in the 2024-25 budget and Long Term Financial Plan (LTFP 6.2).

CM/7.3/24.05 Investment Portfolio Report - April 2024 (SF23/4025)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Second: Cr Keenan

That Council:

1. Notes the Investment Summary Report for April 2024 attached to the report.
2. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

CM/7.4/24.05 Small Grants Program 2023-24 - Round 2 (A24/0124)

Crs Nemesh and Burrill declared a less than significant non-pecuniary interest in this item and informed the meeting that they know some of the applicants.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Second: Cr Keenan

That Council:

1. Under the Small Grants Program 2023–24 (Round 2), grants \$56,451 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.
2. In accordance with section 356 of the *Local Government Act 1993*, grants \$4,900 in financial assistance to 1st Clovelly Scout Group to support the cost of maintaining the 1st Clovelly Scout Hall and its members attending the Australian Scout Jamboree.

CM/7.5/24.05 Bondi Pavilion - Public Artwork Commission (A24/0024)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Second: Cr Keenan

That Council awards the commission for the Bondi Pavilion Public Artwork to Alison Page and Shane Youngberry for their work BuriBuri, as set out in Attachments 2 and 3 of the report.

CM/7.6/24.05 Bondiwood 2024 - Financial Assistance (A24/0364)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. In accordance with section 356(2) of the *Local Government Act 1993*, publicly exhibits for 28 days the proposal to grant \$10,855 (including GST) in in-kind financial assistance to Smart St Films Pty Ltd to support the cost of Bondiwood 2024.
2. Officers prepare a report to Council following the exhibition period.

**CM/7.7/24.05 Reconciliation Action Plan Advisory Committee Meeting - 27 March 2024 -
Minutes and Place Renaming (A14/0173)****MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the minutes of the Reconciliation Action Plan (RAP) Advisory Committee meeting held on 27 March 2024 attached to the report.
2. Approves the recommendation of the Gujaga Foundation, and supported by the RAP Advisory Committee, to apply to the Geographical Names Board of NSW to change the names of the following places:
 - (a) Eora Reserve to Dharawal Reserve.
 - (b) Cadigal Place to Gadigal Place.
 - (c) Biddigal Reserve to Birrabirragal Reserve.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Nemesh

That:

1. Clause 2(b) be deleted.
2. The following clauses be added to the motion:
 - (a) Does not change the name of Cadigal Place to Gadigal Place due to the impact on residents having to change their residential address documentation.
 - (b) Applies to the Geographical Names Board to assign Gadigal Place as a second street name and erects a second street sign if approved.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF THREE NEW CLAUSES.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes the minutes of the Reconciliation Action Plan (RAP) Advisory Committee meeting held on 27 March 2024 attached to the report.
2. Notes that the Dawn Reflection Service on 26 January 2024 raised \$1,500 for the GO Foundation.
3. Approves the recommendation of the Gujaga Foundation, and supported by the RAP Advisory Committee, to apply to the Geographical Names Board of NSW to change the names of the following places:
 - (a) Eora Reserve to Dharawal Reserve.
 - (b) Cadigal Place to Gadigal Place.
 - (c) Biddigal Reserve to Birrabirragal Reserve.
4. Advises residents of the Geographical Names Board process of community consultation in adopting a name change should it proceed.
5. Investigates what support can be made available to assist impacted residents in changing their address and officers prepare a report to Council.

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

CM/7.8/24.05 Sydney Eastern City Planning Panel - Council Membership (A16/0688)

MOTION / DECISION

Mover: Cr Murray

Seconder: Cr Keenan

That Council appoints the following representatives to the Sydney Eastern City Planning Panel up to 30 July 2026:

1. Peter Brennan.
2. Patrick Nicholas.

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

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

**CM/7.9/24.05 Traffic Management and Pedestrian Works - Temporary Sub-Delegation
(SF23/5215)**

MOTION / DECISION

Mover: Cr Masselos
Second: Cr Fabiano

That Council:

1. In accordance with Transport for NSW's temporary instrument of delegation for Traffic Management and Pedestrian Works No. 2 attached to the report (Attachment 1), sub-delegates the following functions to the General Manager and the Director, Assets and Operations, on a trial basis until 30 June 2026:
 - (a) Works to regulate parking.
 - (b) Pedestrian crossings.
 - (c) Pedestrian refuges.
 - (d) Conversion of existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings.
 - (e) Footpaths and continuous footpaths.
 - (f) Temporary or permanent works to enable alfresco dining.
 - (g) Temporary or permanent works to improve or expand footpaths or pedestrian space.
 - (h) Kerb buildouts to reduce crossing distance or manage vehicle speed.
 - (i) Kerb modifications or median islands for tree planting, landscaping or water sensitive urban design.
 - (j) Treatments to manage vehicle speed including road humps, road cushions, raised intersections, chicanes and slow points.
 - (k) Works to create (but not remove) bicycle parking, bicycle lanes, bicycle paths, shared paths, separated footpaths and contra flow access for bicycle riders.
2. Authorises the Mayor and Cr Lewis to affix the Council seal to the instrument of delegation to the General Manager attached to the report (Attachment 2).

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

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

8. Notices of Motions**CM/8.1/24.05 Nancy and Clyde Street Intersection, North Bondi - Traffic Calming Measures (A20/0069)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council

1. Investigates the unsafe traffic situation at the intersection of Nancy Street and Clyde Street, North Bondi, to introduce traffic calming measures, including but not limited to the following solutions:
 - (a) Introduction of a roundabout.
 - (b) Resurface the roads at the intersection to provide a clear visual indication of the road layout.
 - (c) Install appropriate give way or stop signs in Nancy Street at the intersection with Clyde Street to clarify right-of-way and help prevent confusion and accidents.
 - (d) Introduce give way or 'No Stopping' signs on Clyde Street, set back an adequate distance from the corner of Nancy Street, to improve visibility for all drivers approaching the intersection.
2. Officers prepare a report to the Traffic Committee.

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

J Lasky addressed the meeting.

CM/8.2/24.05 Online Petitions (A08/1339)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Australian Parliament and NSW Parliament have established mechanisms for online petitions.
2. Investigates methods to provide online petitions to Council, with officers to prepare a report to Council with recommendations no later than the August 2024 meeting of the Finance, Operations and Community Services Committee.
3. Considers as part of the investigation:
 - (a) The suitability of existing/popular online petition platforms.
 - (b) The feasibility and costs of providing online petitions on a Council website similar to the NSW and Federal parliamentary petitions.
 - (c) Whether amendments to Council's Petitions Policy would be necessary.

CM/8.3/24.05 Bondi Pavilion - Audio Recording Training Program (A23/0095)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes:

- (a) The state-of-the-art recording studios at the Bondi Pavilion that are regularly used by a range of people, including participants in Bondi Wave and other youth programs.
 - (b) That there is an opportunity to grow our young people's skills in audio recording utilising the facilities at the Bondi Pavilion as well.
- 2. Investigates the establishment of an appropriate audio recording program that attracts a recognised credential in partnership with TAFE, the Australian Film Television and Radio School or other relevant educational institution.
 - 3. Officers prepare a report to Council on the findings, along with next steps.

CM/8.4/24.05 Westfield Bondi Junction - Public/Private Safety Plan (A24/0319)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That Council:

- 1. Receives a briefing from the General Manager and Council officers on ongoing issues of public/private safety risk, infrastructure and commercial issues at Westfield Bondi Junction regarding:
 - (a) The potential adverse public infrastructure effects to public safety egress by stairwell/fire escape out of Westfield Bondi Junction.
 - (b) The condition of public infrastructure within Council's remit potentially related to broader public safety/risk and commercial consequences at, and near, Westfield Bondi Junction.
- 2. Notes the General Manager's comment that Councillors will receive email updates addressing the issues.

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

9. Questions with Notice

CM/9.1/24.05 Bondi Pavilion - Room Hire Statistics (A22/0497)

QUESTION

The following question was submitted by Cr Fabiano:

Is it possible to have the Bondi Beach Pavilion room hire statistics from the time the new Pavilion opened to the present?

Please also include percentage of room hire by commercial organisations, not-for-profit organisations, private functions by locals and those from outside the Waverley local government area.

General Manager's answer

4,400 bookings have been booked across the venue since reopening in September 2022. In the first 12 months, there were over 10,000 booking enquiries.

Booking type

- Standard rate: 56%
- Not-for-profit rate or no fee: 44%

Note: standard rate is not a 'commercial rate'. Standard rate bookings are mostly not considered 'commercial'.

Local vs non-local

- Local: 85%.
- Non-local: 5.75%.
- Unclear: 9%.

Note: 'local' is considered a local resident, local organisation or locally focused activity; for example, dance class/yoga.

Restrictions to public access from bookings

- No restriction: 97%.
- Some restriction: 3% (this is not total restriction, but is some restriction to part of the Pavilion such as Flickerfest, Italian Consulate Function, Taste in the City, Sydney Mardi Gras).

Ben Thompson

Director, Community, Culture and Customer Experience

CM/9.2/24.05 Bondi Junction Entertainment Precinct (A16/0262)**QUESTION**

The following question was submitted by Cr Betts:

When will the report on the Bondi Junction Entertainment Precinct be ready and when will the workshop be held?

Background

In November 2023, Council passed resolution CM/8.5/23.11 – Bondi Junction Entertainment Precinct.

The motion called for a few things, including:

- A Councillor briefing early in 2024 to discuss the benefits and risks for an entertainment precinct/zone in Bondi Junction, how an Entertainment Precinct could be introduced, how it could operate, what could be its potential boundaries and what would a community consultation strategy look like.
- A report by no later than April 2024. At the meeting, the Director advised that it would be possible for a report to be prepared by the end of April.

General Manager's answer

A presentation on the benefits and risks for an entertainment precinct/zone in Bondi Junction will be presented at the Councillor briefing on 28 May 2024. This will be followed by a report to the Council meeting on 18 June 2024.

Fletcher Rayner

Director, Planning, Sustainability and Compliance

CM/9.3/24.05 Long Term Financial Plan - Council Accommodation and Services (SF23/3977)**QUESTION**

The following questions were submitted by Cr Betts:

1. What plans are in place to accommodate Council should the current Chambers be demolished before any new budget funding be found?
2. How will the community be advised that there is no funding for any new Council accommodation in the existing Long Term Financial Plan, but that up to \$40 million may be required to provide for it?

Background

On 16 April 2024, Council amended the Long Term Financial Plan (LTFP) to delete Council Accommodation and Services amounts of \$8,368,500 in 2027–28 and \$8,368,500 in 2028–29 as a result of funding challenges in the future.

This amendment results in a vast improvement Council's LTFP for the years 2027-28 and 2028-29. However, there is an assumption that funding for new Council accommodation will need to be added to the LTFP

shortly.

Funds for design and demolition of the current Council Chamber building are proposed at \$1,150,000 in the 2024-25 budget and \$3,000,000 in 2025-26 LTFP budget.

The Mayor stated that any funding for new Council accommodation will only be considered by the new Council after the September election i.e. in the second half of the 2024-25 year.

General Manger's answer

Question 1

Since 2022, we have worked towards relocating staff out of Chambers and into offices in Whitton Lane, Customer Service Centre, the Library and Alexandria Integrated Facility through Council's Office Accommodation Plan. The final stage will involve relocating remaining staff to the newly constructed Mill Hill offices. The office spaces have been designed to facilitate agile and hybrid working. The Council Chambers will be located in the Cloud Room of the Boot Factory with meetings intended to transition later in 2024.

With all staff and Council functions accommodated this will allow demolition and make good of the Council Chambers building.

Question 2

The draft LTFP 6.2 currently on public exhibition includes \$4.3 million that will cover the final stages of the Council accommodation projects, as well as demolition and make good of the Council Chambers site.

With all staff and Council functions accommodated as per question 1, this allows Council in the development of the next iteration of the Property Strategy to further consider future options for Council Chambers and alternative staff accommodation.

Sharon Cassidy
Director, Assets and Operations

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/24.05 **Closed Session**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That:

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

CM/11.1/24.05 CONFIDENTIAL REPORT - High Impact Events 2024-25

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

CM/11.2/24.05 CONFIDENTIAL REPORT - Bondi Pavilion - Bar and Catering Services Trial - Update

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

CM/11.4/24.05 CONFIDENTIAL REPORT - Tender Evaluation - Bus Shelter and Communication Panel Advertising

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

At 9.03 pm, Council moved into closed session.

CM/11.1/24.05 CONFIDENTIAL REPORT - High Impact Events 2024-25 (A24/0304)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Approves the following program of High Impact 2 events scheduled for the period 1 July 2024 to 30 June 2025 and the indicative fees set out in the report:
 - (a) Bondi Festival (including extended tenure of Ferris wheel)

- (b) City2Surf
 - (c) Festival of the Winds
 - (d) Sculpture by the Sea
 - (e) Head On Photo Festival
 - (f) Outdoor Cinema (Dolphin Court)
 - (g) Dudley Page New Year's Eve
 - (h) Summer of Surf Series
 - (i) Mardi Gras Bondi Beach Party
 - (j) Ocean Lovers Festival
 - (k) North Bondi RSL ANZAC Day Dawn Service Ceremony.
3. Authorises the General Manager or delegate to complete negotiations, including determining the final fees, and to execute licence agreements with event organisers.

CM/11.2/24.05 CONFIDENTIAL REPORT - Bondi Pavilion - Bar and Catering Services Trial - Update (A21/0525)

MOTION / DECISION

Mover: Cr Gray
Seconder: Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes the outcome of the 18-month trial of bar and catering services at the Bondi Pavilion, as set out in the report.
3. Approves in principle the granting of a licence of up to five years for the provision of bar and catering services on the first floor of the Bondi Pavilion, in accordance with the operating model set out in the report, noting that catering is to be non-exclusive.
4. Notes that a tender process will be undertaken to seek a bar and catering operator, with a report to be prepared to Council to grant the licence to the preferred tenderer.
5. Authorises the General Manager or delegate to extend the current licence, if required, until a new licensee has been appointed.

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

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

CM/11.3/24.05 CONFIDENTIAL REPORT - Clifftop Walk - Diamond Bay Lookout (A20/0387)

Council dealt with this item in open session.

MOTION

Mover: Cr Murray

Seconder: Cr Keenan

That Council:

1. Treats the legal advice in the report and attachments as confidential in accordance with section 11(3) of the *Local Government Act 1993* and makes the remainder of the report and attachments publicly available on its website.
2. Notes the assessment of visual and privacy impacts, risk and legal risk regarding the Clifftop Walk upgrade and lookout at Diamond Bay attached to the report.
3. Completes the project in accordance with the existing development application approval, subject to:
 - (a) Increasing the balustrade height to 1,400 mm at the locations set out in the report.
 - (b) Installing warning signage as recommended by the risk assessment reports.
4. Officers write to the residents of 15, 17 and 33 Kimberley Street, Vaucluse, advising them of Council's decision.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Nemesh

That Council defers this item for further consideration, subject to:

1. A meeting on-site between Council officers, Councillors, project consultants and residents of 33 Kimberley Street to identify the privacy impacts on residents from the boardwalk at its current location and elevation.
2. The public release of the 12 design options as outlined in the current confidential report.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF TWO NEW CLAUSES.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR MURRAY, WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Treats the legal advice in the report and attachments as confidential in accordance with section 11(3) of the *Local Government Act 1993* and makes the remainder of the report and attachments publicly available on its website.

2. Notes the assessment of visual and privacy impacts, risk and legal risk regarding the Clifftop Walk upgrade and lookout at Diamond Bay attached to the report.
3. Completes the project in accordance with the existing development application approval, subject to:
 - (a) Increasing the balustrade height to 1,400 mm at the locations set out in the report.
 - (b) Installing warning signage as recommended by the risk assessment reports.
 - (c) Further negotiations with the residents of 33 Kimberley Street, Vacluse, for the reinstatement of plantings along the eastern boardwalk to improve privacy.
4. Investigates the removal and replacement of any soil at 33 Kimberley Street as a result of the construction of the boardwalk to ensure the stability of the land.
5. Officers write to the residents of 15, 17 and 33 Kimberley Street advising them of Council's decision.

T Buek, H Younan, S Strum, E Doyle and T Hanna addressed the meeting.

CM/11.4/24.05 CONFIDENTIAL REPORT - Tender Evaluation - Bus Shelter and Communication Panel Advertising (A24/0099)

MOTION / DECISION

Mover: Cr Murray

Seconder: Cr Fabiano

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Declines to accept any of the tenders for bus shelter and communication panel advertising services, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council has tested the market and received conforming tenders.
4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with the top ranked tenderers with a view to entering into a contract for bus shelter and communication panel advertising services, as these tenderers scored highly and had quality submissions.
5. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter, including negotiating with the incumbent provider in the event they are not the successful tenderer, to ensure the ongoing provision and maintenance of existing bus shelters until the new bus shelters are installed.
6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

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

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

12. Resuming in Open Session

CM/12/24.05 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council resumes in open session.

At 9.14 pm, Council resumed in open session.

Resolutions from closed session made public

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

13. Meeting Closure

THE MEETING CLOSED AT 9.19 PM.

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SIGNED AND CONFIRMED
MAYOR
18 JUNE 2024

CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/24.06



Subject: Adoption of Minutes - Waverley Traffic Committee Meeting - 23 May 2024

TRIM No: A23/0764

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 23 May 2024 be received and noted, and that the recommendations contained therein be adopted.

Introduction/Background

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

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

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

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

Attachments

1. Waverley Traffic Committee Minutes - 23 May 2024 .

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE
MEETING HELD VIA VIDEO CONFERENCE ON
THURSDAY, 23 MAY 2024**



Voting Members Present:

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

Also Present:

Ms K Lewis	Transport for NSW
Mr A Subel	Transport for NSW
Mr R Mucciacciaro	Transdev John Holland
Snr Cst B Wilson	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr N Zervos	Executive Manager, Infrastructure Services
Mr S Mueller	Manager, Integrated Transport

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

Apologies

There were no apologies.

Declarations of Interest

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

Adoption of Previous Minutes by Council - 18 April 2024

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 18 April 2024 were adopted by Council at its meeting on 21 May 2024.

ITEMS BY EXCEPTION

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

TC/V.03/24.05 Francis Street, Bond Beach – Electric Vehicle Charging Station.

TC/V.04/24.05 54 Hastings Parade, North Bondi – Construction Zone.

TC/V.05/24.05 232-234 Campbell Parade, Bondi Beach – Construction Zone.

PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS

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

TC/C STATE ELECTORATE OF COOGEE

TC/C.01/24.05 Newland Street, Bondi Junction - Raised Pedestrian Crossing (A20/0069)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Removes the pedestrian refuge and islands in Newland Street, Bondi Junction, north of Walter Street.
2. Installs a raised pedestrian crossing in Newland Street and kerb extensions, 'Give Way' line markings and signs at the intersection with Walter Street, as shown in Figure 3 of the report.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V STATE ELECTORATE OF VAUCLUSE**TC/V.01/24.05 Bondi Festival - Gould Street Party - Special Event (A24/0156)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the temporary traffic and parking changes for the street party in Gould Street, Gould Lane and Roscoe Street, Bondi Beach, on 20 July 2024 as shown in Figure 1 of the report, subject to the event organisers:
 - (a) Obtaining NSW Police approval.
 - (b) Notifying NSW Ambulance Service and NSW Fire and Rescue (Bondi, Woollahra and Randwick fire stations) seven days prior to the event.
 - (c) Notifying local residents and businesses via a series of notification letters and engagement sessions prior to the event.
2. Issues a schedule of conditions, with any additional conditions to be imposed by NSW Police and Transport for NSW.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the temporary traffic and parking arrangements should on-site circumstances warrant changes, including ongoing coordination with the Curlew Street Streetscape Upgrade project.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.02/24.05 Bondi Festival - Ferris Wheel and Ice Rink - Special Event (A24/0156)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the temporary traffic and parking changes for Bondi Festival in Park Drive South, Bondi Beach, as shown in Figure 1 of the report, subject to the event organisers:
 - (a) Obtaining NSW Police approval.
 - (b) Notifying NSW Ambulance Service and NSW Fire and Rescue (Bondi, Woollahra and Randwick fire stations) seven days prior to the event.
 - (c) Notifying local residents and businesses seven days prior to the event.
2. Issues a schedule of conditions, with any additional conditions to be imposed by NSW Police and Transport for NSW.

3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the temporary traffic and parking arrangements should on-site circumstances warrant changes.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.03/24.05 Francis Street, Bond Beach - Electric Vehicle Charging Station (A17/0586)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs '2P, 8 am–10 pm, Electric Vehicles Only While Charging' parking restrictions, including signs and line marking, for one car space in Francis Street, Bondi Beach, as shown in Figure 1 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the signage should on-site circumstances warrant changes.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.04/24.05 54 Hastings Parade, North Bondi - Construction Zone (A24/0156)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a 10 metre 'No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in front of 54 Hastings Parade, North Bondi.
2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/V.05/24.05 232-234 Campbell Parade, Bondi Beach - Construction Zone (A24/0156)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 13 metre 'No Parking, 7 am–5 pm Mon–Fri, 8 am–3 pm Sat, Council Authorised Vehicles Excepted' construction zone in Ramsgate Avenue, Bondi Beach, adjacent to 232–234 Campbell Parade.
2. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone as necessary.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

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

TC/CV ELECTORATES OF COOGEE AND VAUCLUSE

Nil

THE MEETING CLOSED AT 10.16 AM

.....
SIGNED AND CONFIRMED
MAYOR
18 JUNE 2024

:

MAYORAL MINUTES CM/6/24.06

Subject: Mayoral Minutes

Author: Mayor of Waverley, Cr Paula Masselos



Mayoral minutes are permissible at Waverley Council meetings under the Waverley Code of Meeting Practice. Clauses 9.7–9.11 of the Code state:

Subject to clause 9.10, if the mayor is the chair at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chair (but only if the chair is the mayor) may move the adoption of a mayoral minute without the motion being seconded.

A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

REPORT

CM/7.1/24.06



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

TRIM No: SF23/3977

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

1. Adopts the Pricing Policy, Fees and Charges 2024–25 attached to the report (Attachment 2).
2. Adopts the budget for 2024-25 attached to the report (Attachments 3 and 4).
3. Adopts the Long Term Financial Plan (LTFP) 6.2 attached to the report (Attachment 5), noting that the LTFP will be reviewed annually in line with the Operational Plan and annual budget development.

1. Executive Summary

For the 2024-25 financial year, Council is forecasting a balanced budget, a positive 0.13% operating performance ratio and a balanced Long Term Financial Plan (LTFP 6.2) for 11 years to 2034-35.

The LTFP 6.2 has been reviewed carefully to deliver on community expectations and the Council's priorities. The Council has forecasted sufficient income and reserve funds to implement the LTFP 6.2 program of works.

2. Introduction/Background

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

The draft Pricing Policy-Fees and Charges 2024-25, Annual Budget and Long Term Financial Plan (LTFP 6.2) reported at the April 2024 Council meeting were publicly exhibited for 28 days finishing on 27 May 2024.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 April 2024	CM/7.2/24.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Publicly exhibits for 28 days the draft Pricing Policy, Fees and Charges 2024-25, draft Budget and draft Long Term Financial Plan 6.2 attached to the report, subject to the following amendment:

		<p>(a) Page 256 of the attachments under separate cover – Long Term Financial Plan (LTFP) – Council Accommodation and Services: delete the provisional amounts of \$8,368,500 in 2027–28 and \$8,368,500 in 2028–29, with an appropriate budget to be included in the development of LTFP 7.0, noting that the planning for future Council Accommodation and Services will be undertaken in 2024–25.</p>
		<p>2. Notes that the Long Term Financial Plan (LTFP) 6.2:</p> <p>(a) Will be reviewed annually in line with the Operational Plan and Annual Budget development.</p> <p>(b) Sets out the projects and initiatives that Council intends to invest in and the associated resource requirements for the next 11 years. It considers and utilises a range of options for achieving balanced budgets over the life of LTFP 6.2 likely including realising efficiencies and cost reductions within Council operations, applying reserve funds earlier than forecast in LTFP 6.2, reducing or rescheduling the capital expenditure program and increasing revenue to fund specific programs and initiatives.</p>
		<p>3. Authorises the General Manager to make any necessary editorial and content changes to the draft Pricing Policy, Fees and Charges 2024-25, Budget and LTFP for public exhibition to give effect to Council's resolution.</p>
		<p>4. Officers prepare a report to Council following the exhibition period.</p>

4. Discussion

Public exhibition submissions (Attachment 1)

At the close of the public exhibition period, seven comments were received from the public on the Pricing Policy Fees and Charges, Operational Plan (including the Budget) and the LTFP 6.2, and 144 internal line items submissions, as summarised in the following table.

Table 1. Submissions.

Submissions	Total received	Pricing Policy - Fees & Charges	Operational Plan	Annual Budget & LTFP 6.2
External Submissions	7	6	1	0
Internal Submissions	144	75	2	57

This report focuses on the Pricing Policy, Fees and Charges, budget and LTFP 6.2. The Operational Plan is a separate report at the June 2024 council meeting.

One of the internal submissions to the Operational Plan is related to the Statement of Revenue Policy's rating structure. The change to the rating structure incorporates the May 2024 supplementary rates and property valuation information from the Valuer General of NSW, and the recalculation is within the IPART's 5% rate peg determination for Council. The table below details the rating structure change.

Table 2. Rating structure change.

rate category	number of assessment			Rate (¢ in \$)		
	draft (April 24)	proposed (June 24)	change	draft (April 24)	proposed (June 24)	change
Residential	30018	30100	82	0.079480	0.079800	0.000320
Business ordinary	966	963	-3	0.404960	0.404844	-0.000116
Business - bondi junction	880	877	-3	0.807150	0.824189	0.017039

Pricing Policy Fees and Charges 2024-25 (Attachment 2)

Six submissions from the community were received: three are related to children's services fees increases and three related to footpath seating and the surcharge for outdoor dining under Council umbrellas.

Staff reviewed and assessed the external submissions, and recommended the following in response to the community feedback:

- Maintain the draft children's services fee structure.
- Reduce the footpath seating surcharge for outdoor dining under Council umbrellas from the original draft 20.00% to 5.00%.

75 internal submissions were received:

- 54 changes in response to legislative changes.
- 17 development assessment related fees adjusted for the consumer price index (CPI).
- Four changes related to various service fee adjustments.

Refer to Attachment 1 for further details.

These changes are not anticipated to materially change the budget, as the draft Budget has factored in some CPI increases.

Legislative fees in the Pricing Policy, Fees and Charges will be updated upon the Office of Local Government's (OLG) announcement. Assessment of the budget implications as a result of these announcements will be assessed in the budget reviews process.

Budget 2024-25 (Attachments 3 and 4)

Fifty-seven internal submissions from Council officers were received, primarily from the 2023-24 Q3 budget review process, and other new information that has a material impact on the April draft budget estimates. Refer to Attachment 1 for further details.

After incorporating the budget submissions, the revised draft budget projects an operating income of \$160.97m and an operating expenditure before depreciation of \$141.26m for an operating result of \$19.71m. It also projects capital income of \$28.85m and capital expenses of \$46.03m (Capital Works Program at \$36.1m and other capital expense at \$9.93m). In addition, a \$2.05m net income transfer to

replenish the reserve fund from the 2024-25 income and expense program.

The following table provides a high-level comparison between the revised draft budget and the original draft budget.

Table 3. Revised Budget compared to the original draft budget.

Council Budget Statement - \$'000	Revised Draft Budget 2024/25 June 2024	Original Draft Budget 2024/25 April 2024	\$ change on Draft Budget 2024/25	% change on Draft Budget 2024/25
Operating Revenue				
Grants Subsidies & Contributions - Operational	6,160	5,949	211	3.5%
Investment Income	4,127	3,881	246	6.3%
Other Revenues	24,602	24,602	0	-
Rates & Annual Charges	74,654	74,761	(107)	(0.1%)
User Charges	51,427	51,427	0	-
Total Operating Revenue	160,970	160,620	350	0.2%
Operating Expense				
Borrowing Expenses	(27)	(27)	0	-
Employee Costs	(86,384)	(86,138)	(245)	0.3%
Materials & Contracts	(27,338)	(27,204)	(133)	0.5%
Operating Expenses	(26,288)	(26,526)	238	(0.9%)
Rates & Annual Charges	(1,224)	(1,224)	0	-
Total Operating Expense	(141,261)	(141,120)	(141)	0.1%
Operating Surplus (incl. Depreciation)	209	0	209	-
Operating Surplus (ex. Depreciation)	19,709	19,500	209	1.1%
Capital Income				
Grants Subsidies & Contributions - Capital	27,013	26,913	100	0.4%
Net gains from the disposal of assets	1,837	1,774	63	3.5%
Capital Income Total	28,850	28,688	163	0.6%
Capital Expense		0		
Capital Purchases	(9,927)	(9,575)	(353)	3.7%
Capital Works Program	(36,100)	(34,879)	(1,221)	3.5%
Capital Expense Total	(46,028)	(44,454)	(1,574)	3.5%
Net Capital Income/(Expense)	(17,177)	(15,766)	(1,411)	9.0%
Loan Repayment	(486)	(486)	0	-
Total Net Revenue/(Expense)	2,046	3,248	(1,202)	(37.0%)
Reserve transfer (to)/from	(2,046)	(3,248)	1,202	(37.0%)
Net Budget Surplus/(Deficit)	-	-	-	-

Note: depreciation is excluded from the above budget figure.

Operational budget

Compared to original draft budget, operating income increased by \$350k due to the following:

- Increase in road to recovery grant by \$211k.
- Increase interest income on investment \$246k as a result of the continuously favourable interest rates for term-deposits investment.
- Revised the Council rate calculation with the May supplementary information which results a \$105k increase.
- Reduction in domestic waste charges (\$212k) due to removal of 328 additional bin services.

Compared to original draft budget, operating expenses have increased by \$141k due to:

- \$245k increase in employee costs to reflect recent changes in the People and Culture and Community, Venues and Library areas.
- \$50k increase for financial sustainability review.

- \$33k increase for IT operational and ICT modernisation projects.
- \$50k increase in the Aboriginal heritage study project.
- \$50k increase for the Mill Hill and Boot Factory building opening event.
- \$288k decrease in general expenses by redistributing to the above priority expenses.

Capital income budget

Capital income is proposed to increase by \$163k compared to the April 2024 draft budget, mainly due to the capital works program project grant projection, which has increased by \$100k based on the project delivery timeline, and the \$63k increase from the Fleet Replacement program vehicle disposal.

Fleet Replacement Program

The revised Fleet Replacement Program incorporated the 2023-24 Q3 deferrals and reflects what is possible to deliver in the 2024-25 financial year. Overall, there is a budget increase of \$0.35m, as illustrated in the following table.

Table 4. Revised Fleet Replacement Program compared to the original draft Fleet Replacement Program.

Fleet Categories	Original Draft Budget 2024/25 Qty	Proposed Budget 2024/25 Qty	Original Draft Budget 2024/25 \$	Proposed Budget 2024/25 \$	\$ change on original
Light Commercial	13	16	544,913	652,793	107,880
Passenger Vehicle	7	8	231,952	271,952	40,000
Specialised Equipment	2	5	57,807	161,821	104,014
Truck Fleet	7	8	1,934,762	2,035,562	100,800
Total	29	37	2,769,433	3,122,128	352,695

Capital Works Program (Attachment 4)

After considering the Q3 projects deferrals and reassessment of 2024-25 program delivery timelines Capital Works Program increased to \$36.1m from \$34.9m. The following table summarises the proposed amendments to the original draft capital works program for 2024-25.

Table 5. Revised Capital Works Program budget compared to the original draft program budget.

Capital Works Program - \$'000	Revised Draft Budget June 2024	Original Draft Budget April 2024	Change on Original Draft
Building Infrastructure	9,882	9,155	727
Living Infrastructure	564	594	(30)
Public Domain Infrastructure	7,550	6,950	600
Recreational & Public Spaces Infrastructure	3,335	3,335	
Road Infrastructure	14,225	14,300	(75)
Sustainability Infrastructure	545	545	
Total	36,100	34,879	1,221

Reserve balance

\$99.58m is the projected balance for 30 June 2025, \$0.21m higher compared to the draft Budget presented to the April 2024 Council meeting. This is predominantly due to the 2023-24 Q3 budget review; using reserves for capital works; plant replacement programs deferrals and the reassessment of these programs' delivery timeframes.

Conclusion on 2024-25 Budget

In conclusion, the overall changes propose no net change to the budget bottom line and projected a positive operating performance ratio at 0.13% for the 2024-25 financial year.

The figure below illustrates the allocations of Council's income and expenditure.

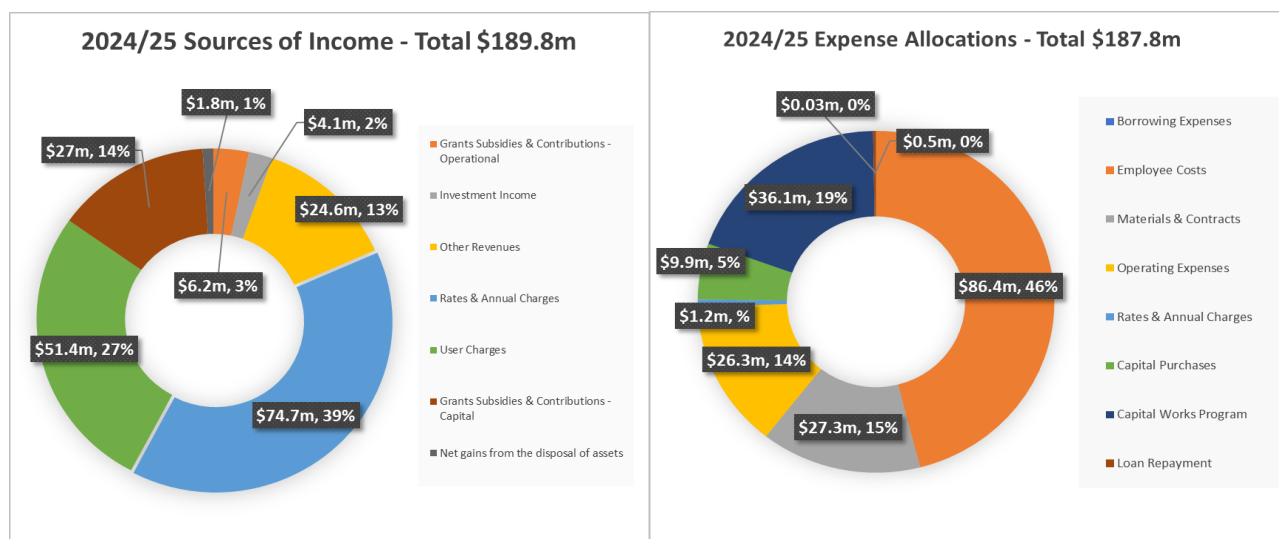


Figure 1. Income and expenditure.

Long Term Financial Plan (LTFP 6.2) (Attachment 5)

The flow-on effect from 2023-24 Q3 review and internal submission, the 2024-25 budget changes and LTFP capital works program have been assessed and incorporated in the revised LTFP 6.2 forecasts. The following table compares the revised LTFP 6.2 forecasts to the original draft forecasts presented at the April 2024 council meeting.

Table 6. LTFP 6.2 forecasts (\$'000).

Budget Statement	Revised LTFP 6.2 June 24	Revised LTFP 6.2 April 24	Changes
Total Income	2,159,828	2,157,064	2,764
Expense	(1,759,576)	(1,763,325)	3,749
Capital Works	(390,379)	(388,333)	(2,046)
Total Expenses	(2,149,955)	(2,151,658)	1,703
Loan Principle Payment	(1,108)	(1,108)	0
Reserve	(8,765)	(4,298)	(4,467)
Net Result	(0)	(0)	0
Balance Sheet			
NET ASSETS	1,721,129	1,713,799	7,330
Total Cash & Investment Securities	119,268	113,169	6,099
Reserve Balance	106,181	100,304	5,877

Council meets the OLG's operating performance ratio most of the years except for 2025-26 and 2026-27 while Council implements the ICT Modernisation Project. The revised LTFP 6.2 forecasts a cash and cash investments balance to be \$119 million and a reserve balance of \$106 million at the end of this planning period ending 30 June 2035.

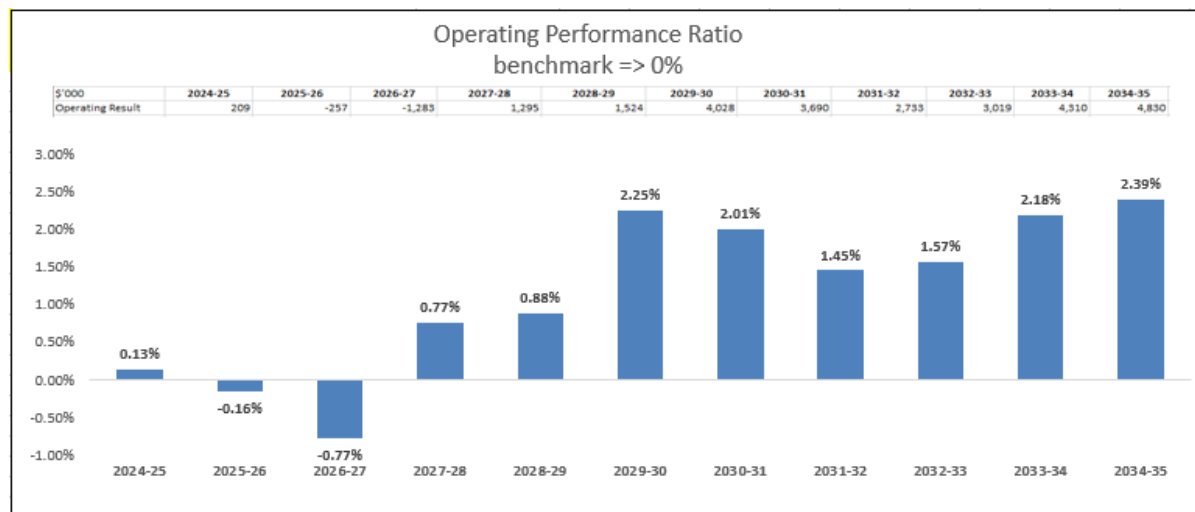


Figure 2. Operating performance ratio.

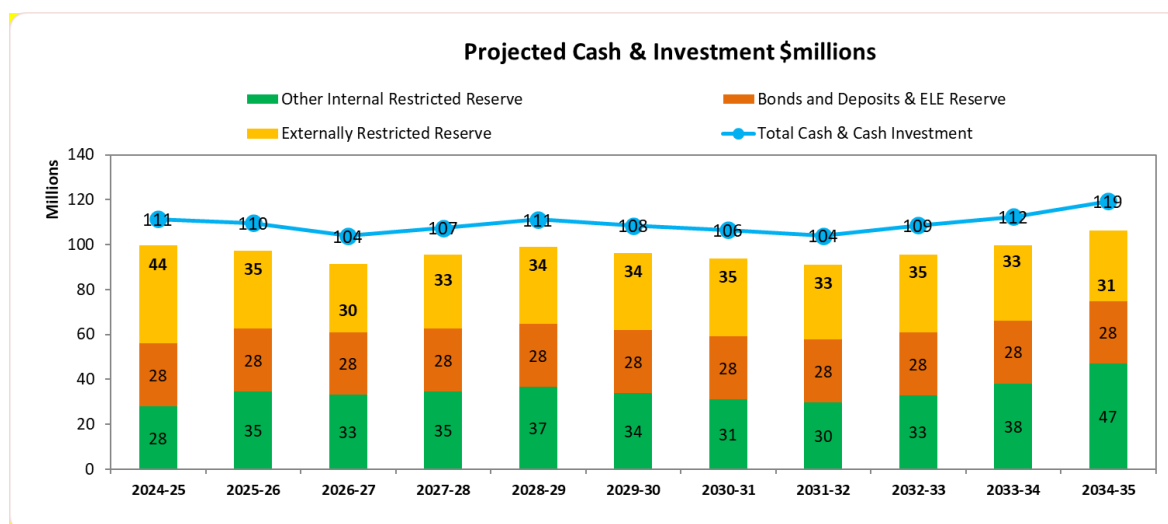


Figure 3. Projected cash and cash investment and reserves balance.

5. Financial impact statement/Time frame/Consultation

The draft Pricing Policy, Fees and Charges 2024-25, Budget and Long Term Financial Plan were publicly exhibited for 28 days for community feedback. The public exhibition closed on 27 May 2024.

Council is forecasting a balanced budget through the period until 2034-35 in supporting the current services level and Council's key strategic priorities.

6. Conclusion

This report is seeking approval of the Pricing Policy Fees and Charges 2024-25, Budget 2024-25 and Long Term Financial Plan 6.2 (2024-2034) in consideration of submissions received during the public exhibition period.

7. Attachments

1. Submissions (under separate cover)
2. Pricing Policy, Fees and Charges 2024-25 (under separate cover)
3. Budget 2024-25 (under separate cover)
4. Capital Works Program and funding sources 2024-25 (under separate cover)
5. Long Term Financial Plan (LTFP 6.2) 2024-2034 (under separate cover) .

REPORT

CM/7.2/24.06



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

TRIM No: A23/0573

Author: Sneha Sabu, Coordinator, Corporate Planning and Reporting

Director: Emily Scott, General Manager

RECOMMENDATION:

That Council:

1. Adopts the Operational Plan 2024–25, including the Budget and Statement of Revenue Policy, attached to the report including:
 - (a) The rating structure for 2024–25 contained on page 79 of the Operational Plan 2024–25. In accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the *Local Government Act 1993* (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2024 to 30 June 2025:
 - (i) An ordinary rate of 0.079800 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub-categorised Ordinary in accordance with section 529(2)(b) of the Act.
 - (ii) An ordinary rate of 0.404844 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Ordinary in accordance with section 529 (2)(d) of the Act.
 - (iii) An ordinary rate of 0.824189 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Bondi Junction in accordance with section 529(2)(d) of the Act
 - (b) The Domestic Waste Management Service Charge being set at \$647 per service per annum for the financial year 2024–25 in accordance with section 496 of the Act.
 - (c) The Stormwater Management Service Charge contained on page 82 of the Operational Plan 2024–25 in accordance with section 496A of the Act for the financial year 2024–25 as follows:

Stormwater Management Service Charge		
Category	Unit	Fee or charge (\$)
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied	25.00

	equally to strata unit entitlement with a minimum of \$5	
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2. Authorises the General Manager to make any necessary editorial and content changes to the Operational Plan and Budget prior to publishing to give effect to Council's resolution and to update any data as applicable.

1. Executive Summary

This report is seeking Council to adopt the Operational Plan 2024–25 (including the Budget and Statement of Revenue Policy), Domestic Waste Management Service Charge and Stormwater Management Service Charge, considering submissions received during the public exhibition period. Budget submissions are discussed as part of the Budget report. Only one external submission and one internal submission were received on the operational activity section.

2. Introduction/Background

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

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

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

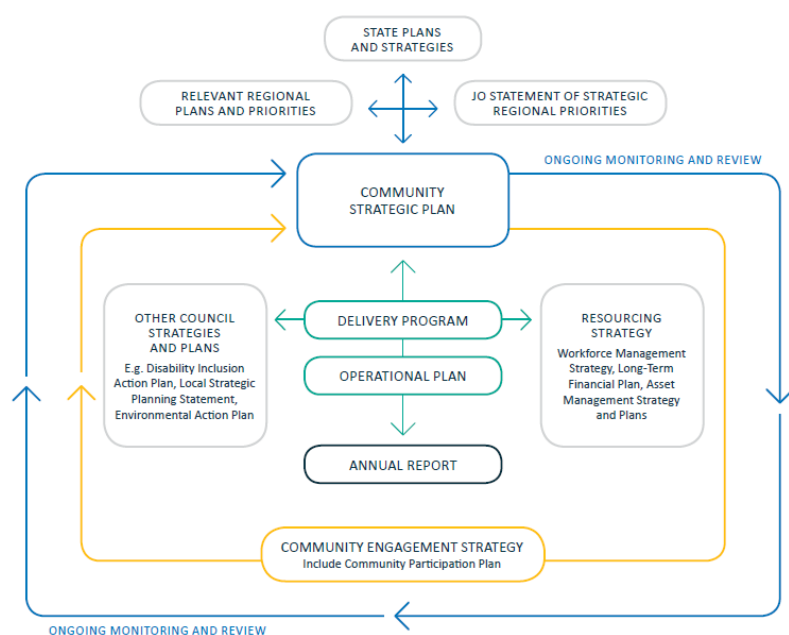


Figure 1. Integrated planning and reporting framework.

The Integrated Planning and Reporting suite of documents including the Operational Plan were placed on public exhibition for a period of 28 days from 30 April 2024 to 27 May 2024.

3. Relevant Council Resolutions

Meeting Date	Item No.	Resolution						
Council 16 April 2024	CM/7.1/24.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Publicly exhibits for 28 days: <ol style="list-style-type: none"> (a) The draft Operational Plan 2024–25, including the Budget and Statement of Revenue Policy, attached to the report. (b) The rating structure for 2024–25 contained on page 79 of the draft Operational Plan 2024–25. In accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the <i>Local Government Act 1993</i> (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2024 to 30 June 2025: <ol style="list-style-type: none"> (i) An ordinary rate of 0.079480 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub-categorised Ordinary in accordance with section 529(2)(b) of the Act. (ii) An ordinary rate of 0.404960 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Ordinary in accordance with section 529 (2)(d) of the Act. (iii) An ordinary rate of 0.807150 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Bondi Junction in accordance with section 529(2)(d) of the Act (c) The Domestic Waste Management Service Charge being set at \$647 per service per annum for the financial year 2024–25 in accordance with section 496 of the Act. (d) The Stormwater Management Service Charge contained on page 82 of the draft Operational Plan 2024–25 in accordance with section 496A of the Act for the financial year 2024–25 as follows: <table border="1" data-bbox="598 1973 1445 2080"> <tr> <th colspan="3">Stormwater Management Service Charge</th></tr> <tr> <th>Category</th><th>Unit</th><th>Fee or charge (\$)</th></tr> </table> 	Stormwater Management Service Charge			Category	Unit	Fee or charge (\$)
Stormwater Management Service Charge								
Category	Unit	Fee or charge (\$)						

		Residential property	per property	25.00
		Residential strata property	per property	12.50
		Business property	per 350 m2 (or part thereof)	25.00
		Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00
		2.	Authorises the General Manager to make any necessary editorial and content changes to the draft Operational Plan and Budget for public exhibition to give effect to Council's resolution.	
		3.	Officers prepare a report to Council following the exhibition period.	

4. Discussion

Operational Plan

In accordance with section 406 of the *Local Government Act 1993*, the Office of Local Government (OLG) has published Guidelines and a Manual to support the administration of integrated planning and reporting. The Community Strategic Plan 2022–2032, the Delivery Program 2022–2026 and the Operational Plan 2024–25 were developed in accordance with the OLG Guidelines and Manual. The Operational Plan has a one-year time frame. The OLG suggests that the Operational Plan be defined as a sub-plan of the Delivery Program that spells out the 'actions' to be undertaken in a particular year.

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

Public exhibition

During the public exhibition period, from 30 April 2024 to 27 May 2024, advertisements were placed in the *Wentworth Courier*, notifications were sent to Precincts informing them about the exhibition, feedback options were made available through the Have your Say section of the website, and Facebook and Twitter updates on exhibition were posted.

Below are the details of submissions received on the Operational Plan activity section. Budget-related submissions are addressed in a separate report on the Budget.

Table 1. Submissions and responses.

Nature of submission	Submission details	Staff response
External	The submission raised concerns on absence of dog-related information such as	Council staff has noted the submission. Council has two rostered teams of five rangers with

	<p>measures, and KPIs on dog related incidents in the Operational Plan. It is recommended that the Operational Plan consider:</p> <ol style="list-style-type: none"> 1. Employing qualified personnel specialised in animal management 2. Enhancing patrols with trained staff 3. Implementing educational programs to promote ownership and compliance with leash laws 4. Establishing a compliance team focused on animal compliance. 	<p>extensive experience in enforcement and efficient decision making. Rangers undertake daily patrols of the beaches, promenades, coastal walks, parks, and reserves. Processes and corrective actions are in place to manage any breach.</p> <p>In April 2024, Council staff prepared a communications strategy across all portfolios which included updating Council's website with fact sheets and relevant information and designed to educate residents in responsible pet ownership. https://www.waverley.nsw.gov.au/residents/pets</p> <p>Most councils in Sydney do not have a dedicated Animal Compliance team. The Rangers at Council are multi-skilled in all facets of local government Enforcement and are provided training in their field. It is not viable to create a separate and dedicated team to manage animal control. Complaints received on companion animals are responded to in a timely and efficient manner. The Annual Report also covers details of Council activities on companion animals including quantitative data. No changes are recommended to the Operational Plan.</p>
Internal	Number of trees planted (streetscape trees): change the target of 400 trees to 430 trees to align with the Waverley Urban Greening and Cooling Strategy (page 52)	The target for number of trees planted is to be updated as 430 trees in the Operational Plan 2024–25 in alignment with the Waverley Urban Greening and Cooling Strategy

5. Financial impact statement/Time frame/Consultation

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

The Operational Plan 2024–25 including the Budget and Statement of Revenue Policy was placed on public exhibition from 30 April 2024 to 27 May 2024 for a period of 28 days, as per statutory requirements. The submissions received from the community members were considered by Council officers to inform the finalisation of the document. The submissions on the Budget and the other IPR documents will be discussed as part of the Budget report. The operational activity section of the Plan received one external and one internal submission.

Time frame

- Council meeting – 16 April 2024.
 - Council approved the exhibition of the integrated planning and reporting suite of documents.
- Public exhibition – Exhibition dates: 30 April 2024 to 27 May 2024.
 - The integrated planning and reporting suite of documents was placed on public exhibition for a period of at least 28 days, as per statutory requirements.

- Council meeting – 18 June 2024.
 - Council adopts the integrated planning and reporting suite of documents, as required under the Integrated Planning and Reporting framework.

6. Conclusion

This report is seeking Council adoption of the Operational Plan 2024–25, including the Budget and Statement of Revenue Policy, as required under the Integrated Planning and Reporting framework considering submissions received during the public exhibition period.

7. Attachments

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

REPORT

CM/7.3/24.06



Subject: Investment Portfolio Report - May 2024

TRIM No: SF23/4025

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

- Notes the Investment Summary Report for May 2024 attached to the report.
- Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

1. Executive Summary

For the month of May 2024, Council's investment portfolio generated \$375,213 in interest.

The interest income for year to date achieved 92.11% (\$5,070,626) of the current budget of \$5,504,672.

2. Introduction/Background

Section 212 of the *Local Government (General) Regulation 2021* requires that Council be provided with a written report setting out details of all money that the Council has invested under section 625 of the *Local Government Act 1993* (the Act) and certifying that these investments have been made in accordance with the Act, regulations, Ministerial Investment Orders and Council's Investment Policy.

The interest on investment budget for the 2023-24 financial year was adopted by Council at meeting on 27 June 2023 and was set at \$2,761,652. The interest income was revised to \$5,504,672 from the quarterly reviews.

The table below illustrates the monthly interest income received by Council and performance against the budget.

Table 1. Monthly interest income received by Council.

Month	2023-24 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Current Budget %
July	2,761,652	363,154	363,154	6.60%
August	2,761,652	363,312	726,466	13.20%
September	2,761,652	627,360	1,353,826	24.59%
October	2,761,652	458,244	1,812,070	32.92%

November	4,654,218	382,193	2,194,264	39.86%
December	4,654,218	598,216	2,792,479	50.73%
January	4,654,218	442,431	3,234,911	58.77%
February	5,152,324	394,678	3,629,588	65.94%
March	5,152,324	631,306	4,260,895	77.41%
April	5,152,324	434,518	4,695,413	85.30%
May	5,152,324	375,213	5,070,626	92.11%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 May 2024	CM/7.3/24.05	<p>That Council:</p> <ol style="list-style-type: none"> Notes the Investment Summary Report for April 2024 attached to the report. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the Local Government Act 1993 and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

4. Discussion

As at 31 May 2024, Council's cash investment portfolio for the financial year, generated total interest earnings of \$5,070,626 representing 92.11% of the current budget of \$5,504,672.

Council's investment portfolio posted a return of 6.10% pa (0.50% actual) for the month versus the bank bill index benchmark return of 4.50% pa (0.37% actual). Over the past 12 months, the investment portfolio has returned 5.39%, versus the bank bill index benchmark's 4.32%.

The NSW TCorpIM Long Term Growth Fund (1.32% actual) recorded a solid gain for the month, holding onto much of the share market rebound from the start of the month before the inflation-wary retreat at the end of the month.

Without marked-to-market influences, Council's investment portfolio yielded 5.02% pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities and growth fund.

During May, Council had maturities of \$10m across four term deposits with terms of nine and 12 months paying an average of 4.97% pa. Council invested \$3m in a 12-month Westpac Green term deposit paying 5.27% pa.

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

Date	Amount	Term (months)	Non-Fossil/Green Deposit Rates	Fossil Fuel ADI Deposit Rates
1-May-2024	3,000,000.00	12	5.27%	5.25%

As at 31 May 2024, Council's investment portfolio has a current market value of \$135,999,529 which represents a gain of \$1,579,478 on the \$134,420,051 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Asset group	Face Value	Current Value
Cash	\$14,385,259	\$14,385,259
Floating Rate Note	\$26,400,000	\$26,537,607
Managed Funds	\$15,334,792	\$15,334,792
Term Deposit	\$71,300,000	\$72,538,640
Total	\$127,420,051	\$128,796,298

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

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

Reserves	Value
External Restriction Reserves	\$ 40,388,947
Internal Restriction Reserves	\$ 70,432,239
Unrestricted fund	\$ 16,688,865
Total	\$127,420,051

Analysis

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

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

Table 5. Portfolio return.

Month	Portfolio return %	Ausbond BB index %	Variance %
Jun-23	6.12	3.72	2.4
Jul-23	6.31	4.48	1.83
Aug-23	3.77	4.39	-0.62
Sep-23	1.74	4.18	-2.44

Oct-23	2.57	4.01	-1.44
Nov-23	8.30	4.34	3.96
Dec-23	7.70	4.43	3.27
Jan-24	5.93	4.44	1.49
Feb-24	7.99	4.43	3.56
Mar-24	7.11	4.41	2.70
Apr-24	0.10	0.35	-0.25
May-24	6.10	4.50	1.60
Average % return over the last 12 months	5.39%	34.32%	1.07%

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

As at the end of May 2024, 69% of Council's portfolio was invested in non-fossil-fuel-lending authorised deposit-taking institutions (ADIs) and socially responsible investments, while fossil-fuel-lending ADIs (including the daily operation fund) accounted for 19% of the portfolio. The remaining 12% is invested with TCorp.

From June 2018 to May 2024, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 21%, as shown in Figure 1 below.

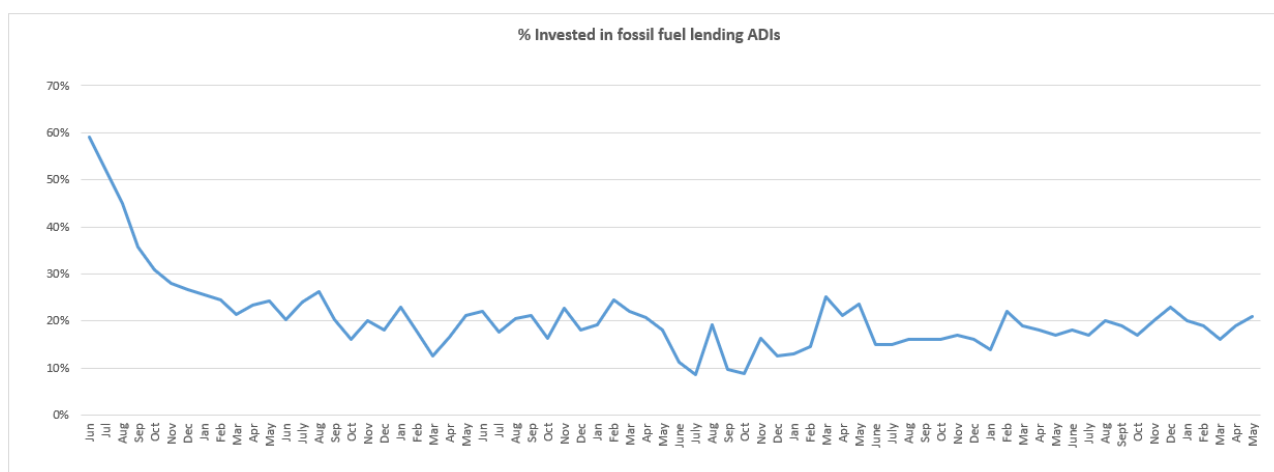


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the Commonwealth Bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 77.99% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 8.59% of the portfolio. The remaining 13.42% is invested with TCorp as displayed in Figure 2 below.

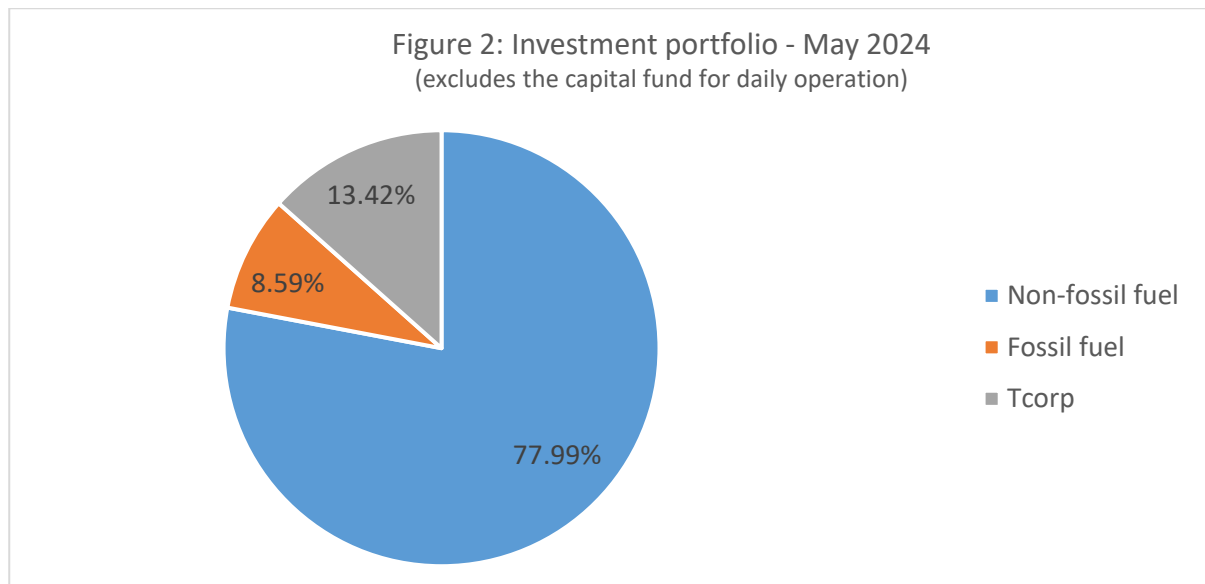


Figure 2. Investment portfolio.

5. Financial impact statement/Time frame/Consultation

This report has been prepared in consultation with Council's independent financial advisor, Prudential Investment Services Corp.

6. Conclusion

Council's investment portfolio has achieved interest earning of \$5,070,626 for the year to date, representing 92.11% of the current budget of \$5,504,672.

7. Attachments

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



Investment Summary Report
May 2024



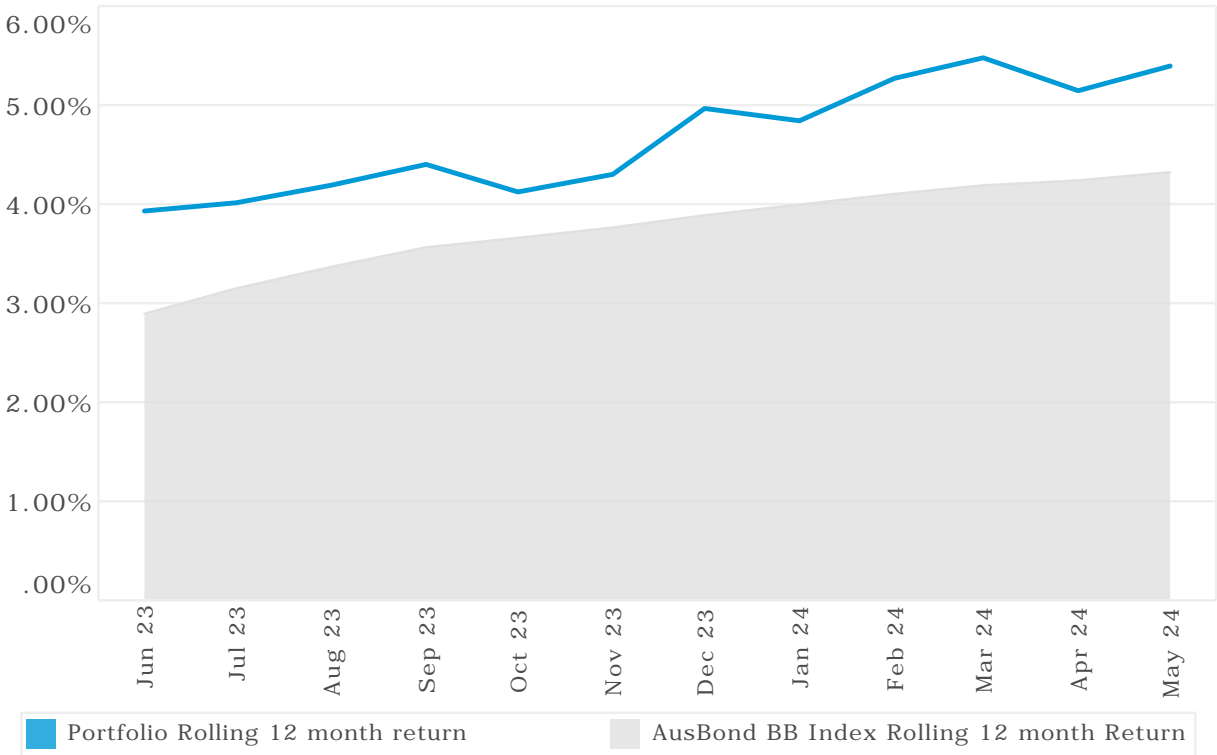
Waverley Council
Executive Summary - May 2024



Investment Holdings

Investment Performance

	Face Value (\$)	Current Value (\$)
Cash	14,385,259	14,385,259
Floating Rate Note	26,400,000	26,537,607
Managed Funds	15,334,792	15,334,792
Term Deposit	71,300,000	72,538,640
	127,420,051	128,796,298

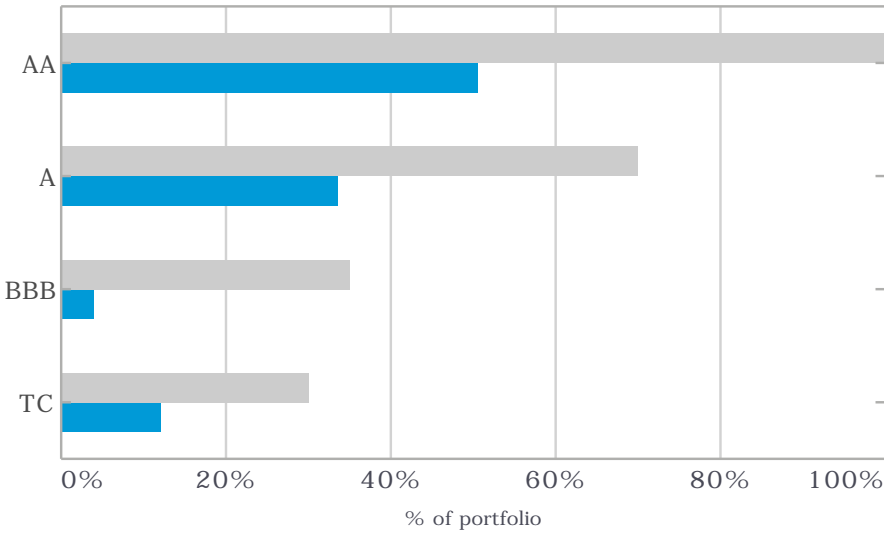


Investment Policy Compliance

Total Credit Exposure

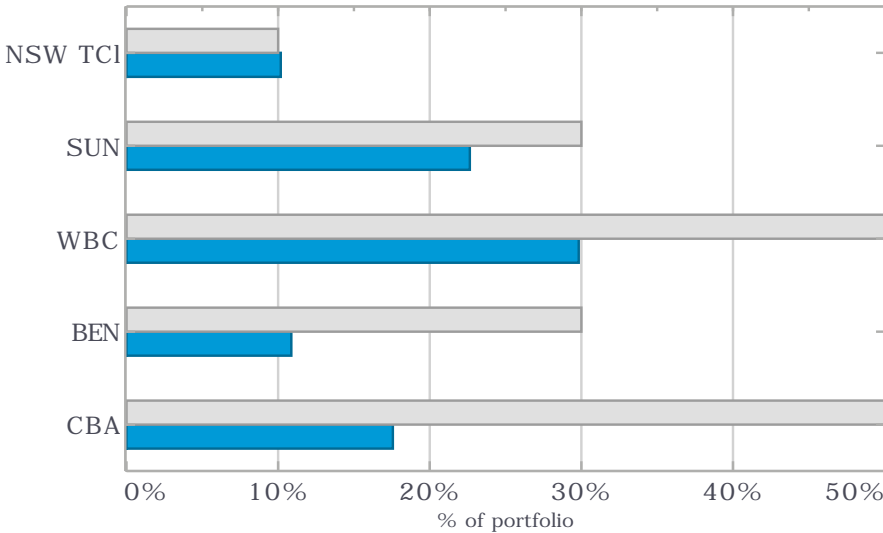
Individual Institutional Exposures

Term to Maturities



Portfolio Exposure

Investment Policy Limit



	Face Value (\$)		Policy Max	
Between 0 and 1 years	96,520,051	76%	100%	a
Between 1 and 10 year:	30,900,000	24%	70%	a
	127,420,051			

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



Waverley Council
Investment Holdings Report - May 2024



Cash Accounts											
	Face Value (\$)	Current Rate (%)	Institution	Credit Rating			Current Value (\$)	Deal No.			Reference
	2,693.30	0.0000%	Commonwealth Bank of Australia	AA-			2,693.30	120799			Library CP
	7,538.50	0.0000%	Commonwealth Bank of Australia	AA-			7,538.50	120800			Eastgate CP
	9,545.85	0.0000%	Commonwealth Bank of Australia	AA-			9,545.85	120796			Cemetery Funds
	12,751.32	0.0000%	Commonwealth Bank of Australia	AA-			12,751.32	120801			Hollywood Av CP
	52,359.06	0.0000%	Commonwealth Bank of Australia	AA-			52,359.06	370151			Library Gift
	102,438.66	0.0000%	Commonwealth Bank of Australia	AA-			102,438.66	120795			Trust Funds
	180,213.20	0.0000%	Commonwealth Bank of Australia	AA-			180,213.20	120797			Depositor Funds
	3,074,468.68	0.0000%	Commonwealth Bank of Australia	AA-			3,074,468.68	120794			General Funds
	10,943,250.88	4.3500%	Commonwealth Bank of Australia	AA-			10,943,250.88	120789			24hr Call
	14,385,259.45	3.3092%					14,385,259.45				

Managed Funds											
	Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name		Current Value (\$)	Deal No.			Reference
	2,372,123.57	0.4861%	NSW T-Corp (Cash)	TCc	Short Term Income Fund		2,372,123.57	411310			Builder Deposits
	12,962,668.41	1.3164%	NSW T-Corp (LT)	TCI	Long Term Growth Fund		12,962,668.41	538089			
	15,334,791.98	1.1880%					15,334,791.98				

Term Deposits											
Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
20-Aug-24	3,000,000.00	5.0900%	Westpac Group	AA-	3,000,000.00	23-Aug-23	3,118,394.79	544416	118,394.79	At Maturity	Green
20-Aug-24	3,000,000.00	5.1600%	Westpac Group	AA-	3,000,000.00	15-Aug-23	3,007,209.86	544392	7,209.86	Quarterly	Green
27-Aug-24	3,000,000.00	5.4100%	Commonwealth Bank of Australia	AA-	3,000,000.00	29-Aug-23	3,123,170.14	544437	123,170.14	At Maturity	
27-Aug-24	4,000,000.00	5.0500%	Westpac Group	AA-	4,000,000.00	24-Aug-23	4,004,427.40	544424	4,427.40	Quarterly	Green
4-Sep-24	4,000,000.00	4.4000%	Westpac Group	AA-	4,000,000.00	2-Sep-22	4,042,915.07	543279	42,915.07	Quarterly	
4-Sep-24	4,000,000.00	5.2500%	National Australia Bank	AA-	4,000,000.00	5-Sep-23	4,155,342.47	544468	155,342.47	At Maturity	
5-Sep-24	2,000,000.00	5.0300%	Westpac Group	AA-	2,000,000.00	5-Sep-23	2,024,254.25	544467	24,254.25	Quarterly	Green



Waverley Council
Investment Holdings Report - May 2024



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
18-Sep-24	3,000,000.00	5.2000%	Suncorp Bank	A+	3,000,000.00	19-Sep-23	3,109,413.70	544580	109,413.70	At Maturity	
24-Sep-24	1,000,000.00	5.2500%	Suncorp Bank	A+	1,000,000.00	26-Sep-23	1,035,815.07	544534	35,815.07	At Maturity	
24-Sep-24	3,000,000.00	5.2000%	Suncorp Bank	A+	3,000,000.00	23-Jan-24	3,055,561.64	544805	55,561.64	At Maturity	
26-Sep-24	2,000,000.00	5.2200%	Westpac Group	AA-	2,000,000.00	26-Sep-23	2,071,220.82	544533	71,220.82	At Maturity	Green
2-Oct-24	3,000,000.00	5.2400%	Westpac Group	AA-	3,000,000.00	3-Oct-23	3,104,225.75	544556	104,225.75	At Maturity	Green
5-Nov-24	3,000,000.00	5.1700%	Suncorp Bank	A+	3,000,000.00	4-Jan-24	3,063,314.79	544763	63,314.79	At Maturity	
12-Nov-24	2,000,000.00	5.4800%	Suncorp Bank	A+	2,000,000.00	14-Nov-23	2,060,054.79	544722	60,054.79	At Maturity	
4-Dec-24	1,300,000.00	5.2000%	Suncorp Bank	A+	1,300,000.00	6-Mar-24	1,316,112.88	544919	16,112.88	At Maturity	
19-Dec-24	3,000,000.00	5.0200%	Bendigo and Adelaide Bank	A-	3,000,000.00	26-Mar-24	3,027,644.38	544960	27,644.38	At Maturity	
14-Jan-25	2,000,000.00	5.0600%	Bendigo and Adelaide Bank	A-	2,000,000.00	9-Apr-24	2,014,694.79	544994	14,694.79	At Maturity	
26-Feb-25	3,000,000.00	5.0500%	Suncorp Bank	A+	3,000,000.00	28-Feb-24	3,039,016.44	544863	39,016.44	At Maturity	
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,002,545.75	542329	2,545.75	Quarterly	Green
4-Mar-25	2,000,000.00	5.0800%	Suncorp Bank	A+	2,000,000.00	2-Apr-24	2,016,701.37	544974	16,701.37	At Maturity	
5-Mar-25	4,000,000.00	5.0800%	Westpac Group	AA-	4,000,000.00	5-Mar-24	4,048,990.68	544912	48,990.68	At Maturity	Green
12-Mar-25	3,000,000.00	4.9500%	Westpac Group	AA-	3,000,000.00	12-Mar-24	3,032,954.79	544931	32,954.79	Quarterly	Green
1-May-25	3,000,000.00	5.2700%	Westpac Group	AA-	3,000,000.00	1-May-24	3,013,427.67	545052	13,427.67	At Maturity	Green
20-Feb-26	2,000,000.00	4.8500%	Westpac Group	AA-	2,000,000.00	20-Feb-24	2,003,189.04	544856	3,189.04	Quarterly	Green
17-Mar-26	3,000,000.00	4.8400%	Suncorp Bank	A+	3,000,000.00	19-Mar-24	3,029,437.81	544951	29,437.81	Annually	
17-Apr-26	3,000,000.00	5.0300%	Westpac Group	AA-	3,000,000.00	17-Apr-24	3,018,604.11	545017	18,604.11	Annually	Green
71,300,000.00		5.0000%			71,300,000.00			72,538,640.25	1,238,640.25		

Floating Rate Notes											
Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
30-Jul-24	2,500,000.00	5.1886%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,513,287.32	538331	11,372.27	30-Jul-24	
24-Oct-24	1,000,000.00	5.4905%	GSB Snr FRN (Oct24) BBSW+ 1.12%	BBB+	1,000,000.00	24-Oct-19	1,007,016.14	538604	5,716.14	24-Jul-24	
2-Dec-25	2,250,000.00	4.8587%	BEN Snr FRN (Dec25) BBSW+0.52%	A-	2,250,000.00	2-Dec-20	2,269,433.79	540603	26,656.29	3-Jun-24	
24-Feb-26	1,300,000.00	4.7903%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	1,300,000.00	24-Feb-21	1,298,374.91	540958	1,364.91	26-Aug-24	



Waverley Council
Investment Holdings Report - May 2024



Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
4-Mar-26	4,000,000.00	4.9687%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB+	4,000,000.00	4-Mar-21	4,014,181.84	540983	48,461.84	4-Jun-24	
15-May-26	1,000,000.00	5.6200%	BEN Snr FRN (May26) BBSW+ 1.25%	A-	1,000,000.00	15-May-23	1,010,827.53	544084	2,617.53	15-Aug-24	
18-Jun-26	4,000,000.00	5.0039%	BEN Snr FRN (Jun26) BBSW+0.65%	A-	4,000,000.00	18-Jun-21	4,027,287.95	541523	41,127.95	18-Jun-24	
15-Sep-26	3,750,000.00	4.8248%	SUN Snr FRN (Sep26) BBSW+0.48%	A+	3,750,000.00	15-Sep-21	3,772,089.49	541877	38,664.49	17-Jun-24	
23-Dec-26	5,000,000.00	4.7637%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	23-Sep-21	5,018,374.19	541916	44,374.19	24-Jun-24	
14-May-27	1,600,000.00	5.3703%	BEN Snr FRN (May27) BBSW+ 1.00%	A-	1,600,000.00	14-May-24	1,606,733.39	545080	4,237.39	14-Aug-24	
26,400,000.00		4.9862%			26,400,000.00		26,537,606.55		224,593.00		



Waverley Council

Accrued Interest Report - May 2024



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Floating Rate Note									
SUN Snr FRN (Jul24) BBSW+0.78%	538331		2,500,000.00	30-Jul-19	30-Jul-24	0.00	31	11,016.89	5.19%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	0.00	31	4,663.17	5.49%
BEN Snr FRN (Dec25) BBSW+0.52%	540603		2,250,000.00	2-Dec-20	2-Dec-25	0.00	31	9,284.77	4.86%
SUN Snr FRN (Feb26) BBSW+0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26	14,999.25	31	5,285.17	4.79%
NPBS Snr FRN (Mar26) BBSW+0.63%	540983		4,000,000.00	4-Mar-21	4-Mar-26	0.00	31	16,879.97	4.97%
BEN Snr FRN (May26) BBSW+ 1.25%	544084		1,000,000.00	15-May-23	15-May-26	13,802.30	31	4,764.55	5.61%
BEN Snr FRN (Jun26) BBSW+0.65%	541523		4,000,000.00	18-Jun-21	18-Jun-26	0.00	31	16,999.56	5.00%
SUN Snr FRN (Sep26) BBSW+0.48%	541877		3,750,000.00	15-Sep-21	15-Sep-26	0.00	31	15,366.65	4.82%
CBA Green Snr FRN (Dec26) BBSW+0.41%	541916		5,000,000.00	23-Sep-21	23-Dec-26	0.00	31	20,229.41	4.76%
BEN Snr FRN (May27) BBSW+ 1.00%	545080		1,600,000.00	14-May-24	14-May-27	0.00	18	4,237.39	5.37%
						28,801.55		108,727.53	4.98%
Managed Funds									
NSW T-Corp Defensive Cash Funds	411310				1-Jul-24	0.00	0	11,475.93	5.88%
						0.00		11,475.93	5.88%
Term Deposits									
Westpac Group	544048		3,000,000.00	28-Apr-23	1-May-24	135,266.30	0	0.00	
Suncorp Bank	544398		3,000,000.00	16-Aug-23	15-May-24	116,679.45	14	5,983.56	5.20%
Bendigo and Adelaide Bank	544423		1,000,000.00	24-Aug-23	28-May-24	39,224.66	27	3,809.59	5.15%
National Australia Bank	544449		3,000,000.00	31-Aug-23	28-May-24	115,379.18	27	11,495.34	5.18%
Westpac Group	544392		3,000,000.00	15-Aug-23	20-Aug-24	38,169.86	31	13,147.39	5.16%
Westpac Group	544416		3,000,000.00	23-Aug-23	20-Aug-24	0.00	31	12,969.04	5.09%
Commonwealth Bank of Australia	544437		3,000,000.00	29-Aug-23	27-Aug-24	0.00	31	13,784.39	5.41%
Westpac Group	544424		4,000,000.00	24-Aug-23	27-Aug-24	48,701.37	31	17,156.17	5.05%
National Australia Bank	544468		4,000,000.00	5-Sep-23	4-Sep-24	0.00	31	17,835.62	5.25%
Westpac Group	543279		4,000,000.00	2-Sep-22	4-Sep-24	0.00	31	14,947.95	4.40%
Westpac Group	544467		2,000,000.00	5-Sep-23	5-Sep-24	0.00	31	8,544.11	5.03%

Waverley Council

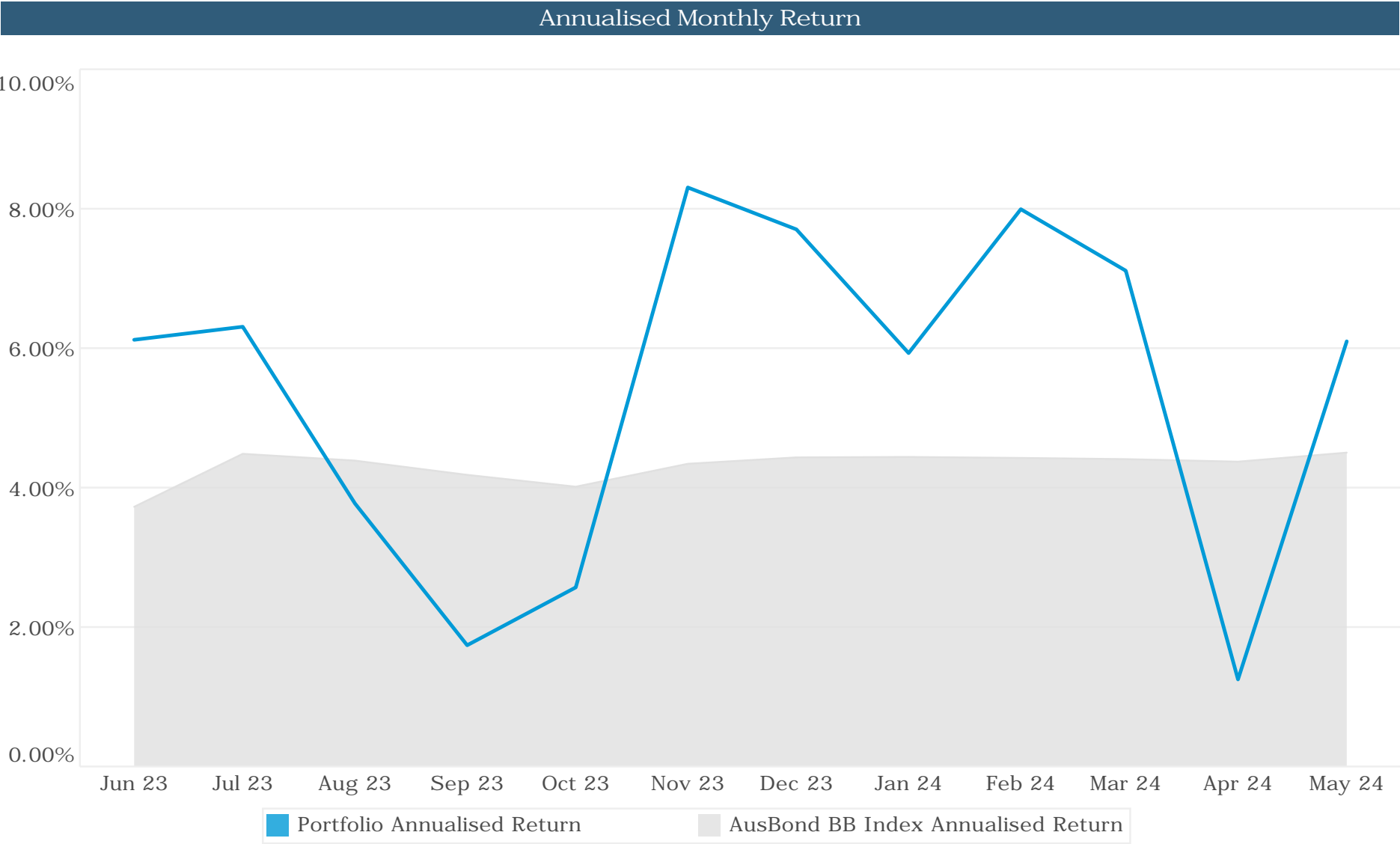
Accrued Interest Report - May 2024



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Suncorp Bank	544580		3,000,000.00	19-Sep-23	18-Sep-24	0.00	31	13,249.32	5.20%
Suncorp Bank	544534		1,000,000.00	26-Sep-23	24-Sep-24	0.00	31	4,458.91	5.25%
Suncorp Bank	544805		3,000,000.00	23-Jan-24	24-Sep-24	0.00	31	13,249.31	5.20%
Westpac Group	544533		2,000,000.00	26-Sep-23	26-Sep-24	0.00	31	8,866.85	5.22%
Westpac Group	544556		3,000,000.00	3-Oct-23	2-Oct-24	0.00	31	13,351.23	5.24%
Suncorp Bank	544763		3,000,000.00	4-Jan-24	5-Nov-24	0.00	31	13,172.87	5.17%
Suncorp Bank	544722		2,000,000.00	14-Nov-23	12-Nov-24	0.00	31	9,308.49	5.48%
Suncorp Bank	544919		1,300,000.00	6-Mar-24	4-Dec-24	0.00	31	5,741.37	5.20%
Bendigo and Adelaide Bank	544960		3,000,000.00	26-Mar-24	19-Dec-24	0.00	31	12,790.68	5.02%
Bendigo and Adelaide Bank	544994		2,000,000.00	9-Apr-24	14-Jan-25	0.00	31	8,595.06	5.06%
Suncorp Bank	544863		3,000,000.00	28-Feb-24	26-Feb-25	0.00	31	12,867.12	5.05%
Suncorp Bank	544974		2,000,000.00	2-Apr-24	4-Mar-25	0.00	31	8,629.04	5.08%
Westpac Group	542329		2,000,000.00	9-Feb-22	4-Mar-25	9,961.64	31	3,431.23	2.02%
Westpac Group	544912		4,000,000.00	5-Mar-24	5-Mar-25	0.00	31	17,258.08	5.08%
Westpac Group	544931		3,000,000.00	12-Mar-24	12-Mar-25	0.00	31	12,612.32	4.95%
Westpac Group	545052		3,000,000.00	1-May-24	1-May-25	0.00	31	13,427.67	5.27%
Westpac Group	544856		2,000,000.00	20-Feb-24	20-Feb-26	23,917.81	31	8,238.36	4.85%
Suncorp Bank	544951		3,000,000.00	19-Mar-24	17-Mar-26	0.00	31	12,332.06	4.84%
Westpac Group	545017		3,000,000.00	17-Apr-24	17-Apr-26	0.00	31	12,816.16	5.03%
						527,300.27		324,069.29	5.01%
<u>Grand Totals</u>						<u>556,101.82</u>		<u>444,272.75</u>	<u>5.02%</u>

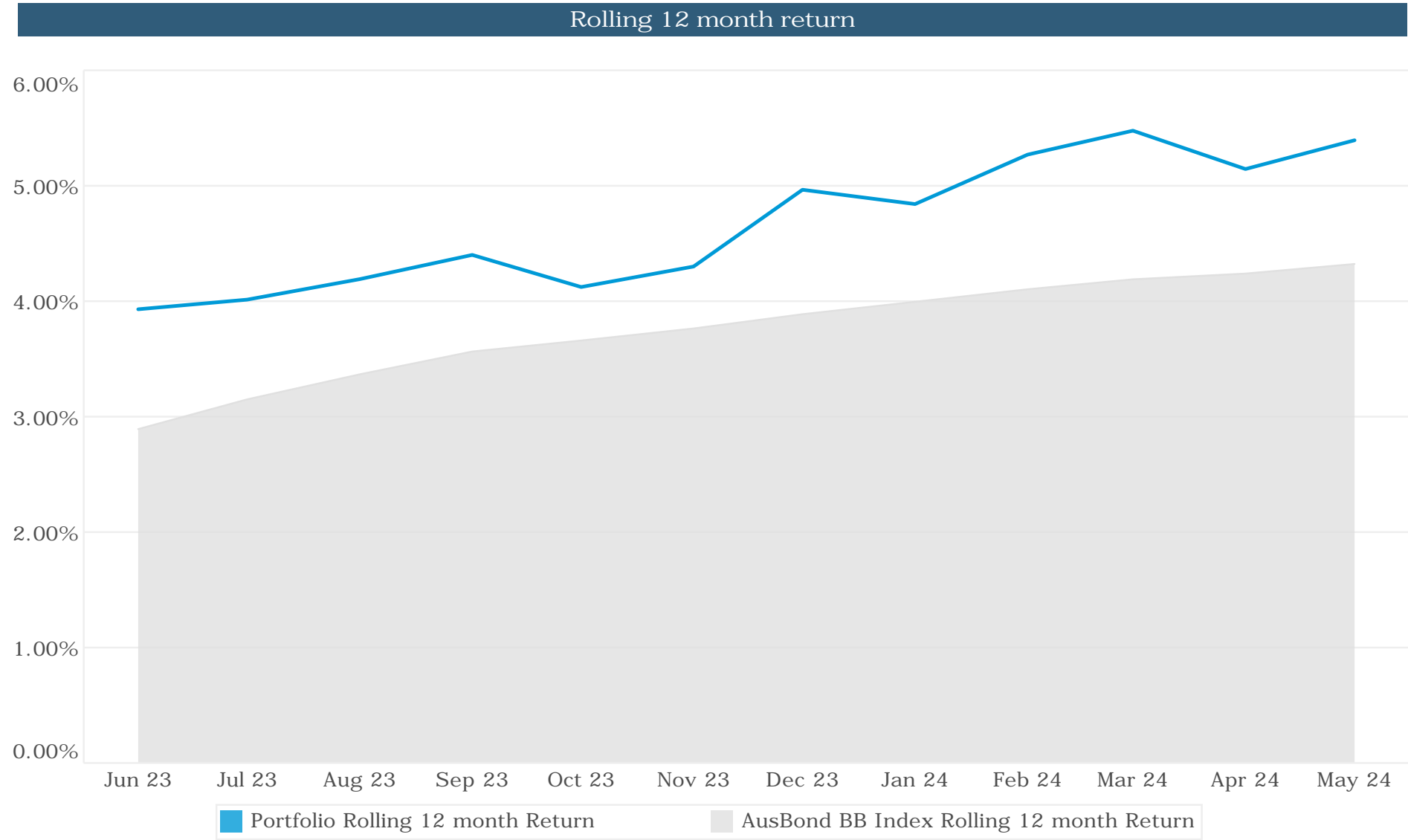
Waverley Council

Investment Performance Report - May 2024



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
May 2024	6.10%	4.50%	1.60%
Last 3 months	4.83%	4.43%	0.40%
Last 6 months	5.99%	4.43%	1.56%
Financial Year to Date	5.31%	4.36%	0.95%
Last 12 months	5.39%	4.32%	1.07%

Waverley Council
Investment Performance Report - May 2024



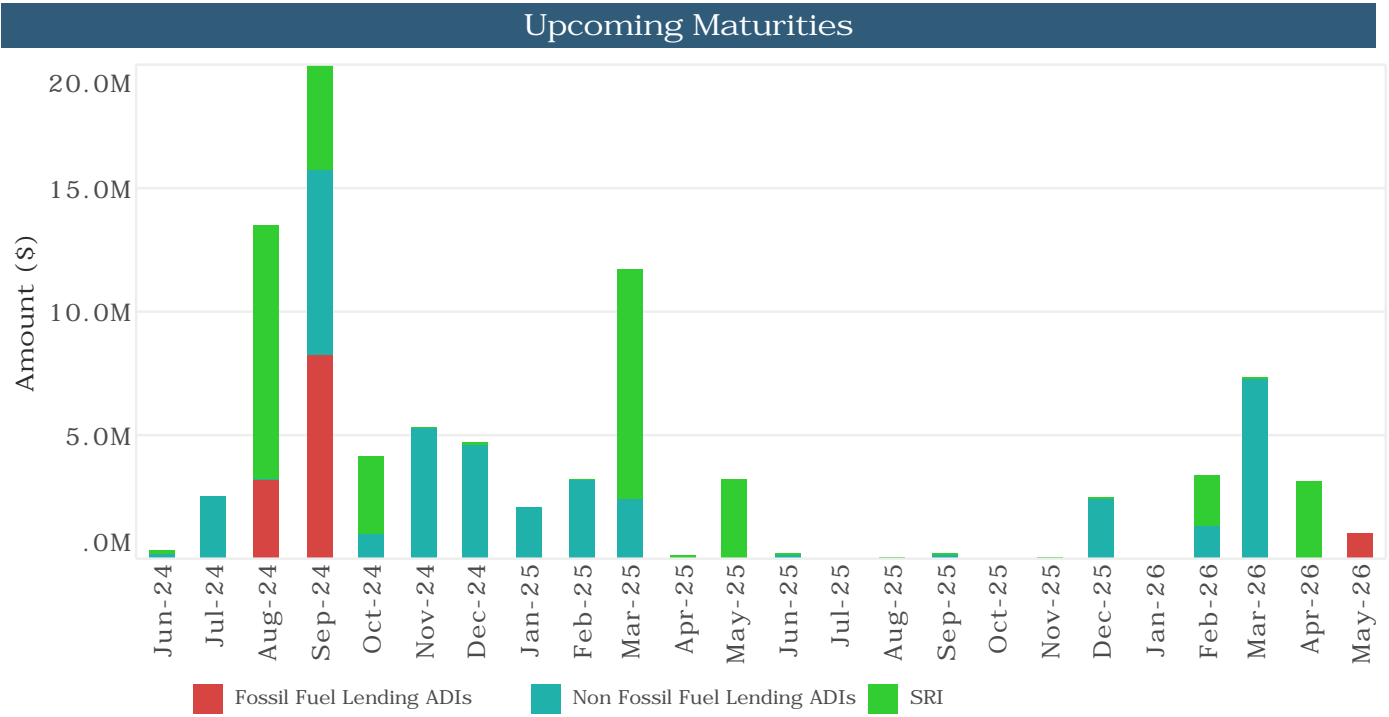
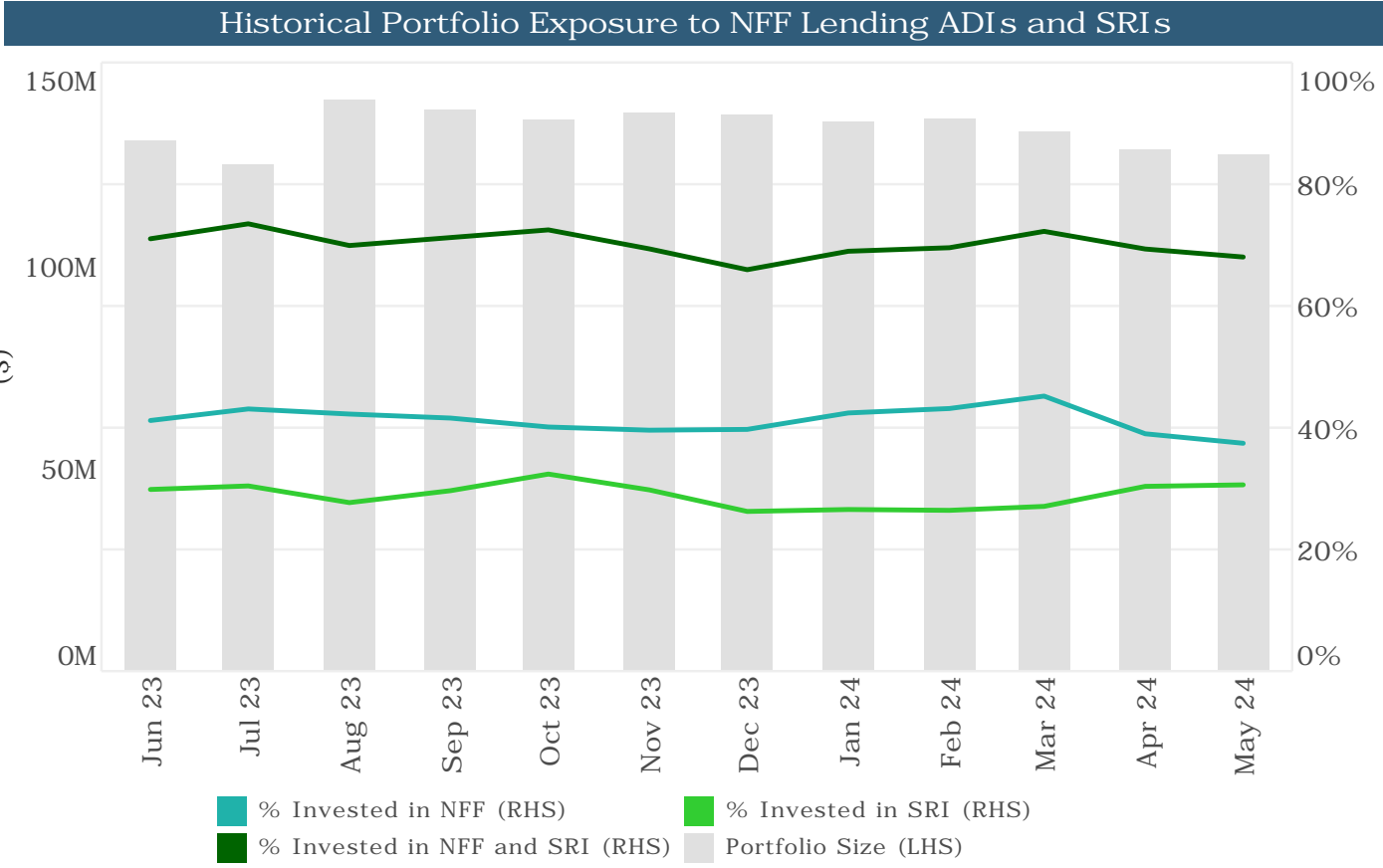
Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
May 2024	0.50%	0.37%	0.13%
Last 3 months	1.20%	1.10%	0.10%
Last 6 months	2.96%	2.20%	0.76%
Financial Year to Date	4.88%	4.01%	0.87%
Last 12 months	5.39%	4.32%	1.07%

Waverley Council
Environmental Commitments Report - May 2024

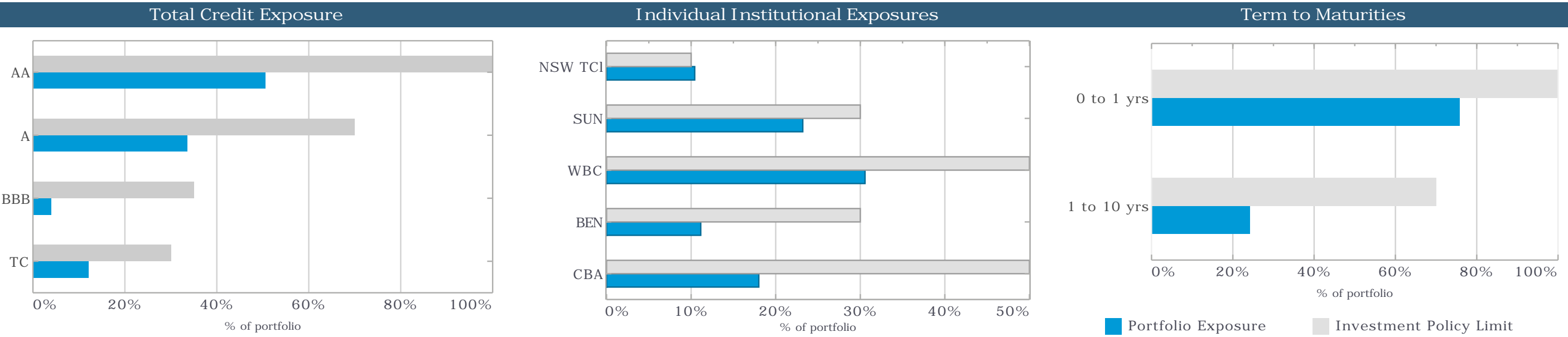


Current Breakdown				
ADI Lending Status *	Current Month (\$)		Previous Month (\$)	
Fossil Fuel Lending ADIs				
Commonwealth Bank of Australia	17,385,259		13,201,369	
National Australia Bank	4,000,000		7,000,000	
Westpac Group	4,000,000		4,000,000	
	25,385,259	20%	24,201,369	19%
Non Fossil Fuel Lending ADIs				
Bendigo and Adelaide Bank	13,850,000		13,250,000	
Great Southern Bank	1,000,000		1,000,000	
Newcastle Greater Mutual Group	4,000,000		4,000,000	
Suncorp Bank	28,850,000		31,850,000	
	47,700,000	37%	50,100,000	39%
Other				
NSW T-Corp (Cash)	2,372,124		2,360,648	
NSW T-Corp (LT)	12,962,668		12,794,239	
	15,334,792	12%	15,154,886	12%
Socially Responsible Investment				
CBA (Green)	5,000,000		5,000,000	
Westpac Group (Green TD)	34,000,000		34,000,000	
	39,000,000	31%	39,000,000	30%
	127,420,051		128,456,255	

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



Waverley Council
Investment Policy Compliance Report - May 2024



Credit Rating Group	Face Value (\$)		Policy Max	
AA	64,385,259	51%	100%	a
A	42,700,000	34%	70%	a
BBB	5,000,000	4%	35%	a
TC	15,334,792	12%	30%	a
	127,420,051			

Specific Sub Limits				
BBB+	5,000,000	4%	35%	a
A-	13,850,000	11%	70%	a

Institution	% of portfolio	Investment Policy Limit	
NSW T-Corp (TCI)	10%	10%	r
Suncorp Bank (A+)	23%	30%	a
Westpac Group (AA-)	30%	50%	a
Bendigo and Adelaide Bank (A-)	11%	30%	a
Commonwealth Bank of Australia (AA-)	18%	50%	a
Newcastle Greater Mutual Group (BBB+)	3%	10%	a
NSW T-Corp (TCc)	2%	10%	a
Great Southern Bank (BBB+)	1%	10%	a
National Australia Bank (AA-)	3%	50%	a

	Face Value (\$)		Policy Max	
Between 0 and 1 years	96,520,051	76%	100%	a
Between 1 and 10 years	30,900,000	24%	70%	a
	127,420,051			

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

a = compliant
r = non-compliant

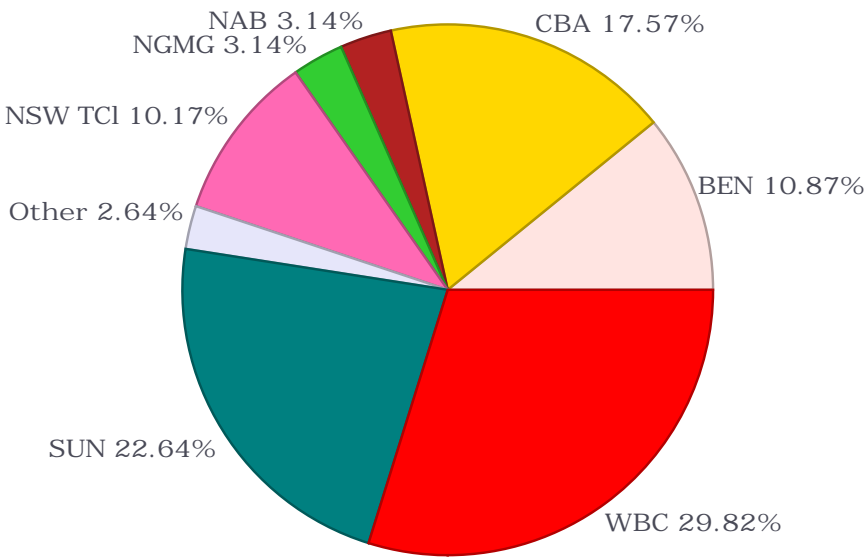
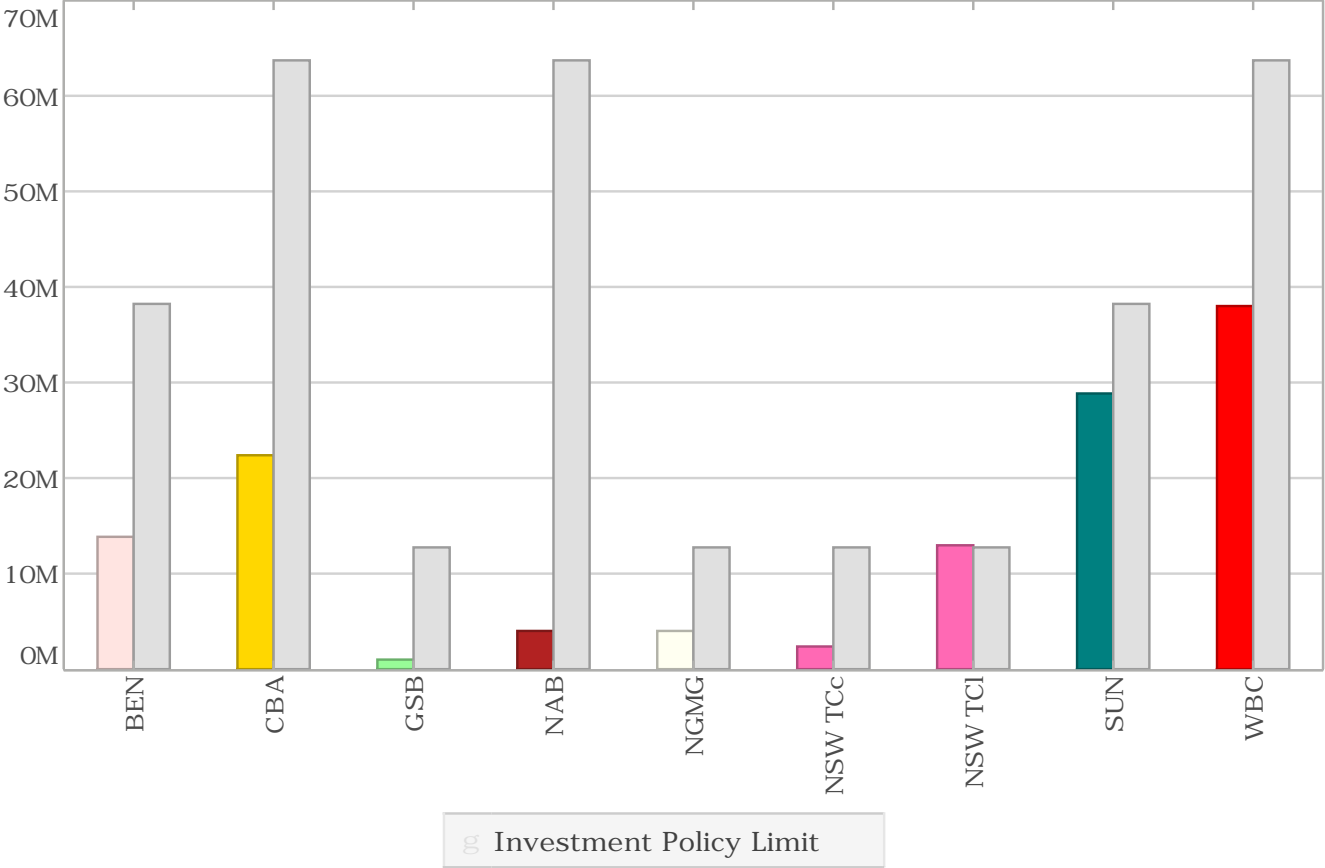
Waverley Council
Individual Institutional Exposures Report - May 2024



Individual Insitutional Exposures

Individual Insitutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Bendigo and Adelaide Bank (A-)	13,850,000	11%	38,226,015	30%	24,376,015
Commonwealth Bank of Australia (AA-)	22,385,259	18%	63,710,026	50%	41,324,767
Great Southern Bank (BBB+)	1,000,000	1%	12,742,005	10%	11,742,005
National Australia Bank (AA-)	4,000,000	3%	63,710,026	50%	59,710,026
Newcastle Greater Mutual Group (BBB+)	4,000,000	3%	12,742,005	10%	8,742,005
NSW T-Corp (TCc)	2,372,124	2%	12,742,005	10%	10,369,881
NSW T-Corp (TCI)	12,962,668	10%	12,742,005	10%	-220,663
Suncorp Bank (A+)	28,850,000	23%	38,226,015	30%	9,376,015
Westpac Group (AA-)	38,000,000	30%	63,710,026	50%	25,710,026
	127,420,051				



Waverley Council
Cashflows Report - May 2024



Actual Cashflows for May 2024						
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description		Amount
1-May-24	544048	Westpac Group	Term Deposit	Maturity: Face Value		3,000,000.00
		Westpac Group	Term Deposit	Maturity: Interest Received/Paid		135,266.30
		Deal Total		3,135,266.30		
1-May-24	545052	Westpac Group	Term Deposit	Settlement: Face Value		-3,000,000.00
				Deal Total		-3,000,000.00
Day Total						135,266.30
9-May-24	542329	Westpac Group	Term Deposit	During: Interest Received/Paid Dates		9,961.64
				Deal Total		9,961.64
Day Total						9,961.64
14-May-24	545080	BEN Snr FRN (May27) BBSW+ 1.00%	Floating Rate Note	Settlement: Accrued Coupon at Purchase		0.00
		BEN Snr FRN (May27) BBSW+ 1.00%	Floating Rate Note	Settlement: Face Value		-1,600,000.00
		BEN Snr FRN (May27) BBSW+ 1.00%	Floating Rate Note	Settlement: Premium / Discount on Purchase		0.00
		Deal Total		-1,600,000.00		
Day Total						-1,600,000.00
15-May-24	544084	BEN Snr FRN (May26) BBSW+ 1.25%	Floating Rate Note	Coupon Date		13,802.30
				Deal Total		13,802.30
15-May-24	544392	Westpac Group	Term Deposit	During: Interest Received/Paid Dates		38,169.86
				Deal Total		38,169.86
15-May-24	544398	Suncorp Bank	Term Deposit	Maturity: Face Value		3,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid		116,679.45
		Deal Total		3,116,679.45		
Day Total						3,168,651.62
20-May-24	544856	Westpac Group	Term Deposit	During: Interest Received/Paid Dates		23,917.81
				Deal Total		23,917.81
Day Total						23,917.81
24-May-24	540958	SUN Snr FRN (Feb26) BBSW+ 0.45%	Floating Rate Note	Coupon Date		14,999.25



Waverley Council
Cashflows Report - May 2024



Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
<u>Deal Total</u>					<u>14,999.25</u>
24-May-24	544424	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	48,701.37
<u>Deal Total</u>					<u>48,701.37</u>
Day Total					63,700.62
28-May-24	544423	Bendigo and Adelaide Bank	Term Deposit	Maturity: Face Value	1,000,000.00
		Bendigo and Adelaide Bank	Term Deposit	Maturity: Interest Received/Paid	39,224.66
<u>Deal Total</u>					<u>1,039,224.66</u>
28-May-24	544449	National Australia Bank	Term Deposit	Maturity: Face Value	3,000,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	115,379.18
<u>Deal Total</u>					<u>3,115,379.18</u>
Day Total					4,154,603.84
<u>Total for Month</u>					<u>5,956,101.82</u>

Forecast Cashflows for June 2024

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
3-Jun-24	540603	BEN Snr FRN (Dec25) BBSW+0.52%	Floating Rate Note	Coupon Date	27,255.31
<u>Deal Total</u>					<u>27,255.31</u>
3-Jun-24	543279	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	43,879.45
<u>Deal Total</u>					<u>43,879.45</u>
Day Total					71,134.76
4-Jun-24	540983	NPBS Snr FRN (Mar26) BBSW+0.63%	Floating Rate Note	Coupon Date	50,095.39
<u>Deal Total</u>					<u>50,095.39</u>
Day Total					50,095.39
5-Jun-24	544467	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	25,356.71
<u>Deal Total</u>					<u>25,356.71</u>
Day Total					25,356.71
12-Jun-24	544931	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	37,430.14

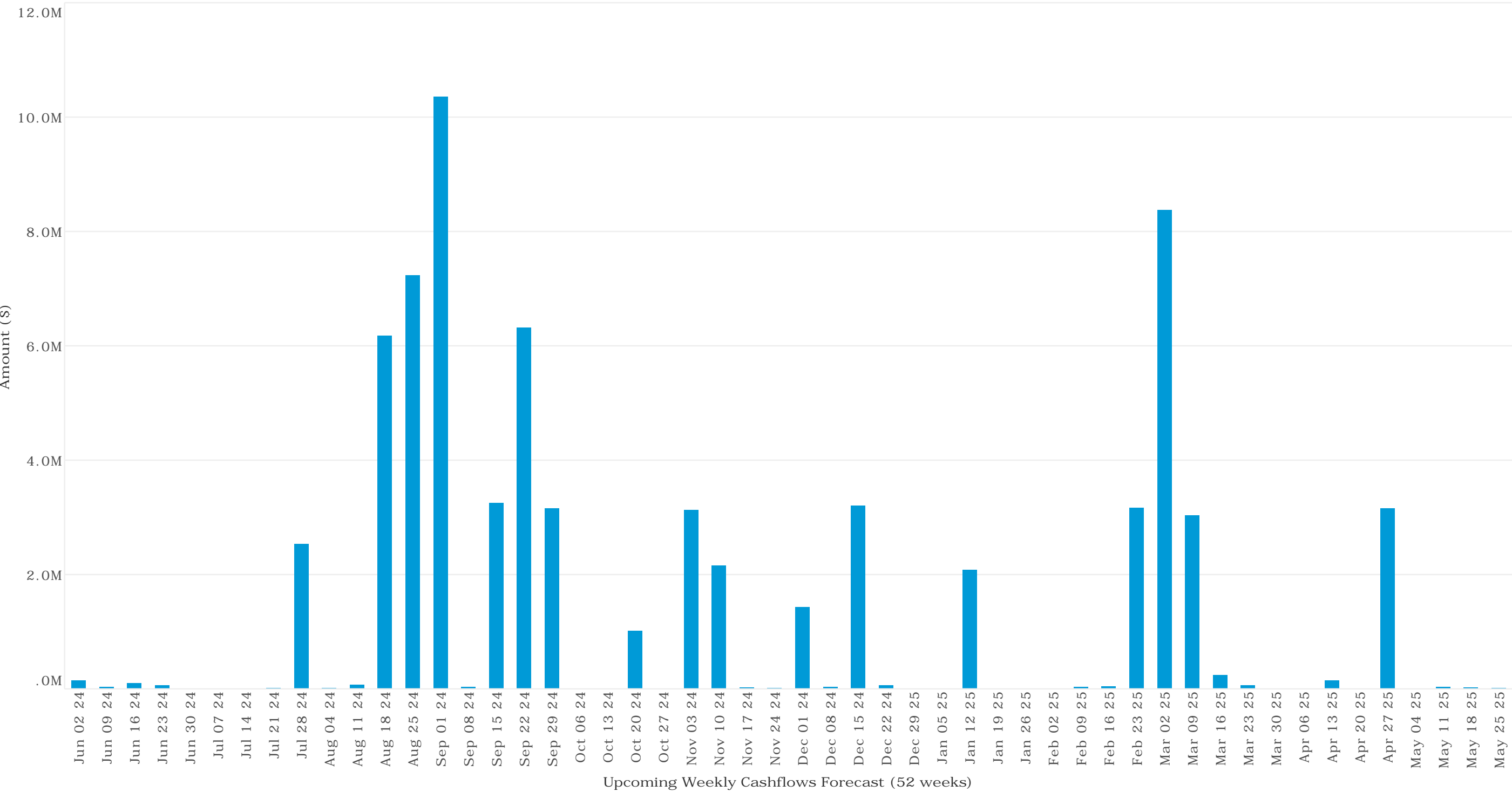


Waverley Council
Cashflows Report - May 2024

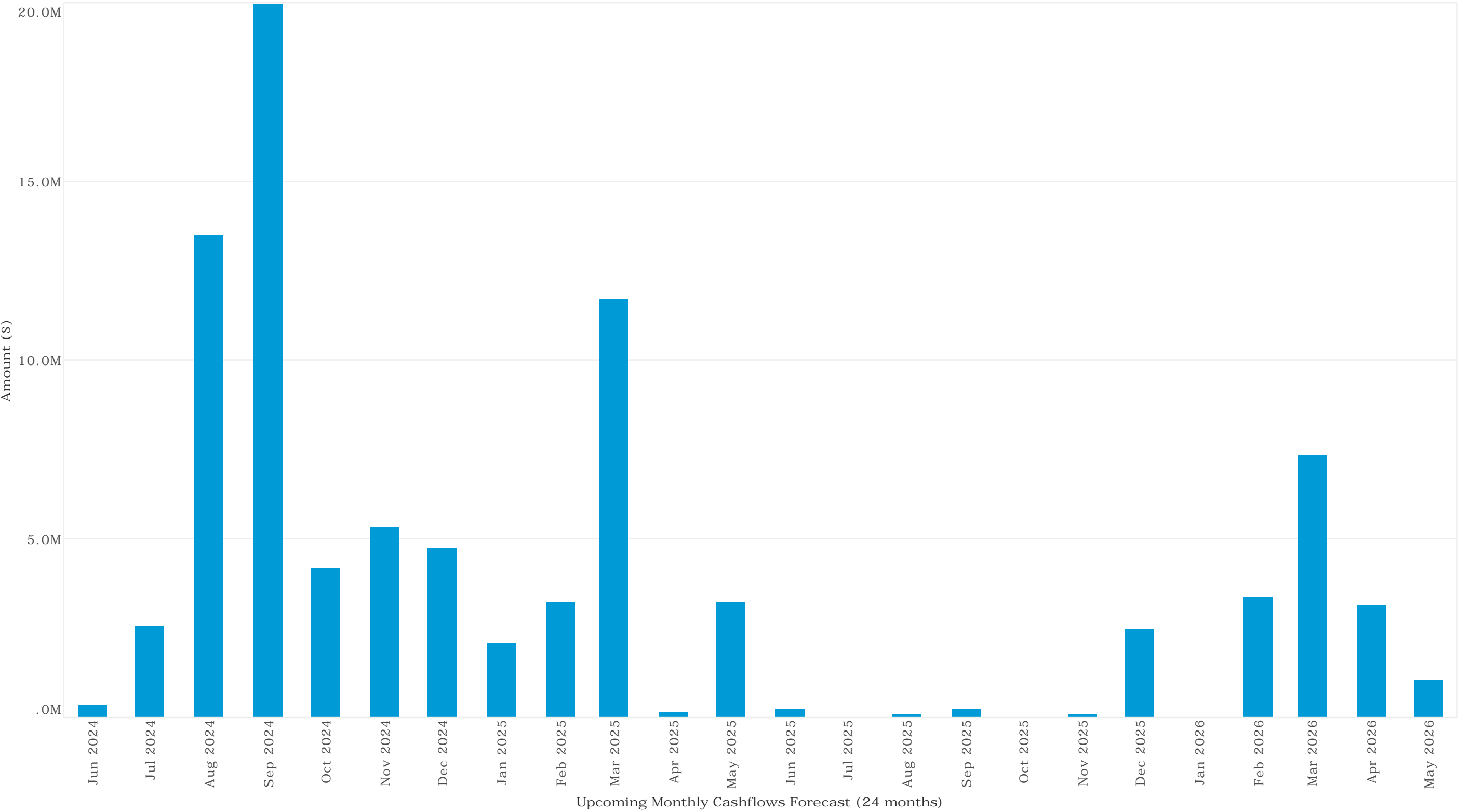


Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
Deal Total					37,430.14
Day Total					37,430.14
17-Jun-24	541877	SUN Snr FRN (Sep26) BBSW+0.48%	Floating Rate Note	Coupon Date	46,595.67
Deal Total					46,595.67
Day Total					46,595.67
18-Jun-24	541523	BEN Snr FRN (Jun26) BBSW+0.65%	Floating Rate Note	Coupon Date	50,450.28
Deal Total					50,450.28
Day Total					50,450.28
24-Jun-24	541916	CBA Green Snr FRN (Dec26) BBSW+0.41%	Floating Rate Note	Coupon Date	59,383.11
Deal Total					59,383.11
Day Total					59,383.11
Total for Month					340,446.06

Waverley Council
Cashflows Report - May 2024



Waverley Council
Cashflows Report - May 2024



REPORT
CM/7.4/24.06

Subject: Schedule of Meeting Dates for Council and Council Committees 2024 - Amendment

TRIM No: A04/1869

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council amends the schedule of meeting dates for Council and Council Committees for 2024 as follows:

1. Cancels the ordinary Council meeting scheduled for Tuesday, 15 October 2024.
2. Schedules an ordinary Council meeting on Tuesday, 29 October 2024.

1. Executive Summary

This report recommends that Council changes the date of the ordinary Council meeting in October 2024 so that the Councillor induction program can be held before the first ordinary Council meeting of the new term.

2. Introduction/Background

Council adopted its schedule of meeting dates for 2024 in November 2023. The first ordinary Council meeting following the local government elections in September 2024 is currently scheduled for Tuesday, 15 October. This follows the extraordinary Council meeting on Thursday, 10 October, to elect a mayor and deputy mayor, to appoint Councillors to Committees and to allow casual vacancies to be filled by a countback in the first 18 months of the term.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 November 2023	CM/7.6/23.11	That Council adopts the schedule of meeting dates for Council and Council Committees for 2024 attached to the report.

4. Discussion

At the start of each Council term, officers organise an induction program for Councillors, as required by section 183 of the *Local Government Regulation 2021*. The primary purpose of induction is to provide Councillors with information about the functions and obligations of councils and councillors and the administrative procedures and operations of Council.

For scheduling reasons, the main Councillor induction program for 2024 will be held over two days on Saturday, 26 October, and Sunday, 27 October 2024. To allow induction to occur before the first ordinary Council meeting, it is recommended that Council:

- Cancels the ordinary Council meeting scheduled for Tuesday, 15 October 2024.
- Schedules an ordinary Council meeting on Tuesday, 29 October 2024.

There are no legislative restrictions on Council changing its adopted meeting schedule, provided it still holds 10 Council meetings in a year. The proposed amendment complies with this requirement.

The extraordinary Council meeting on Thursday, 10 October, and the meetings of the Finance and Community Services Committee and Strategic Planning and Development Committee on Tuesday, 5 November, will be held as scheduled.

5. Financial impact statement/Time frame/Consultation

There are no unbudgeted costs to Council in amending the meeting schedule, as the number of meetings held remains unchanged.

Should Council adopt the changes to the meeting schedule, Council's website will be updated accordingly.

6. Conclusion

This report recommends that Council cancels the ordinary Council meeting on Tuesday, 15 October 2024, and schedules a replacement meeting on Tuesday, 29 October 2024, to enable the Councillor induction program to be held before the first ordinary Council meeting of the new term.

7. Attachments

Nil.

REPORT
CM/7.5/24.06

Subject: Councillors' Fees - Local Government Remuneration Tribunal Determination 2024

TRIM No: A03/1343

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council, in accordance with the Local Government Remuneration Tribunal's Annual Determination 2024 attached to the report, approves the annual fees payable to Councillors for the year 1 July 2024 to 30 June 2025 as follows:

1. All Councillors (including the Mayor): \$22,540.
2. Mayor: \$49,170 in addition to the Councillor fee.
3. Deputy Mayor: \$4,352 in addition to the Councillor fee, and that this amount be paid from the fees paid to the Mayor.

1. Executive Summary

The Local Government Remuneration Tribunal reviews the fees to be paid to mayors and councillors on an annual basis. The Tribunal has released its determination for the 2024–25 financial year, recommending an increase of 3.75% per cent to commence on 1 July 2024.

This report recommends that Councillors' fees be increased to the amounts shown in Table 4 of the Tribunal's Annual Determination 2024 attached to this report. If adopted, this will result in an increase in cost to Council of \$11,500 per annum.

2. Introduction/Background

In accordance with section 248 of the *Local Government Act*, Council must pay Councillors an annual fee and this fee must be fixed annually taking into consideration the determination of the Local Government Remuneration Tribunal. The annual fees fixed by Council must be the same for each Councillor and be paid by monthly instalments in arrears.

Under section 249 of the Act, Council must pay the mayor an annual fee, which is in addition to the fee paid to councillors.

The Tribunal's report outlining the results of its 2024 review is attached to this report. The Tribunal has awarded an annual fee increase of 3.75 per cent to commence on 1 July 2024.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 27 June 2023	CM/7.5/23.06	<p>That Council, in accordance with the Local Government Remuneration Tribunal's Annual Determination 2023 attached to the report, approves the annual fees payable to Councillors for the year 1 July 2023 to 30 June 2024 as follows:</p> <ol style="list-style-type: none"> 1. All Councillors (including the Mayor) – \$21,730. 2. Mayor – \$47,390 in addition to the Councillor fee. 3. Deputy Mayor – \$4,194 in addition to the Councillor fee, and that this amount be paid from the fees paid to the Mayor.

4. Discussion

The Tribunal sets a minimum and maximum fee based on the category of council, taking into consideration the policies of the Industrial Relations Commission, economic indicators and submissions from councils. Consistent with previous years, officers recommend that Councillors be paid the maximum fee within the 'Metropolitan Small' category.

The Tribunal's determination will result in a \$810 per annum increase for all 12 Councillors and an additional \$1,780 per annum increase for the Mayor. The total cost to Council of the increase in fees will be \$11,500 per annum.

In September 1998, Council set an annual fee for the Deputy Mayor, which is 8.85% of the mayoral fee that is determined by Council each year. The Deputy Mayor's fees are deducted from the Mayor's annual fees, as required by the Act.

5. Financial impact statement/Time frame/Consultation

The increase in Councillors' fees will result in a total increase in cost to Council of \$11,500 per annum. The draft 2024-25 budget allows for a 2.5% increase to Councillors' fees. As the Tribunal has increased fees by 3.75%, an adjustment will be made at the Q1 budget review to cover the shortfall. The new fees will take effect from 1 July 2024.

6. Conclusion

It is recommended that the annual Councillor fees for the year 1 July 2024 to 30 June 2025 be increased in accordance with the Local Government Remuneration Tribunal's determination.

7. Attachments

1. Local Government Remuneration Tribunal Annual Determination 2024 [↓](#) .

Local Government Remuneration Tribunal

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

29 April 2024



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Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

Two (2) councils have been recategorised from Rural Large to Regional Rural as a result of meeting the criteria at Appendix 1.

Fees

The Tribunal has determined a 3.75 per cent per annum increase in the minimum and maximum fees applicable to each category from 1 July 2024.

Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023.

2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.

3. Section 242A(1) of the LG Act requires:

“In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the [Industrial Relations Act 1996](#) when making or varying awards or orders relating to the conditions of employment of public sector employees.”

4. The Industrial Relations Amendment Act 2023, assented on 5 December 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.
5. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees.
6. The Tribunal’s determination takes effect from 1 July each year.

Section 2 – 2023 Determination

- 7. In 2023, the Tribunal received 18 written submissions.
- 8. An extensive review of the categories, criteria, and allocation of councils into each of the categories was undertaken by the Tribunal as required by Section 239 of the LG Act.
- 9. The review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.
- 10. The categories of general purpose councils were determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

- 11. The Tribunal was of the view that improving consistency of criteria in categories was paramount. The Tribunal therefore determined to include the non-resident population criteria in Major Strategic, Regional Strategic, Regional Centre, and Regional Rural categories.
- 12. A total of 26 councils were recategorised as a result of changes in the 2023 Determination.
- 13. The Tribunal determined that fees would increase by 3 per cent in the minimum and maximum fees applicable to each category from 1 July 2023.


Section 3 – 2024 Review


2024 Process

14. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review. The invitation noted that it is expected that submissions are endorsed by respective councils.
15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
16. The Tribunal received 19 written submissions, of which 18 were from individual councils and 1 submission from LGNSW.
17. The Tribunal notes that 17 of the 18 council submissions were endorsed by their representative councils.
18. The Tribunal acknowledges and thanks all parties for their submissions.

Submissions Received – Request for recategorisation


19. Two council submissions received requested recategorisation, with Paramatta City Council and Lake Macquarie putting forward individual cases for the Tribunal's consideration.

- 
20. Paramatta City Council requested recategorisation from its current classification of Major CBD to Principal CBD. Paramatta City Council's case to be included in Principal CBD category is based on the following:
- Paramatta being critical to the success of the Greater Sydney Region Plan
 - The LGA expecting an estimated 186,000 new residents between 2022 and 2041
 - An increase in the number of government services, corporations, and private enterprises relocating into Paramatta CBD
 - A local economy that generates approximately \$32.88 billion in gross regional product and 33,000 businesses that generated over 202,000 jobs
 - The Council's Local Strategic Planning Statement covers seven priority growth areas and precincts identified by the NSW Government in order to give effect to their Housing strategy
 - Paramatta City Council has a 2023/24 capital works budget of \$613m and it provides a number of significant services within the local government area, including two aquatic centres, redevelopment to key community centres, and funding for local parks, roads, cycleways, and footpaths.
21. The Tribunal last considered the criteria for Principal CBD in the 2023 Annual Determination process. The Tribunal's view at the time was that



the criteria characteristics for Principal CBD category was appropriate, therefore no changes were required.

22. Paramatta City Council does not meet the criteria for Principal CBD. Accordingly, the Tribunal is not persuaded to include Paramatta Council in Principal CBD category.
23. Lake Macquarie City Council requested that it be recategorised from a Regional Strategic Area to a Major Strategic Area. Reasons include:
- The LGA having a resident population of 216,603, and a non-resident working population of 24,769 (for a total of 241,372)
 - Connection to Greater Sydney via the M1, rail and a regional airport that supports the community
 - 99 towns, villages and nine economic centres across an area of 757 square kilometres
 - An annual economic output of \$26.1 billion (which is approximately 20 per cent of the Hunter economy)
 - 1.3 million tourists per year
 - 14,081 active businesses, 73,233 jobs and a total workforce across the LGA of 102,029
 - Community facilities that include a Regional Gallery – Museum of Art and Culture, one University, two TAFE campuses and a regional centre for health care
 - Operating revenue exceeding \$290 million.


- 
24. As stated in Council's own submission, currently it does not meet the population threshold criteria for Major Strategic Area. Accordingly, the Tribunal is not persuaded to include Lake Macquarie Council in Major Strategic Area category.
 25. The council also advocated for the population threshold for Major Strategic Area to be reviewed from its current threshold of 300,000 to 200,000 to restore incremental balance between Major Strategic Area and Regional Strategic Area categories.
 26. Lake Macquarie Council provided late supplementary information to support their argument for the population threshold of Regional Strategic Area being adjusted. Council submitted that five precincts in the Lake Macquarie LGA have been identified for inclusion in the New South Wales Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs.
 27. The Council argues this increase in housing will lead to population growth in the selected centres, especially those with a large number of identified precincts.
 28. Consistent with section 239 and 240 of the LG Act, the Tribunal carefully considered the population threshold for all categories, as part of the 2023 Annual Determination. It was determined at that time, on extensive evidence examined and considered by the Tribunal, that the population threshold for Major Strategic Area was appropriate.
 29. The Tribunal is not persuaded at this time to change the population threshold for Major Strategic Area. Should further evidence become available to support a change in the population threshold for this category,

it can be considered by the Tribunal as part of the three yearly review of categories in 2026.

30. The Tribunal will monitor, as data becomes available, the impact of the New South Wales Government Transport Oriented Development Program on population thresholds.
31. One submission received from Wollondilly Shire Council advised that Council resolved to write to the Premier and appropriate Ministers, requesting Wollondilly Shire Council be considered as a regional Council.
32. The Tribunal has previously determined that Wollondilly Shire Council, for the purpose of setting the minimum and maximum fees payable to Councillors and Mayors, be classified as Regional Centre.
33. The Tribunal notes Wollondilly's submission and proposed course of action.

Categories – movement of Councils within the framework

34. The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.
35. Population data was sourced from the Australian Bureau of Statistics (ABS), released 26 March 2024 for the period 2022 – 2023 financial year, the most recent data available at the time of writing this determination.


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36. Data relating to Council operations was sourced from the Office of Local Government (OLG).
 37. These sources provide a consistent, and complete overview of all councils in NSW. These data sources are consistent with those used in previous LGRT determinations.
 38. Each Council was also assessed against the relevant criteria at Appendix 1.
 39. As a result, it was identified that two Rural Large councils, Hilltops Council and Muswellbrook Shire Council, each had a combined resident and non-residential working population above 20,000 each. This population figure exceeds the population threshold for a Regional Rural council classification.
 40. For this reason, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils.

Submissions Received – Remuneration Structure

41. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review. These issues are addressed below.
42. One submission advocated for a new remuneration structure to be established that:
 - Is benchmarked in a more transparent way


- Recognises workload
- Encourages participation by a cohort that is more representative of the community
- Recognises skills and experience that is relevant to the roles.

43. Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.
44. A number of submissions provided comparison data that included remuneration paid to: Queensland and Victorian local government Councillors and Mayors, Federal, State, and Territory Parliamentary Members, Audit Risk and Improvement Committee members, and average remuneration for chairs/directors of not-for-profit organisations.
45. The basis of providing this data was to support arguments that NSW Councillors and Mayors are paid below these organisations and the work of Councillors and Mayors is being undervalued.
46. Some submissions outlined that low levels of remuneration can have a detrimental impact on the quality and diversity of candidates standing for election.
47. The LG Act is clear that Councillors and Mayors receive an annual fee, not a wage, with section 251 clearly stating that fees paid do not constitute a salary.

- 
48. Whilst the Tribunal acknowledges these issues, as previously explained in the 2023 Annual Determination at paragraph 97 they are not currently within the Tribunal's remit.
49. One submission advocated for fees of rural councils to be commensurate with those of regional and metropolitan councils, arguing that the skills and knowledge required for the role is the same regardless of the council location.
50. Others advocated for significant increases to rural and regional fees in order to address low candidate numbers while others asserted that the current remuneration fails to take into account significant stressors facing regional and rural councils.
51. The Act requires that the Tribunal must determine categories at least once every three years and places each council into a category. The determination of categories by the Tribunal is for the purpose of determining the minimum and maximum fees to be paid for councillors and Mayors in each category. When determining categories, the Tribunal is required to take into account matters prescribed in Section 240 of the LG Act:
- *the size of areas;*
 - *the physical terrain of areas;*
 - *the population of areas and the distribution of the population;*
 - *the nature and volume of business dealt with by each council;*
 - *the nature and extent of the development of areas;*

- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations.*

52. The Determination of minimum and maximum fees for 2024 is dealt with below at section 4.
53. Two submissions asserted that the current remuneration structure fails to recognise the role, responsibilities, and contribution of the Deputy Mayor position. It was suggested that a distinct independent fee be included for the position of Deputy Mayor.
54. Section 249 (5) of the LG act states:
- “A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”*
55. Accordingly, the Tribunal lacks the power to implement changes to the fee structure that would include a distinct independent fee for the position of Deputy Mayor.
56. One argument put forward is that the impact of the current superannuation arrangements has a negative impact on female participation.

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57. Section 254B of the Act sets out the circumstances with respect to the payment of superannuation for Mayors and Councillors. The payment of superannuation is not automatic or mandatory, pursuant to 254B (4)(a) of the Act a council must pass a resolution prior to making superannuation contribution payments.
 58. Any changes to superannuation contribution payments for Councillors and Mayors to assist in eliminating barriers to participation would require changes to the legislation.

Section 4 – 2024 Fees

Submissions - 2024 Fees


59. The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:


- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy
- Mitigate economic pressures and the rising cost of living
- Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform
- Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.

60. LGNSW used economic and wage data to support their argument that included:

- Consumer Price Index
- Wage Price Index
- National and State Wage cases
- Market comparability

61. LGNSW in its meeting with the Tribunal and Assessors asserted that fees paid to Councillors and Mayors have reduced in real terms over recent years, further advocating for an increase of 10% being fair and reasonable.

- 
-
62. In meeting with LGNSW, the question of Government policies (State and Federal) on housing reform was discussed. The Tribunal is mindful of the additional workload associated with policies such as the NSW Government's Transport Oriented Development Program place on affected Councils. Similar considerations arise from the infrastructure requirements related to Renewable Energy Zones.
 63. The role of a Councillor as a member of the governing body of the council is outlined under s232 of the LG Act and the Tribunal has addressed this matter generally in the 2023 Determination at paragraph 97.
 64. Four submissions received from individual councils addressed the issue of fees quantum increase. These submissions sought an increase ranging from 3% to 5.57%.
 65. Other submissions advocated for remuneration to be set at a level to:
 - Reflect the role, commitment required, complexity of the role, workload, and responsibilities required to perform the role successfully
 - Ensure no one is out of pocket for the work they do for council
 - Attract a diverse range of potential candidates.
 66. Five submissions advocated for the Tribunal to change the determination in regard to the remuneration structure. Some submissions suggested setting a fixed mandatory fee for Councillors and Mayors, whilst others argued that individual councils should not determine their own



remuneration, due to potential conflict of interest, instead the decision should be left to State Government or an independent decision maker.

67. It has been suggested that such an approach could:

- Remove potential conflict of interest
- Facilitate good governance
- Create equity amongst councils in the same category
- Assist in fostering good relationships with the community
- Alleviate public perception that increases are unjust.

68. Currently the Tribunal, consistent with its obligations set out in the LG Act, section 248 and section 249, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual councils, to fix the annual fee for councillors and Mayors.

69. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee, section 241 of the LG Act states:


“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”

Fee Increase.

70. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024-25.
71. On this occasion the Tribunal has determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories.

Conclusion

72. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates, Mr Brett Whitworth and Mr Douglas Walther.
73. Determination 1 sets out the allocation of councils into each of the categories as per section 239 of the LG Act.
74. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county concills as per section 241 of the LG Act.
75. The Tribunal acknowledges and thanks the secretariat for their excellent research and support in completing the 2024 determination.



Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra



General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed

- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecaribee
- Wollondilly

Regional Rural (14)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (16)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra



- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

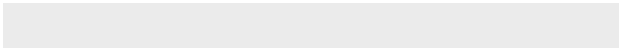
General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170



General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500



County Councils

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.


Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.



Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:


- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.



Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region


- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.




Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.




Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.



Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

REPORT CM/7.6/24.06



Subject: Audit, Risk and Improvement Committee - Terms of Reference - Adoption

TRIM No: SF19/5469

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

1. Adopts the terms of reference for the Audit, Risk and Improvement Committee attached to the report.
2. Appoints Cr [INSERT NAME] as the Councillor member of the Committee up to and including 13 September 2024.

1. Executive Summary

A recent amendment to the *Local Government (General) Regulation 2021* requires Council to adopt new terms of reference (ToR) for its Audit, Risk and Improvement Committee (ARIC) by 1 July 2024. The Office of Local Government (OLG) has issued a model ToR, which Council must consider in adopting its own ToR.

The key differences between the model ToR and the current ARIC Charter concern Councillor membership, voting rights and Councillor access to agendas. These and other differences are summarised in section 4 of the report. The proposed ToR is attached to the report.

2. Introduction/Background

The *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023* commences on 1 July 2024. It gives effect to the OLG's *Guidelines for Risk Management and Internal Audit for Local Government in NSW*.

The OLG Guidelines include a model ToR for audit, risk and improvement committees. Officers recommend that Council adopts the model ToR to replace the current ARIC Charter. The model ToR has been copied into Waverley's template and is attached to this report.

The Executive Leadership Team (ELT) and the ARIC have reviewed the model ToR, and their feedback has been incorporated into the document. Once adopted by Council, the ToR becomes effective immediately and will apply to the subsequent meeting of the ARIC scheduled for 1 August 2024.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Extraordinary Council 26 October 2023	CM/4.2/23.10E	<p>That Council:</p> <ol style="list-style-type: none"> Removes Crs Fabiano and Wy Kanak as voting members of the following committees: <ol style="list-style-type: none"> Traffic Committee. Audit, Risk and Improvement Committee. Removes Cr Fabiano as deputy chair of the Multicultural Advisory Committee. Removes Cr Wy Kanak as chair of the Finance, Operations and Community Services Committee. Removes Cr Fabiano as deputy chair of the Strategic Planning and Development Committee.
Council 12 September 2023	CM/7.2/23.09	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> Disestablishes the Surf Life Saving Club Committee for the reasons set out in the report. Appoints Councillors to the committees listed below up to and including 13 September 2024. Appoints delegates to the organisations listed below up to and including 13 September 2024. <p>...</p> <p>Committee name: Audit, Risk and Improvement Committee.</p> <p>No. of Councillors to be appointed: One and an alternate. The Mayor cannot be a member of this Committee.</p> <p>Chair of Committee: An Independent Member (non-Councillor).</p> <p>Membership: Cr Wy Kanak, alternates: Crs Murray and Betts.</p>
Council 18 February 2020	CM/7.17/20.02	<p>That Council adopts the draft Audit, Risk and Improvement Committee Charter attached to this report subject to the following amendments:</p> <ol style="list-style-type: none"> Paragraphs 2, 3, 4 and 5 of section 9.6 'Agendas and

		<p>Minutes' be deleted and replaced with the following:</p> <p>'Meeting agendas are classified as confidential and not publicly available. The confidential agenda will only be issued to Committee members, all councillors and the non-voting invitees set out in section 4.2 of this Charter. The Secretariat will ensure the confidential agenda is issued to the parties listed above at least seven days before the meeting.'</p> <p>2. Amend paragraph 5 of section 4.2 'Invitees and Observers' to read as follows:</p> <p>'Councillors who are not Committee members may attend meetings of the Committee as observers, and will be able to make comments during the meeting at the discretion of the Chair.'</p> <p>3. Amend paragraph 2 of section 9.4 'Voting' to read as follows:</p> <p>'Each member of the Committee is entitled to one vote only. In the case of an equality of votes on any matter, the Chair of the Committee has a casting vote. Where the Chair decides not to exercise their casting vote, the motion being voted upon is lost. Whether or not the Chair used their casting vote shall be recorded in the minutes.'</p> <p>4. Clauses be added to the document, where appropriate, to clarify that non-member Councillors, invitees and observers are bound by the provisions of section 7 of the Charter.</p>
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4. Discussion

The new Regulation requires Council to consider the model ToR before it adopts its own terms of reference for the ARIC. The new ToR must be consistent with the *Local Government Act* and the Regulation, and may include additional provisions that are not inconsistent with them. Officers recommend that the model ToR be adopted with as little change as possible to ensure best practice.

The key differences between the proposed ToR and the current ARIC Charter are summarised below.

Non-voting Councillor member

Under the new Regulation, it is optional to have a Councillor member of the committee. It is recommended that Council appoints a Councillor member, consistent with the current ARIC Charter, up to and including 13 September 2024. Councillors cease to hold office on 14 September 2024, which is the date of the next local government election.

The Mayor cannot be the Councillor member and OLG has verbally advised that Council cannot appoint an alternate Councillor member. The current alternate members of the Committee are Crs Murray and Betts.

Where a Councillor member is appointed, they have no voting rights. Under the current chair of the Committee, the Committee's recommendations are sought by consensus. The fact that the Councillor member cannot vote therefore does not affect decision-making (see cl 5 of the ToR).

Attendance by non-voting observers - Other Councillors and staff

The model ToR provides that the Mayor, General Manager and internal auditor coordinator (Manager, Audit and Risk) should attend committee meetings as non-voting observers and that all other observers attend only at the request of the chair. Consistent with the current ARIC Charter, it is recommended that the chair extends a standing invitation to all Councillors and relevant staff (see cl 10.1 of the ToR).

Closed session

The new provisions allow for a committee meeting to move into closed session to deal with sensitive information, with only voting members of the committee present. There are to be no observers in attendance while the meeting is in closed session (see cl 10.1 of the ToR).

Councillor access to agendas

The model ToR is silent as to whether non-member Councillors should receive committee agendas. At an ARIC workshop on 9 April 2024, the Committee advised that Waverley is unique in that it circulates agendas (i.e. business papers) to all Councillors, whereas other councils only provide agendas to member councillors due to the sensitive and confidential nature of the ARIC. Consistent with the independent members' advice, it is recommended that the Councillor observers only be issued an agenda at the meeting and that they return it to the secretariat at the conclusion of the meeting. This has been incorporated into cl 10.1 of the ToR.

Strategic Work Plan

In addition to its annual work plan, the ARIC must develop a strategic work plan every four years to ensure that its responsibilities listed in schedule 1 of the model ToR are reviewed by the committee and considered by the internal auditor when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate (see cl 8 in the ToR).

The committee must also provide a comprehensive assessment of the matters listed in Schedule 1 to Council and the general manager every council term (see cl 9 in the ToR).

Publication of minutes on website

Currently, ARIC minutes are publicly available only when they are reported to Council as part of the Council agenda. To make the minutes more readily available to the public, it is recommended that Council publishes them separately on its website, consistent with other advisory committees (see cl 10.1 in the ToR).

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council to implement the ToR.

Once adopted by Council, the ARIC ToR becomes effective immediately and will apply to the next meeting of the ARIC scheduled for 1 August 2024.

ELT and the ARIC have endorsed the ToR attached to the report.

6. Conclusion

This report seeks Council's adoption of the terms of reference for the Audit, Risk and Improvement Committee attached to the report before the new Regulation takes effect on 1 July 2024.

7. Attachments

1. Audit, Risk and Improvement Committee Terms of Reference [↓](#) .



Audit, Risk and Improvement Committee Terms of Reference



Department	Corporate Services
Approved by	Council
Date approved	June 2024
File reference	SF19/5469
Next revision date	June 2025
Relevant legislation	Section 428A of the <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2021</i>
Related policies/ procedures/guidelines	Office of Local Government’s <i>Guidelines for Risk Management and Internal Audit for Local Government in NSW</i> Internal Audit Charter
Related forms	

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1. Background

Council has established an audit, risk and improvement committee in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. These terms of reference set out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

2. Objective

The objective of Council's audit, risk and improvement committee is to provide independent assistance and advice to Council by monitoring, reviewing and providing advice about the Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

3. Independence

The committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide Council with robust, objective and unbiased assistance and advice.

The committee is to have an assistance and advisory role only to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council. The committee will provide independent advice to the Council that is informed by the Council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

The committee must always ensure it maintains a direct reporting line to and from the Council's internal audit function and act as a mechanism for internal audit to report to the governing body and the general manager on matters affecting the performance of the internal audit function.

4. Authority

Council authorises the committee, for the purposes of exercising its responsibilities, to:

- access any information it needs from the Council
- use any Council resources it needs
- have direct and unrestricted access to the general manager and senior management of the Council
- seek the general manager's permission to meet with any other Council staff member or contractor
- discuss any matters with the external auditor or other external parties
- request the attendance of any employee at committee meetings, and
- obtain external legal or other professional advice in line with councils' procurement policies.

Information and documents pertaining to the committee are confidential and are not to be made publicly available. The committee may only release Council's information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the general manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5. Composition and tenure

The committee consists of an independent chairperson and two independent members who have voting rights and one non-voting councillor member, as required under the *Local Government (General) Regulation 2021*.

The governing body is to appoint the chairperson and members of the committee.

All committee members must meet the independence and eligibility criteria prescribed under the *Local Government (General) Regulation 2021*.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. The chair of the committee is to be rotated every five years, with an option for Council to extend their term as chair up to the maximum eight years. Members who have served an eight-year term (either as a member or as chairperson) must have a two-year break from serving on the committee before being appointed again. To preserve the committee's knowledge of the Council, ideally, no more than one member should retire from the committee because of rotation in any one year.

The terms and conditions of each member's appointment to the committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities. Prior to approving the reappointment or extension of the chairperson's or an independent member's term, the governing body is to undertake an assessment of the chairperson's or committee member's performance. Reappointment of the chairperson or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the *Local Government (General) Regulation 2021*.

Members of the committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of the Council, the environment in which the Council operates, and the contribution that the committee makes to Council. At least one member of the committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of Council's financial reporting responsibilities to be able to contribute to the committee's consideration of the Council's annual financial statements.

6. Role

As required under section 428A of the *Local Government Act 1993* (the Act), the role of the committee is to review and provide independent advice to the Council regarding the following aspects of the Council operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the Council, and
- internal audit.

The committee must also provide information to the Council for the purpose of improving the Council's performance of its functions.

The committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.

The committee will act as a forum for consideration of the Council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of the Council rests with the governing body and the general manager.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

7. Responsibilities of members

7.1 Independent members

The chairperson and members of the committee are expected to understand and observe the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it

- apply good analytical skills, objectivity and judgement
- act in the best interests of the Council
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the Council
- have strong leadership qualities (chairperson)
- lead effective committee meetings (chairperson), and
- oversee the Council's internal audit function (chairperson).

7.2 Councillor member

To preserve the independence of the committee, the Councillor member of the committee is a non-voting member. Their role is to:

- relay to the committee any concerns the governing body may have regarding the Council and issues being considered by the committee
- provide insights into local issues and the strategic priorities of the Council that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee.

Issues or information the councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.

The Councillor member of the committee must conduct themselves in a non-partisan and professional manner. The Councillor member of the committee must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

If the Councillor member of the committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson of the committee may recommend to the Council, that the Councillor member be removed from membership of the committee. Where the Council does not agree to the committee chairperson's recommendation, the Council must give reasons for its decision in writing to the chairperson.

7.3 Conduct

Independent committee members are required to comply with the Council's code of conduct. Complaints alleging breaches of the Council's code of conduct by an independent committee member are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The general manager must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of the Council's code of conduct.

7.4 Conflicts of interest

Once a year, committee members must provide written declarations to the Council stating that they do not have any conflicts of interest that would preclude them from being members of the committee.

Independent committee members are 'designated persons' for the purposes of the Council's code of conduct and must also complete and submit returns of their interests.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

8. Work plans

The work of the committee is to be thoroughly planned and executed. The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.

The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the committee.

When considering whether to vary the strategic or annual work plans, the committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

9. Reporting

The committee must regularly report to the Council to ensure that it is kept informed of matters considered by the committee and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.

The committee will provide an update to the governing body and the general manager of its activities and opinions after every committee meeting.

The committee will provide an annual self-assessment to the governing body and the general manager on the committee's work and its opinion on how the Council is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the general manager.

The committee may at any time report to the governing body or the general manager on any other matter it deems of sufficient importance to warrant their attention. The mayor and the chairperson of the committee may also meet at any time to discuss issues relating to the work of the committee. Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the committee.

10. Administrative arrangements

10.1 Meetings

The committee will meet at least five times per year, including a special meeting to review the council's financial statements.

The committee can hold additional meetings when significant unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member, the general manager or the governing body.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the chairperson has the casting vote.

The chairperson of the committee will decide the agenda for each committee meeting. Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee. The minutes are to be published on Council's website once reported to Council.

The mayor, general manager and the internal audit coordinator should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The chairperson can request the Council's chief

finance officer or equivalent, head of risk management function or equivalent, senior managers or equivalent, any councillors, any employee/contractor of the council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.

The chairperson will issue a standing invitation to the following people to attend meetings as observers:

- Councillors.
- Directors.
- Internal auditor.
- Executive Manager, Governance.
- Relevant report-authors.

Councillor observers will only be issued an agenda at the meeting, and they must return it to the secretariat at the conclusion of the meeting.

The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.

The committee must meet separately with the internal audit coordinator and the Council's external auditor at least once each year.

10.2 Dispute resolution

Members of the committee and the Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the committee and the general manager or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

10.3 Secretariat

The general manager will nominate a business area to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chairperson at least one week before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chairperson and circulated within four weeks of the meeting to each member.

10.4 Resignation and dismissal of members

Where the chairperson or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give at least four weeks' notice to the chairperson and the governing body prior to their resignation to allow the Council to ensure a smooth transition to a new chairperson or committee member.

The governing body can, by resolution, terminate the appointment of the chairperson or an independent committee member before the expiry of their term where that person has:

- breached the council's code of conduct
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a Councillor member on the committee can be terminated at any time by the governing body by resolution.

10.5 Review arrangements

At least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee.

These terms of reference must be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

11. Further information

Further information on Council's audit, risk and improvement committee can be found on Council's website.

Schedule 1 – Audit, risk and improvement committee responsibilities

Where appropriate, the matters listed below are the committee responsibilities:

Audit

Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the Council:
 - on whether the Council is providing the resources necessary to successfully deliver the internal audit function
 - if the Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the Council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the Council's internal audit function
 - if the Council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the Council of these corrective actions
 - on the appointment of the internal audit coordinator and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

External audit

- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations
- Provide advice to the governing body and/or general manager on action taken on significant issues raised in relevant external audit reports and better practice guides

Risk

Risk management

Review and advise Council:

- if the Council's has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council is providing the resources necessary to successfully implement its risk management framework
- whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the Council:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with

- if the Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise the Council of the adequacy and effectiveness of the Council's compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the Council:

- if the Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the Council's accounting policies and disclosures
- of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether the Council's financial statement preparation procedures and timelines are sound
- the accuracy of the Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Council's annual report is consistent with signed financial statements
- if the Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances

- review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate
- if the Council's grants and tied funding policies and procedures are sound.

Governance

Review and advise the Council regarding its governance framework, including the Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise the Council:

- of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the Council:
 - if the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and

- how the Council can improve its service delivery and the Council's performance of its business and functions generally

Performance data and measurement

Review and advise the Council:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the Council uses are effective, and
- of the adequacy of performance data collection and reporting.

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REPORT CM/7.7/24.06



Subject: Internal Audit Charter - Adoption

TRIM No: SF20/3005

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czimmer, Director, Corporate Services

RECOMMENDATION:

That Council adopts the Internal Audit Charter attached to the report.

1. Executive Summary

A recent amendment to the *Local Government (General) Regulation 2021* requires councils to adopt a new internal audit charter by 1 July 2024. The internal audit charter sets out how Council will exercise its internal audit functions. The Office of Local Government (OLG) has issued a model charter, which Council must consider before adopting its own charter.

The new Internal Audit Charter is attached to the report for Council's adoption. The charter is a copy of the model charter except for some minor changes to position titles and roles to reflect Council's internal audit structure.

2. Introduction/Background

The *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023* commences on 1 July 2024. It gives effect to the Office of Local Government's *Guidelines for Risk Management and Internal Audit for Local Government in NSW*.

The Guidelines include a model charter for the internal audit function. Officers recommend that Council adopts the model charter to replace its current internal audit charter. The model charter has been copied into Waverley's template and is attached to this report.

The Executive Leadership Team (ELT) and the Audit, Risk and Improvement Committee (ARIC) have reviewed and endorsed the new charter. The new Regulation now requires the elected Council to adopt the charter. Once adopted by Council, the charter will become effective immediately.

3. Relevant Council Resolutions

Nil.

4. Discussion

The new Regulation requires Council to consider the model charter before adopting its own internal audit charter. The new charter must be consistent with the *Local Government Act* and Regulation. Officers recommend that the model charter be adopted with as little change as possible to ensure best practice.

The Internal Audit Charter attached to the report is substantially the same as the model charter. Minor changes to position titles have been made to the document, and sections 6 and 7 have been updated to reflect Council's current audit structure: an in-house internal auditor coordinator (the position of Manager, Audit and Risk, which is currently vacant); and an outsourced internal audit function (Grant Thornton).

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council to implement the Internal Audit Charter.

Once adopted by Council, the new charter becomes effective immediately.

ELT and the ARIC have endorsed the Internal Audit Charter attached to the report.

6. Conclusion

This report seeks Council's adoption of a new Internal Audit Charter before the new Regulation takes effect on 1 July 2024.

7. Attachments

1. Internal Audit Charter [↓](#) .



WAVERLEY
COUNCIL

Internal Audit Charter



Department	Corporate Services
Approved by	Council
Date approved	June 2024
File reference	SF20/3005
Next revision date	June 2025
Relevant legislation	Local Government (General) Regulation 2021
Related policies/ procedures/guidelines	Office of Local Government’s Guidelines for Risk Management and Internal Audit for Local Government in NSW Audit, Risk and Improvement Committee Terms of Reference
Related forms	

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1. Background

Council has established the internal audit function as a key component of the Council's governance and assurance framework, in compliance with the *Local Government (General) Regulation 2021* and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW. This charter provides the framework for the conduct of the internal audit function in the Council and has been approved by the governing body taking into account the advice of the Council's audit, risk and improvement committee.

2. Purpose of internal audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Internal audit provides an independent and objective review and advisory service to provide advice to the governing body, general manager and audit, risk and improvement committee about the Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists the Council to improve its business performance.

3. Independence

Council's internal audit function is to be independent of the Council so it can provide an unbiased assessment of the Council's operations and risk and control activities.

The internal auditor reports functionally to the Council's audit, risk and improvement committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the general manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Council and the Council's management has no role in the exercise of the Council's internal audit activities.

The audit, risk and improvement committee is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the committee.

The general manager must consult with the chairperson of the Council's audit, risk and improvement committee before appointing or making decisions affecting the employment of the internal audit coordinator.

Where the chairperson of the Council's audit, risk and improvement committee has any concerns about the treatment of the internal audit coordinator, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The internal audit coordinator is to confirm at least annually to the audit, risk and improvement committee the independence of internal audit activities from the Council.

4. Authority

Council authorises the internal auditor to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the internal audit coordinator considers necessary for the internal auditor to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The internal audit coordinator and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of the Council, including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the internal auditor are not to be made publicly available. The internal audit may only release the Council information to external parties that are assisting the internal auditor to undertake its responsibilities with the approval of the general manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5. Role

The internal auditor is to support the Council's audit, risk and improvement committee to review and provide independent advice to the Council in accordance with section 428A of the *Local Government Act 1993*. This includes conducting internal audits of the Council and monitoring the implementation of corrective actions.

The internal auditor is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

The internal auditor has no direct authority or responsibility for the activities it reviews. The internal auditor has no responsibility for developing or implementing procedures or systems and does not

prepare records or engage in the Council functions or activities (except in carrying out its own functions).

6. Internal audit coordinator

Council's internal audit team is to be led by a member of Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the Council and the audit, risk and improvement committee. The internal audit coordinator must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the internal audit coordinator include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the audit, risk and improvement committee's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the audit, risk and improvement committee
- acting as a liaison between the external provider and the audit, risk and improvement committee
- monitoring the Council's implementation of corrective actions that arise from the findings of audits and reporting progress to the audit, risk and improvement committee, and
- assisting the audit, risk and improvement committee to ensure the Council's internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

7. Internal audit function

Council is to contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the internal audit coordinator is to ensure the external provider:

- does not conduct any audits on specific Council operations or areas that they have worked on within the last two years
- is not the same provider conducting the Council's external audit
- is not the auditor of any contractors of the Council that may be subject to the internal audit, and
- can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The internal audit coordinator must consult with the audit, risk and improvement committee and general manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by the Council.

8. Performing internal audit activities

The work of the internal auditor is to be thoroughly planned and executed. The Council's audit, risk and improvement committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and the current Australian risk management standard.

The internal audit coordinator is to provide the findings and recommendations of internal audits to the audit, risk and improvement committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The internal audit coordinator is to establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.

The general manager, in consultation with the audit, risk and improvement committee, is to develop and maintain policies and procedures to guide the operation of the Council's internal auditor. The internal audit coordinator is to ensure that the audit, risk and improvement committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

9. Conduct

Internal audit personnel must comply with the Council's code of conduct. Complaints about breaches of Council's code of conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The general manager must consult with the Council's audit, risk and improvement committee before any disciplinary action is taken against the internal audit coordinator in response to a breach of the Council's code of conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

10. Administrative arrangements

10.1 Audit, risk and improvement committee meeting

The internal audit coordinator will attend audit, risk and improvement committee meetings as an independent non-voting observer. The internal audit coordinator can be excluded from meetings by the committee at any time.

The internal audit coordinator must meet separately with the audit, risk and improvement committee at least once per year.

The internal audit coordinator can meet with the chairperson of the audit, risk and improvement committee at any time, as necessary, between committee meetings.

10.2 External audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

10.3 Dispute resolution

The internal auditor should maintain an effective working relationship with the Council and the audit, risk and improvement committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the internal auditor and The Council, the dispute is to be resolved by the general manager and/or the audit, risk and improvement committee. Disputes between the internal auditor and the audit, risk and improvement committee are to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

11. Review arrangements

The Council's audit, risk and improvement committee must review the performance of the internal audit function each year and report its findings to the governing body. A strategic review of the performance of the internal auditor must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the governing body.

This charter is to be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

12. Further information

For further information on Council's internal audit activities, contact Council's Manager, Audit and Risk.

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Schedule 1 – Internal Audit Function Responsibilities

Audit

Internal audit

- Conduct internal audits as directed by the Council's audit, risk and improvement committee.
- Implement the Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by the Council of corrective actions.
- Assist the Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor the Council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk

Risk management

Review and advise:

- if the Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour

- if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise of the adequacy and effectiveness of the Council's compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of The Council's risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise:

- if the Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the Council's accounting policies and disclosures
- of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether the Council's financial statement preparation procedures and timelines are sound
- the accuracy of the Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Council's report is consistent with signed financial statements
- if the Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate
- if the Council's grants and tied funding policies and procedures are sound.

Governance

Review and advise of the adequacy of the Council governance framework, including the Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

Improvement

Strategic planning

Review and advise:

- of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Review and advise:

- if the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the Council can improve its service delivery and the Council's performance of its business and functions generally

Performance data and measurement

Review and advise:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the Council uses are effective, and
- of the adequacy of performance data collection and reporting.

REPORT
CM/7.8/24.06

Subject: General Manager's Delegations - Waverley Local Planning Panel

TRIM No: SF23/5215

Manager: Richard Coelho, Executive Manager, Governance
Angela Rossi, Executive Manager, Development Assessment

Director: Tara Czimmer, Director, Corporate Services

RECOMMENDATION:

That Council:

1. Notes that the Waverley Local Planning Panel (WLPP) has delegated the following functions to the General Manager and other staff:
 - (a) The control and direction of Land and Environment Court (LEC) appeals against WLPP decisions under section s 8.15(4) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
 - (b) The determination of applications to modify development consents granted by the LEC under section 4.56 of the EP&A Act unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards.
2. Authorises the Mayor and Cr [INSERT NAME] to affix the Council seal to the instrument of delegation to the General Manager attached to the report.

1. Executive Summary

The Waverley Local Planning Panel (WLPP) has delegated certain functions regarding development appeals to the General Manager and other staff. The General Manager's instrument of delegation needs to be updated accordingly.

2. Introduction/Background

In accordance with s 2.20(8) the *Environmental Planning and Assessment Act 1979* (EP&A Act), the WLPP may delegate any function of the panel under the EP&A Act or any other Act (other than the power of delegation) to the General Manager or other staff member.

At its meeting on 28 June 2023, the WLPP delegated the following functions to the General Manager:

- The control and direction of Land and Environment Court (LEC) appeals against WLPP decisions under section s 8.15(4) of the EP&A Act.
- The determination of applications to modify development consents granted by the LEC under section 4.56 of the EP&A Act unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards.

Where a WLPP decision is appealed to the LEC, the conduct of the appeal is subject to the control and direction of the WLPP. As this is not practical, the WLPP agreed to delegate this function to the General Manager to ensure that appeals are conducted in an efficient and cost-effective manner, and to allow the General Manager to participate in conciliation conferences.

Furthermore, the Local Planning Panels Direction on development applications requires Council to make arrangements for the determination of applications to modify development consents granted by the LEC. The WLPP agreed to delegate this function to the General Manager, consistent with Council's long-standing practice of staff determining modification applications, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards. In those cases, the application will be determined by the WLPP.

Section 2.20(8) of the EP&A Act prevents the General Manager from sub-delegating WLPP functions to staff. Accordingly, at its meeting on 13 December 2023 the WLPP delegated the functions above to the General Manager, as well as directly to other staff in the Planning, Sustainability and Compliance directorate.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 May 2024		<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. In accordance with Transport for NSW's temporary instrument of delegation for Traffic Management and Pedestrian Works No. 2 attached to the report (Attachment 1), sub-delegates the following functions to the General Manager and the Director, Assets and Operations, on a trial basis until 30 June 2026: <p>...</p>
Council 12 April 2024	CM/7.5/22.04	<p>That Council makes no changes to its delegations to:</p> <ol style="list-style-type: none"> 1. The General Manager attached to the report (Attachment 1). 2. The Finance, Operations and Community Services Committee attached to the report (Attachment 2). 3. The Strategic Planning and Development Committee attached to the report (Attachment 3).
Extraordinary Council 1 June 2021	CM/4.1/21.06E	<p>EXTRACT</p> <p>That:</p> <ol style="list-style-type: none"> 1. Council delegates/sub-delegates to the General Manager the functions in accordance with the Instrument of Delegation to the General Manager attached to the report, subject to the following amendments:

		<p>(a) The limitation in Part A of Schedule 1 relating to the <i>Local Government Act 1993</i>, s 377(1)(i), being amended to read as follows:</p> <p>‘Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:</p> <ul style="list-style-type: none"> • \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Council or Committee meeting of the following year); and • \$500,000 for the rest of the year. <p>This function cannot be sub-delegated by the General Manager.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.’</p> <p>(b) The limitation in Part B of Schedule 1 relating to procurement exemptions being amended to read as follows:</p> <p>‘Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.’</p> <p>2. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.</p> <p>...</p>
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4. Discussion

At its meeting on 13 December 2023, the WLPP made the following decision:

That the Waverley LPP resolve to confirm and adopt the following:

1. *That the Waverley Local Planning Panel pursuant to Section 2.20(8) of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979) revoke its current delegation in relation to the conduct of Appeals and applications to modify a development consent under section 4.56 of the EP&A Act 1979.*

2. *That the Waverley Local Planning Panel pursuant to Section 2.20(8) of the EP&A Act 1979 delegates to Council's General Manager, the Director, Planning, Sustainability and Compliance and the Executive Manager, Development Assessment the functions of the Panel subject to Section 8.15(4) of the EP&A Act 1979 with respect to the control and direction of Appeals and that of all applications to modify a development consent under section 4.56 of the EP&A Act 1979, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards identified in the Local Planning Panels Direction.*
3. *That the Waverley Local Planning Panel pursuant to Section 2.20(8) of the EP&A Act 1979 delegates to Council's General Manager, the Director, Planning, Sustainability and Compliance, the Executive Manager, Development Assessment and the Manager, Development Assessment, the functions of the Panel subject to Section 8.15(4) of the EP&A Act 1979 with respect to the control and direction of s34AA Appeals (of the Land and Environment Court Act 1979) and that of all applications to modify a development consent under section 4.56 of the EP&A Act 1979, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards identified in the Local Planning Panels Direction.*

This decision has the effect of amending the General Manager's instrument of delegation. To formalise these changes, it is recommended that Council authorises the Mayor and another Councillor to affix the Council seal to the amended instrument of delegation attached to the report.

5. Financial impact statement/Time frame/Consultation

There are no financial implications resulting from this report.

6. Conclusion

The WLPP has delegated certain functions relating to development appeals to the General Manager and other staff. It is recommended that Council authorises the Mayor and another Councillor to affix the Council seal to the General Manager's instrument of delegation to formalise the changes.

7. Attachments

1. Draft instrument of delegation to General Manager - June 2024 [↓](#) .

Waverley Council

Instrument of Delegation to

General Manager



On **Tuesday, 18 June 2024**, Waverley Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - a. **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - b. **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, excluding those functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be delegated any function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
5. In the absence of the General Manager that a person/persons appointed to act as General Manager by resolution of Council on 1 July 2021 assume all functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
6. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
7. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
8. In this delegation:
 - "**Functions**" means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - "**Legislation**" means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - "**LG Act**" means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
<i>Environmental Planning and Assessment Act 1979</i>	All functions delegated to the Waverley Local Planning Panel (WLPP) under Local Planning Panels Direction – Development Applications dated 23 February 2018 and Local Planning Panels Direction – Planning Proposals dated 27 September 2018 and any subsequent Direction.
<i>Local Government Act 1993, s377(1)(i)</i>	<p>Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:</p> <ul style="list-style-type: none"> • \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Council or Committee meeting of the following year); and • \$500,000 for the rest of the year. <p>This function cannot be sub-delegated by the General Manager.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.</p>
Part B - General Limitations	
<i>Asset Disposal</i>	<p>Asset Disposal</p> <p>Authority to approve the disposal of assets up to the value of \$1,000,000 in accordance with Council's Asset Disposal Policy and Asset Disposal Procedure.</p> <p>Approval must not be given without consideration of a recommendation from the Director of the relevant business area.</p> <p>This authorisation does not apply to the disposal of real property, civil fixed assets and financial investments.</p>
<i>Debt Write Off</i>	<p>Debt write off</p> <p>Authority to write off debts up to the value of \$2500 (including GST) without a resolution of Council in accordance with clause 213(2) of the Local Government Regulation 2005 and Council resolution CM 7.5/17.07.</p>
<i>Rates and Charges Write Off</i>	<p>Rates and charges write off</p> <p>Authority to write off rates and charges up to the value of \$100 without a resolution of Council in accordance with clause 131(1) of the Local Government Regulation 2005 and Council resolution CM 7.6/17.07.</p>
<i>Procurement</i>	<p>Procurement Exemption</p> <p>Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.</p>

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
NSW Food Authority	Instrument of appointment of a Category B enforcement agency	Tuesday, 1 July 2008
Transport for New South Wales	Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2	12 December 2023 to 30 June 2026
Waverley Local Planning Panel	Minutes of the Waverley Local Planning Panel Meeting held 13 December 2023	13 December 2023

Pursuant to a resolution of Council at its meeting of Tuesday, 18 June 2024.

Councillor Masselos
Mayor
Review date:

Councillor [insert name]
Date:

General Manager’s acknowledgement of Delegations of Authority

I, Emily Scott, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Emily Scott
General Manager of Waverley Council
Date: 4 June 2024

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DRAFT

REPORT
CM/7.9/24.06

Subject: Bondi Pavilion - Operational Report

TRIM No: A24/0428

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

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

RECOMMENDATION:

That Council notes the operations of Bondi Pavilion since reopening in September 2022, as set out in the report.

1. Executive Summary

Since its relaunch in September 2022, the award-winning Bondi Pavilion has successfully re-established itself as a cornerstone of the Bondi community. This report provides a review of venue operations, covering financial performance, booking and patronage statistics, social impacts and details about management, sustainability and accessibility as well as arts and culture. Over this period, the Pavilion has hosted numerous events, seen significant community engagement and implemented several initiatives to enhance its facilities and services.

2. Introduction/Background

Council has undertaken this review to ensure transparency and visibility of the operations of Bondi Pavilion and to ensure a process of continuous improvement. There have been numerous inputs into the report with qualitative and quantitative data utilised.

The review includes the financial performance, booking and patronage statistics, social impacts and information about the management, sustainability and accessibility of the building. It provides a record of the range of services, successes and opportunities experienced throughout the first 18 months of operation. Refer to the attachment for the full report.

Despite many successes, the report does note upcoming improvement on the booking customer experience by the introduction of a better resources booking team, an online booking platform and new ticketing platform. With over 10,000 booking enquiries in the first twelve months Council was overwhelmed with managing these enquiries.

3. Relevant Council Resolutions

Nil.

4. Discussion

Bondi Pavilion is a well-loved historical venue prominently located on the internationally renowned Bondi Beach. Since reopening in September 2022, the Pavilion has reaffirmed its position as an important community and cultural asset that is heavily utilised by a diverse range of hirers, attendees and visitors.

Community interest in the revitalised Pavilion has been overwhelming positive, with significant and ongoing demand from local residents and businesses for venue hire and access to facilities. The four hospitality and retail businesses have also quickly established a strong presence in the precinct and provide a range of high-quality experiences for visitors. The Pavilion's open public spaces and amenities are also used year-round, providing free access to important Council services.

In 2023, there were over 10,000 venue hire enquiries received for space at Bondi Pavilion resulting in 3,149 booked sessions across the venue. These bookings include regular and casual hirers, ranging from just a few hours through to multiple sessions per week across the year. Eighty-five percent of bookings are either made by locals, local organisations or deliver locally focused activities, including health and fitness classes, support services, conferences, workshops, celebrations, functions, photoshoots, meetings, art exhibitions, theatre shows, music events, festivals and many more.

Standard fees and charges for venue hire have been maintained at reasonable rates, reinforcing the community focus of the venue, with significantly discounted options available to support not-for-profit groups in line with Council's annual pricing policy. Due to the cost of operating the building, and the subsidy Council provides, the hire fees are not set at full cost recovery. To date, 56 percent of bookings have been charged at the standard rate and 44 percent at the not-for-profit rate or at no charge.

A packed year-round schedule of events and activities has also seen the Pavilion engage with a wide range of audiences, ranging from free family events through to theatre productions. The venue has played host to annual events such as Flickerfest International Short Film Festival, Ocean Lovers Festival, Bondi Festival, Head On Photo Festival, Festival of the Winds, City2Surf and exciting one-off events, such as the Matildas' FIFA Women's World Cup screenings, that have creatively used the Pavilion's many spaces.

Waverley's Arts and Culture programming has further enhanced community engagement at the Pavilion, with audience feedback demonstrating that the venue is delivering significant social impact through its creative program and other offers. With the addition of a dedicated Artistic Director role within the Arts, Culture and Events team, programming highlights have included:

- More than 120,000 visits to the Art Gallery since reopening. The most popular exhibition was *Mermaid, Rainbow, Fireworks*, attracting over 20,000 attendees during the six-week period.
- More than 76 live performance events featuring 90 artists delivered in the Theatre and attended by 5,273 people.
- The Local Creative Collaborations program engaged with 245 participants.
- The 2023 Bondi Festival presented 40 events, engaged 227 artists and achieved a total audience attendance of 69,092. Ticketed performances accounted for 2,330 attendees.
- Sunshine Singers, a facilitated singing group of senior citizens, meets weekly. The monthly Lunchtime Concert series brings together different community cohorts like seniors and children.
- The Bondi WAVE program has continued to support local young people to develop the skills and experience of playing, writing, recording and performing contemporary music in a band environment, led by experienced music industry mentors.

Looking ahead, Bondi Pavilion is well placed to continue delivering meaningful social impact, with a focus on building creative programs, enhancing facilities and strengthening community partnerships to provide a welcoming, dynamic space for all to enjoy. The valuable learnings of the last 18 months will be used to inform improvements to venue operations, including the establishment of ongoing staff and investment in systems, which will further improve the customer experience.

5. Financial impact statement/Time frame/Consultation

This report provides a review of Bondi Pavilion's operations since its relaunch in September 2022 to the end of 2023.

6. Conclusion

The last 18 months have marked a period of remarkable growth and revitalisation for Bondi Pavilion. Since its relaunch in September 2022, the Pavilion has re-established itself as a central pillar of the Waverley community, delivering significant social impact through its diverse and dynamic creative programs and excellent facilities. The overwhelmingly positive feedback received from patrons underscores Bondi Pavilion's role as a valued community hub.

Council's commitment to community engagement, sustainability and accessibility has been evident in every aspect of the venue's upgrade and operations. From comprehensive sustainability initiatives that have significantly reduced the building's environmental footprint to accessibility upgrades that ensure inclusivity, Bondi Pavilion has set a high standard for community spaces.

With an ongoing commitment to excellence, Bondi Pavilion will continue to enrich the cultural and social fabric of the local community, embodying the spirit of inclusivity, creativity and sustainability and ensuring that the Pavilion remains a vibrant and essential part of the Waverley community for generations to come.

7. Attachments

1. Bondi Pavilion Operational Report [↓](#) .



Bondi Pavilion Operational Report



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Bondi Pavilion Operational Report, June 2024

Class of document: Report

Enquiries: Director Community, Culture and Customer Experience

1. Contents

1. Contents
2. Introduction
3. Awards and Industry Recognition
4. Financial Performance
5. Social Impacts
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10. Marketing and Communications
11. Public Perception and Community Sentiment
12. Sustainability
13. Indigenous Interpretation and Cultural Interpretation
14. Accessibility
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2. Introduction

Situated on Sydney's most famous beach, Bondi Pavilion has a colourful history dating back to 1929 when temporary beachside sheds were transformed into the original Pavilion, known as the 'Playground of the Pacific'. People bathed in the Turkish sea water baths, danced in the ballroom and met for all sorts of occasions at this landmark building.

Bondi Pavilion has seen many activities and incarnations over the years and nowadays is the community and cultural hub of Bondi with a theatre, gallery, music studios, art and pottery studios, a community radio studio and multipurpose rooms for hire for community classes, workshops, functions, festivals and celebrations.

This report provides a review of Bondi Pavilion's operations since its relaunch in September 2022 to the end of 2023. The review includes the financial performance, booking and patronage statistics, social impacts and information about the management, sustainability and accessibility of the building.



3. Awards & Industry Recognition

Bondi Pavilion has received many awards and recognition for the upgraded building and programs since reopening in September 2022. These include:

- 2023 National Trust of Australia (NSW): Winner, Judges Choice
- 2023 National Trust of Australia (NSW): High Commended, Conservation – Built Heritage
- 2023 AIA NSW Architecture Award for Heritage: Winner, Creative Adaptation Architecture
- 2023 AIA NSW Architecture Award for Public Architecture: Winner
- 2023 Australian Institute of Landscape Architects (AILA): NSW Winner, Civic Landscape
- 2023 NSW Local Government Excellence Awards: Finalist, Asset and Infrastructure – Over \$1.5m
- 2023 NSW Local Government Excellence Awards: Finalist, Community Partnerships
- 2023 Australian Event Awards: Finalist, Venue of the Year
- 2023 Imagine Awards: Highly Commended

4. Financial Performance

4.1 Budget

The Bondi Pavilion business case (Arup 2021) approved by Council in 2021 projected an annual ongoing investment of approximately \$1m per year to support venue operations. Pre-closure (2018–19) the Pavilion generated income of \$1.6m with \$2.8m in expenses resulting in a \$1.2m investment by Council. The business case projected an improvement of \$200,000 to the operational subsidy.

The 2024–2025 budget projects \$2.4m of income generated by the Pavilion (a significant contribution to this income is from commercial tenancies). The operating budget forecasts \$3.46m in expenses and a \$1.06m investment by Council, including facilities-related costs (cleaning, energy, maintenance etc) and human resource expenses. The venue management structure and services are comparable to other Council-run venues of a similar size, scope and remit. The facilities-related costs are significant due to the high use of the building (such as ongoing cleaning of public amenities and energy) and maintenance and upkeep to preserve the building.

Council is meeting the approved business case projections of a \$1m annual operational subsidy for the Pavilion.

In addition to this Council budgets \$440,000 for Arts and Culture programming costs (theatre/venue programming, art gallery, local creative engagement activities), which is in-line with servicing an enhanced Pavilion environment with greater expectations of venue activity and promoting arts and culture in the Waverley community.

4.2 Staffing

The current Pavilion staffing model is required to deliver on Council's expectations of the venue as a lively Community and Cultural Centre. The venue team has an operational focus as well as specialised skills in event delivery, including theatre and cultural events. In addition to the core full-time team a casual pool of technical, production and front of house staff are rostered according to the scale and complexity of the activity. Casual staff are typically engaged on a cost-recovery basis as part of the event delivery.

Demand for venue hire has exceeded expectations since reopening and remains constant throughout the year. Maintaining adequate levels of staffing to meet activity levels has been an ongoing challenge. Existing Council systems are inefficient and require manual duplication of processes, adding to the response time and complexity of transactions. Similarly with production and technical services, client events are detailed and complex undertakings with highly visible outcomes that require significant resources to plan and deliver.

Following a departmental review, the Pavilion and Community Venues team will be combined to maximise efficiencies for venue booking services across all Council Community and Recreation Venues. This seeks to provide more consistent customer service and increased coverage of the hire process across all venues, noting that accommodating most venue hire requests at the Pavilion is not a straightforward process. As a multi-space and purpose venue, each request must be considered individually as the nature of the event enquiry has the potential to impact on existing bookings. Examples include largescale noisy events in the courtyard versus theatre shows, or all day workshops versus regular community hirers. Every combination is unique and requires staff assessment and approval before proceeding.

There has been ongoing challenges with recruitment and staff turnover. The employment market has been very difficult to navigate for the Pavilion resulting in ongoing vacancies which has placed pressure on the venue.

4.3 Bookings

In 2023 there were over 10,000 venue hire enquiries received for space at Bondi Pavilion resulting in 3,149 booked sessions across the venue:

Space	No bookings
Art Gallery	16
Artist Studio	7
Bar Foyer	94
Bondi Story Room	10
Central Courtyard	7
Entire precinct	2
Entrance Foyer	12
Forecourt	18
Garu Courtyard (Northern)	47
Guya Courtyard (Southern)	47
High Tide Room	1,157
Mirrar Atrium	21
Music Studio 1	178
Music Studio 2	186
Music Studio Control Room	35
Nandiri Balcony	58
Nandiri Balcony North	39
Northern Foyer	42
Ocean Room	346
Seagull Room	574
Theatre	128
Yalagang Room	125
TOTAL	3,149

These bookings include regular and casual hirers, ranging from just few hours through to multiple sessions per week across the year. It is worth noting that 85 percent of bookings are either made by locals, local organisations or deliver locally-focused activities.

Activities have included health and fitness classes, support services, conferences, workshops, celebrations, functions, photoshoots, meetings, art exhibitions, theatre shows, music events, festivals and many more.

Standard fees and charges have been maintained at reasonable rates, reinforcing the community focus of the venue, with significantly discounted options available to support not-for-profit groups in line with Council's annual pricing policy. To date 56 percent of bookings have been charged at the standard rate and 44 percent at the not-for-profit rate or at no charge.

As previously noted, the ongoing demand for venue bookings and access to facilities has been overwhelming since reopening. To meet the volume of requests, additional resources will be

allocated to the booking services team in the 24/25 financial year to improve customer response time and ensure manageable workloads. This will be further improved through the implementation of a new online booking system that allows potential customers to view venue availability and complete simple booking transactions. It will also reduce the current administrative burden on staff and improve the overall efficiency of the team.

The community have also been price sensitive to venue hire fees and Council has not increased fees substantially in line with demand or competitors. Due to the cost of operating the building, and the subsidy Council provides, the hire fees are not set at full cost recovery.

4.4 Further use opportunities

While there is limited availability in the multipurpose rooms during the morning and evening peak times, opportunities exist for more full day activities with simple technical requirements to be delivered on level one. Further, additional hirers of the theatre in single or multi-week blocks would increase audience opportunities. The Theatre is also heavily utilised by Council's Arts and Culture program across the year, Council events and annual partnership events – eg Flickerfest International Short Film Festival, Ocean Lovers Festival etc – that take over the venue for several days at a time.

5. Social Impacts

5.1 Cultural offer

Audience feedback indicates that Bondi Pavilion is delivering significant social impact through its creative program and other offers.

“Absolutely love using the Pavilion and being part of this community, please keep doing what you are doing.”

“The Bondi Pavilion is a great community space.”

5.2 Community offer

Venue hire access is available to anyone, with locally-focused users representing the majority of bookings as summarised in section 4.3. Users rely on Bondi Pavilion venue access to independently deliver programs spanning health and wellbeing, performing arts, support groups, children's activities and more.

Waverley's Arts and Culture programming further enhances community engagement at the Pavilion. Sunshine Singers, a facilitated singing group of senior citizens, meets weekly. The monthly Lunchtime Concert series brings together different community cohorts like seniors and children. The Bondi WAVE program continues to support local young people to develop the skills and experience of playing, writing, recording and performing contemporary music in a band environment, led by experienced music industry mentors.

Arts and Culture programming is at times delivered with community partners, further providing support and facilitating access for community users.

Waverley's local creative community is supported by multiple opportunities for local creatives to build a connection to the venue as an artistic hub for the creation, development and sharing of new work. Local creatives are offered networking opportunities alongside professional and skills development workshops multiple times a year.

Council also holds other Civic events at the Pavilion including Citizenship Ceremonies which attract positive feedback from conferees and their friends and family due to the venue and its significance to the community.

5.3 Creative Cultural Development

Opportunities for local creative practice development were identified as key requirements in the Waverley Arts and Culture Plan across all five goals, and in the Council-endorsed Strategic Vision for Bondi Pavilion and the four pillars of its approved programming framework.

In 2023, a new program title Local Creative Collaborations was developed to support local access and artistic engagement at the Bondi Pavilion through the venue. Twenty applications to the program were received via the online grants portal, across two rounds in May 2023 and November 2023. These applicants were assessed by panels comprised of expert staff.

Local Creative Collaborations provides meaningful support to local creatives for the development of new work in various forms including access to space, opportunities for public presentation and financial assistance. Round One EOI in May 2023 led to support of eight events with local creatives across all artforms creating and sharing work at the Pavilion. Round Two EOI in December 2023 focused on performing arts and will support two additional projects with public outcomes to be delivered in 2024.

Council's Visual Arts Artists in Residence program has also resulted in two artists in residence at the Pavilion including Armando Chant and Re-right Collective (Dennis Golding and Carmen Glynn-Braun).

Case study: Dr Sarah Jane Moore

Since reopening, Waverley Council has established various ways to support to local artists in their creative development process and in opportunities to present original creative work at Bondi Pavilion.

Waverley Council's Bondi Pavilion Housewarming Program supported seven creative development projects across all artforms to coincide with the reopening of the venue in September 2022. Dr Sarah Jane Moore was one of these artists and she spent her time in residency on early development of a cross-artform song cycle and visual art project.

This project was further developed in 2023 supported by Waverley Council's small grants and Local Creative Collaborations programs. The work, called *Hey Kunanyi!* (Hey Mountain), is a live performance event featuring original songs, poetry and visual art projections, exploring the importance of place, and their impact on belonging, strength and healing. A public performance of the work featuring keyboard accompaniment from Richard Starr was presented at Bondi Pavilion Theatre in November 2023 to an enthusiastic reception from local audiences.

The project represents a strong example of the potential to support and nurture local artists' creative projects from inception through to public presentation through various Council-run programs.

5.4 Potential to grow program and outcomes

Given Bondi Pavilion's unique location as a cultural centre in Sydney's east, there is long term opportunity to further build networks with other metropolitan cultural centres and their users. This would expand audience reach and build opportunities for local artistic and cultural exchange.

"Would be great to see a connection between Bondi Pav and Western Sydney."

A continued focus on local creative engagement and support will facilitate both short- and long-term outcomes for the venue, its cohort of local creative users and the grass roots elements within the creative program.

Developing the children and family program offers will include the programming of high-quality existing works in Bondi Pavilion Theatre and free outdoor courtyard engagement of scale to better engage passers-by.

Talks and ideas programming is a growth area, with the Nib Literary Award, Nib Presents and broader talks series attracting strong attendance and feedback that can expand into broader subject matter areas of interest to the community.

To better understand how Bondi Pavilion services community needs, ongoing engagement with community hirers including post-use evaluation of their experiences will offer further insights and provide Council with another network to draw on for new programs and venue uses. Dedicated audience evaluation and capturing sentiments of all users (hirers, partners, attendees) will inform usage trends, information needs and opportunities for improvement.

6. Welcome Centre

The Welcome Centre (since renamed Bondi Pavilion Customer Service Centre) is located at the front of the Pavilion, adjacent to the Venue Box Office, with access either via the front colonnade (weather dependent) or through the beachside main entry foyer.

The combined spaces contain multiple digital screens for displaying information and four self-service touch screen computers to provide access to Waverley Council and other service-related websites. Poor weather does at times impact visibility and attracting passing foot traffic.

The centre is opened seven days a week.

6.1 Visitors

Approximately 850 to 1,000 visitors access the Welcome Centre in person each month for the following services:

- 44% information on Pavilion and venues
- 32% parking permit applications
- 18% local tourist information
- 4% general enquiries
- 1% requests for service
- 0.6% rates payments
- 0.4% box office and gallery queries.

Although the concierge style of service does not require a ticket kiosk, staff record and classify visits and transactions so Council can monitor usage.

6.2 Staffing

Leading up to the opening in September 2022, staff were hired to work at the Welcome Centre to cover the seven days opening each week.

Council has been utilising staff according to demand across the two Customer Service Centres (Bondi Junction and Bondi Pavilion).

The volume of face-to-face customers has been less than anticipated, with many visitors seeking directions to the bathrooms and local sites such as the coastal walk, but less locals seeking services that are offered at the Spring Street Customer Service Centre. This however has been increasing with locals now discovering the availability of this service.

Staff at the Welcome Centre also complete daily administrative tasks, including triaging Snap Send Solve reports, actioning customer emails and processing emailed parking permit applications. Before and after the opening times of 10am to 4pm they can assist with calls and online chats as needed.

7. Smart Technology

The recent introduction of smart technology has involved the installation of four additional CCTV cameras in the Bondi Pavilion Art Gallery to enhance security and operational efficiency. With an increasing need for comprehensive surveillance in public spaces, Council recognises the importance of ensuring the safety of its visitors and safeguarding valuable art assets within the Pavilion's premises.

The existing security measures fall short of addressing emerging challenges, necessitating a modern and intelligent solution to monitor, detect, and issue alerts for security threats effectively. The implementation of smart CCTV cameras not only serve as a deterrent to potential security threats but also provide a means to bookmark incidents for investigation and maintain a secure environment for community events and gatherings.

To augment the functionality of the CCTV system, the project leverages Artificial Intelligence (AI) technology. AI algorithms will be integrated to analyse the data collected by the cameras, enabling the system to identify and understand visitation trends and patterns at the Pavilion.

This data-driven approach will offer valuable insights into the usage patterns of the facility, peak visitation times and areas with higher foot traffic. By harnessing AI, Council aims to enhance planning and serviceability, optimising resource allocation for events, and improving overall operational efficiency. The intelligent analysis of visitor trends will empower the Council to make informed decisions for better security management and ensure the Pavilion serves its residents and visitors more effectively.

8. Patronage

The reconfigured Pavilion encourages a greater number of patrons to interact with the building. This is primarily due to having direct pedestrian access to the beach through the centre of the Pavilion from Campbell Parade. The addition of a grassed area and outdoor furniture in the courtyards also encourages people to linger and spend time in the venue.

8.1 Creative program attendance

There have been more than 120,000 visits to the Art Gallery since reopening. The most popular exhibition was *Mermaid, Rainbow, Fireworks*, attracting over 20,000 attendees during the six-week period.

In 2023, there were eight Art Gallery exhibitions that supported 94 artists and achieved a total gallery visitation of 88,923.

Theatre audiences have turned out for music, theatre, talks and ideas, stand-up comedy and cabaret offerings. There were over 76 events delivered in 2023 that engaged 90 artists, total live performance attendance was 5,273.

Since the program's inception in 2023, Local Creative Collaborations has engaged a further 245 participants.

Bondi Festival is a bespoke contemporary performance festival delivered annually over three weekends in winter, that returned to Bondi Pavilion in 2023, for the first time since before the venue's refurbishment. In 2023, Bondi Festival presented 40 events, engaged 227 artists and achieved a total audience attendance of 69,092. Ticketed performances accounted for 2,330 attendees.

8.2 Regular and casual hirers

There are currently 16 regular hirers utilising the High Tide Room, Seagull Room and Ocean Room each week. Uses include community fitness, wellness, dance, martial arts and support groups of varying size. The annual Expression of Interest process for regular hirers is undertaken mid-year for the coming calendar year. Casual bookings open in August once Council's internal bookings for Arts and Culture programs, major events and partner activities have been added to the schedule. Casual hires range from small meetings and functions through to large whole-of-venue events across multiple days of varying scale and complexity. In 2023 the combined number of booked sessions from all venue users totalled more than 3,000.

8.3 Music Studios

Enquiries and use of the two music studios and control room have increased throughout the year. Extended delays in receiving and installing the upgraded equipment impacted on the final commissioning of the facilities. The official 'launch' of the space took place in January 2024 and was followed by a targeted marketing campaign to generate awareness and bookings.

8.4 Bondi Story Room

An interactive public history exhibition and archive of Bondi's unique and ongoing story, this digital installation encountered various technical issues in the first few weeks of operation resulting in intermittent closure. The issues have since been resolved and are being closely monitored.

Open from 7am each day, the Bondi Story Room attracts over 1,500 visitors per week, with a steady daily flow of passing visitors interacting with screen and content. A 12-month Service Level Agreement with Grumpy Sailor, the developers of the project, was signed in January 2024 to assist with managing the maintenance and technical aspects of the installation. There have been challenges maintaining the infrastructure, primarily due to the impact of the salt air on the electrical equipment.



9. Major Events, Events and Activations

9.1 Artistic Director, Bondi Pavilion

A dedicated Artistic Director role was established within the existing Arts, Culture and Events team in 2022. The Artistic Director, Bondi Pavilion is responsible for the programming of cultural spaces and arts programming within Bondi Pavilion and leads Council's specialist artistic team to deliver the venue's strategic vision and programming framework.

The responsibilities of the Artistic Director include:

- Leading the creative planning and delivery of Council's world class artistic programs, placemaking initiatives, creative projects and activities at Bondi Pavilion.
- Ensuring that Bondi Pavilion achieves its core purpose as a community and cultural centre made up of vibrant and connected communities, great art and great artists, smart sector partnerships and engaged audiences.
- Establishing Bondi Pavilion as part of a network of presentation and development spaces across the country to grow its reputation and strengthen its offerings.
- Establishing Bondi Pavilion as a hub for artists and community, dedicated to empowering local creatives and developing local audiences through community participatory artworks and programs.
- Balancing local, national and international uses of Bondi Pavilion to enrich the community and develop the potential of the venue and its spaces.

9.2 Activation – Community Programs, Arts, Culture and Events

The first full year of Waverley's Bondi Pavilion Creative Program funded and delivered by Waverley Council piloted a variety of programs for a variety of audiences. This included 76 events spanning a breadth of artforms: music, theatre, family programs, talks and ideas, comedy and cabaret led by the Bondi Pavilion Artistic Director. Year-round live performance programming supported 90 artists and took place in locations around the venue including Bondi Pavilion Theatre, High Tide Room, Seagull Room, Yalagang Room and courtyards. Total live performance attendance was 5,273, not including Bondi Festival attendance outlined below.

"Amazing voice, blown away by the venue, helpful and friendly theatre staff. What a lovely theatre."

"The show was excellent and the vibe at the venue was amazing."

Additionally, the year-round visual arts program featured eight exhibitions in Bondi Pavilion Art Gallery in 2023, supporting 94 artists. Gallery visitation for 2023 totalled 88,923 and opening night event attendees totalled 1,225.

Bondi Story Room caters to drop-in audiences year-round, operating from 7am–9pm daily. It features stories submitted by the community alongside those researched by local studies and

heritage experts. The Bondi Story Room currently captures 386 unique local history stories, from 154 community contributors, developed on an ongoing basis by a team of nine volunteers. On average, the Bondi Story Room attracts over 1,500 visitors per week. In 2023, local studies and heritage engagements including history-focused talks and tours reached 209 people.

The creative program at Bondi Pavilion during winter school holidays centres around Bondi Festival. An all-ages contemporary arts festival, Bondi Festival draws local and international artists and significant off-season crowds to the beach and provides a vital winter boost for local businesses. In 2023 the festival returned its hub to Bondi Pavilion, and attracted over 69,000 attendees, engaging 227 artists across 17 days and generating an additional \$1.2 million to local businesses across festival dates. Ticketed performances at Bondi Pavilion accounted for 2,330 attendees.

Specific summertime programming offers strong potential for a high level of engagement with a broad audience especially via outdoor and visible events at a time of peak Bondi visitation. Summer at the Pav is a summertime program supported by multiple teams to provide a comprehensive venue activation offer including summer tai chi, courtyard music sessions featuring local musicians, drop-in craft activities and movies.

Broader community programming has also been trialled successfully. During the 2023 Women's FIFA World Cup, screenings of Matildas matches in the Garu Courtyard attracted more than 2,000 attendees over seven nights. The Garu Courtyard also hosted the Bondi edition of Movies in the Park, a pop-up family film series held in local parks and venues. Featuring a screening of *Despicable Me*, more than 300 attendees enjoyed free gelato, popcorn and bean bag seating in the courtyard.

Other community events hosted at Bondi Pavilion have included:

- Voice Referendum info session and workshop
- Voice Referendum BBQ
- Volunteers Expo
- Youth Summit
- Mayor's Festive Community High Teas
- *Countryman* Indigenous film screening
- Meet the Mayor morning/afternoon teas
- Bondi Latin Fiesta.

The venue has also hosted a range of events delivered by external community stakeholders who Council partners with or supports through fee waivers and other arrangements. Attracting tens of thousands of attendees, these have included:

- Ocean Lovers Festival
- Sydney Jewish Writers Festival
- Head On Photo Festival
- Australian Conservation Foundation Wild at Art exhibition
- Flickerfest International Short Film Festival.

9.3 Potential to grow program and outcomes

Feedback from audience surveys indicates that there is strong positive regard for the quality of work programmed in the Bondi Pavilion creative program. Ongoing evaluation is needed to continue to understand audience interest, learn more about audience behaviour, develop audience venue champions and grow audience reach. Building on partnerships with other arts organisations as well as with community organisations and audiences will strengthen the growing reputation of the venue and increase its ability to attract high quality artists and acts.

Refinement of how venue communication channels are utilised and aligned with all-of-Council communications to support coherent, coordinated promotional campaigns will further support audience development and ticket sales outcomes.



10. Marketing and Communications

Bondi Pavilion brand assets were developed in preparation for the reopening in September 2022. Dedicated marketing channels were established to build awareness and promote Pavilion activities. In addition, select, targeted media partnerships and campaigns were implemented to promote the opening and ongoing offerings.

10.1 Newsletters

The Bondi Pavilion enewsletter database has grown quickly to more than 10,000 subscribers, with what's on emails typically sent monthly or an occasional dedicated promotional email. Open rates are well above industry standard and demonstrate a highly engaged audience.

To date enews content has contained a range of venue activities, promoting a mix of Council programs, hirer activities, onsite food and beverage offerings and historical Pavilion information. An increased focus on Google Analytics results and referrals tracking is providing evidence-based insights for future improvements to maximise the performance of the enews channel.

10.2 Ticketing

The Humanitix ticketing platform is integrated into the website and managed inhouse. Ticketing services are offered to hirers and is the preferred method of selling tickets to ensure audience numbers and access requirements are accurately captured. The current version of platform has limitations, such as bundling tickets, however it is simple for customers to transact and receive/redeem tickets. There is also no ongoing cost associated with using the platform. An upgraded ticketing platform will be investigated for future implementation.

10.3 Media campaigns

Campaigns were delivered in partnership with *Concrete Playground* and *Time Out* to support launch activity, including editorial and advertising across several months. Further campaigns have run regularly across social channels promoting a range of Council events and initiatives and returned positive engagement results.

10.4 Signage

In addition to the wayfinding signage located throughout the venue, a number of digital display screens are used to list events and display promotional messaging. Short term directional and event signage is also displayed on bollards as required. Feedback from hirers includes many requests for clearer directional and promotional signage for the theatre on level one, which is currently being investigated.

The Pavilion's location offers a significant opportunity to promote its events to the high volume of visitors to the beach, restaurants and passers-by. However, due to heritage and precinct constraints there are limited opportunities to increase the number and visibility of signage opportunities at and around the venue.

Recommendations for future improvements to signage include: installation of additional permanent fixtures in the forecourt and Gatehouse entry areas with 'what's on' digital screens to promote Pavilion activities; increased directional signage from the main entrance to the level one theatre area; and opportunities to increase visibility of current events through temporary event and directional signage.

10.5 Social channels

Bondi Pavilion has two dedicated social channels:

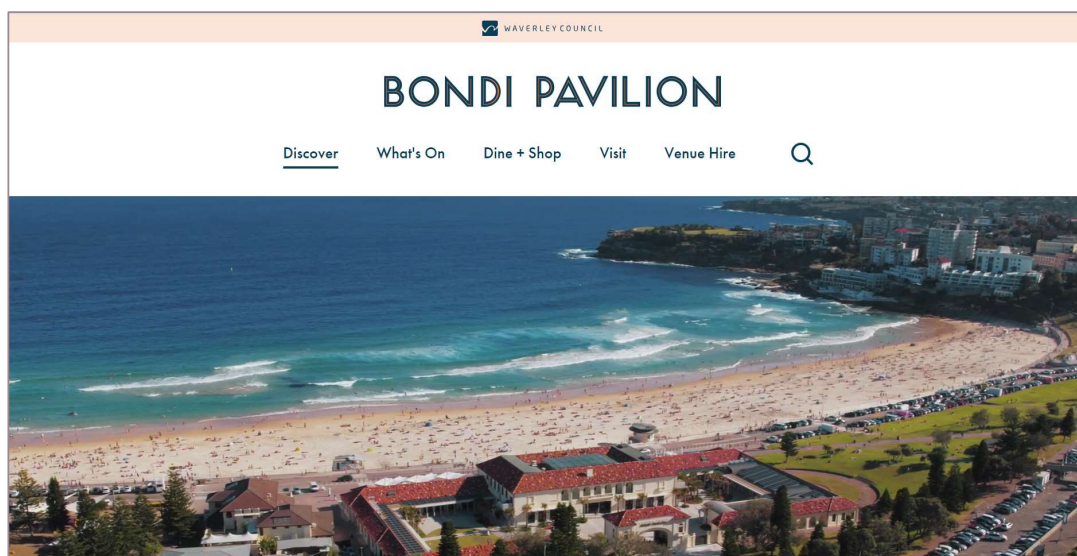
- Instagram (@bondipavilionofficial) – with a highly engaged audience of 6,000 followers and a large reach. Content ranges from promoting specific events, weekly what's on listings, precinct promotion and general brand building.
- Facebook (BondiPavilion) – with 1,500 followers and continuing to grow and is a key component of promotional campaigns.

The Instagram channel has been particularly successful in building awareness and engagement through carefully curated content, collaborative and promoted posts. There is potential to further expand the reach and engagement of this channel through additional content management and input opportunities from across Council and ensuring alignment with wider Council initiatives and communications activity.

10.6 Website

A dedicated website (bondipavilion.com.au) provides what's on listings, ticketing links, venue hire bookings and general precinct information. There were more than 420,000 total page views in the first 12 months with 'what's on', 'dine and shop' and 'hire' pages by far the most visited.

The site is built on the Squiz platform, the same as waverley.nsw.gov.au, and has proven to be restrictive to make improvements to site functionality. Feedback notes that the site is not currently showcasing the breadth of activity at Bondi Pavilion in the most user-friendly way, however incremental improvements have been and continue to be made.



10.7 Evaluation and feedback

Feedback from visitors and users of the Pavilion is captured in the venue and event operations reports, which are completed at the end of each day, and through direct communication channels such as phone, social media and email. In addition, Council's customer service channels also receive and share community feedback about the venue.

The Arts and Culture team undertakes post-show surveys of their programming using the Culture Counts platform, to evaluate the impact of their shows, activities and events.

The opportunity exists to better coordinate the gathering of feedback from all customer interactions across the venue, which will be investigated as part of the planned upgrade to booking and ticketing platforms.

11. Public Perception and Community Sentiment

Since reopening in September 2022, it is clear that Bondi Pavilion is a well-loved establishment and is very positively perceived by community members. Locals and visitors have provided feedback on how well the Pavilion has been restored and managed by Council and are impressed with the strong and vibrant creative programming.

Community members really enjoy the hospitality and retail offerings including Surfish, Promenade, Glory Days and Between the Flags. They have also responded positively to the broad community activities on offer, including weekly fitness and dance sessions, clay studio classes, diverse theatre productions and live music performances.

The community have expressed how Council's creative programs and event offerings are loved by locals. Positive reviews include the Bondi Latin Fiesta event, Music Studios launch and music youth programs, Flickerfest International Short Film Festival and a range of concert and musical offerings.

There has been some community feedback on the booking process, which Council acknowledges as it did not anticipate the sheer number of booking enquiries it would receive. There has also been some community feedback on the venue hire fees however these are already subsidised by Council and would require other financial cuts to finance the further subsidisation of venue hire.

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News 3

Friends of Bondi Pavilion told 'em they were dreamin'

Garry Maddox

Michael Caton loves the Bondi Pavilion so much he is planning to have his wake there.

The star of *The Castle, Packed to the Ryters and Last Cab to Darwin*, who has just turned 80, is hoping that won't be for a long time yet.

But since moving to the area in 1985, Caton's affection for the beachside landmark has had him involved in two Darryl-Kerrigan-of-*The Castle* style campaigns to keep it as a community hub for "everything from Alcoholics Anonymous to Zumba" amid fears it would be privatised.

The first was just after he became a local; the second in 2016-17.

"It's like our town hall," Caton said. "Anything that happens in Bondi, where we've got to get together and do things, it'll usually happen at the pavilion."

He narrates a new documentary, Mark Gould's *Saving Bondi Pavilion*, that celebrates the grassroots campaign that led to the pavilion reopening last year after a striking \$48 million restoration. It premieres there with two free community screenings on Wednesday night.

Gould said the documentary was a handbook for community activists everywhere.

"It's a great story for any community wishing to fight back against political injustice," he said. "What I learnt was a small group of people can change things."

The documentary details how Friends of Bondi Pavilion drew up a campaign for "a righteous battle" on a kitchen table.

A crucial element was a social media campaign that involved well-known identities, including Caton, Sam Neill, Julia Zemiro, Peter Garrett, Jack Thompson, Isabella Manfredi and Ben Lee, filming a message about why the pavilion was a treasure that had to be kept for community use.

The Friends organised a concert headlined by the Hoodoo Gurus and hosted by WJ Anderson, a media conference that had union movement icon Jack Mundey placing a green ban on the building, a banner draped over the pavilion to attract attention at the finish to the City2Surf, and a campaign to stencil "Save Bondi Pavilion - community not cash" in temporary paint around the area.

After asking the community what they wanted, they submitted their ideas to Waverley Council. When the council had meetings to discuss the pavilion, protesters loudly voiced their support from the public gallery. And when the Liberal-dominated council did not back down, the Friends sought support from other candidates, ran a "put the Liberals last" campaign and made sure every polling booth was staffed on election day.

The result: the election was won by candidates who wanted the pavilion to stay a community asset. The makeover - and the return of a wide range of arts, community and Indigenous activities - followed.

Gould said the social media campaign was the most effective tactic. "We made 120 short videos and at times they were ricocheting all around the world," he said.

The Hoodoo Gurus concert was another success. "That drew about 3000 locals down to the beach and helped spread the news," he said.

Caton is thrilled by the pavilion's restoration. "It's beautiful," he said. "There's a lot of things that we don't like happening around Waverley and we don't have a win. "But it's good every now and again to have a win. It gives you some sort of faith in the power of the people."



Mark Gould, Michael Caton and actor-singer Elane Morel, who is convener of Friends of Bondi Pavilion. Photo: Edwina Pickles

12. Sustainability

12.1 Green Star

The Pavilion is expected to receive a five star Green Star certification in recognition of its focus on sustainable design, construction and operations. The required information has been submitted by the construction company responsible for the refurbishment, Buildcorp, and the accreditation is expected to be formalised in the near future by Green Building Council Australia.

Green Star is an internationally recognised rating system setting the standard for healthy, resilient, positive buildings and places. Developed for the Australian environment, Green Star certifies sustainable fit outs and buildings across Australia with the aim of reducing the impact of climate change; enhancing the health and quality of life; restoring and protecting the planet’s biodiversity and ecosystems; driving resiliency in buildings, fit outs and communities; and contributing to market transformation and a sustainable economy.

12.2 Hirers and events

All events held at the Pavilion are required to follow Council’s Sustainable Event Kit, which includes a checklist to help hirers deliver a positive impact event. This includes a Zero Waste Event Roadmap and resources to communicate the ban on single-use plastics.



12.3 Waste management

Waste is handled through Council’s existing services or contractors organised through the individual tenants. Additional waste services are booked for large scale events as required.

Larger scale events are required to submit a waste management plan, which includes provisions for recycling, minimising waste and avoiding single use plastics.

13. Indigenous Interpretation & Cultural Interpretation

13.1 Dharawal names

Bondi Pavilion recognises and celebrates Indigenous culture and community. Waverley Council partnered with local Indigenous advisory consultancy, Gujaga Foundation, to create names in Dharawal, the local custodian language, for new and designed spaces in Bondi Pavilion.

The beach setting and famed coastline has been honoured in naming conventions throughout the building. In keeping with this existing theme, Gujaga helped guide the names in local Dharawal language for unnamed spaces in the Pavilion.

The local community and visitors can learn more about the history and research that went into each of these Indigenous names through the Bondi Story Room.

The names and meanings of the spaces include:

Space	Name	Meaning
Atrium	Mirrar	Above and sky
Cultural space	Yalagang Room	Rejoice
Northern courtyard	Garu Courtyard	Northern
Southern courtyard	Guya Courtyard	Southern
Upstairs balcony	Nandiri Balcony	Look or see

13.2 First Nations programming

Opening program

First Nations creative programming, like opportunities for local creative development, is another key requirement of the Waverley Arts and Culture Plan Goal 1: Our ongoing stories are shared and celebrated, and is highlighted in the first of the four pillars of Council’s Strategic Vision and programming framework for Bondi Pavilion. Council’s Reconciliation Action Plan reflects Waverley’s commitment to reconciliation efforts, including through innovative and creative approaches to reconciliation locally and nationally.

The Gamay Dancers performed at the opening ribbon cutting ceremony of Bondi Pavilion and welcomed all attendees into the newly refurbished building. The dancers shared songs,

dances and stories belonging to the La Perouse Indigenous community, who traditionally occupied the eastern beaches.

Of the seven Housewarming Program artist groups, two were Indigenous:

- Multidisciplinary artist Dr Sarah Jane Moore collaborated with fellow artist Dr Steven Durbach (aka Sid Sledge).
- Lost All Sorts Collective, a multi-disciplinary collective of independent First Nations artists from many different Nations, all of whom graduated from the NAISDA Dance College, Australia's leading Indigenous dance college, focused on a new dance work development.

As noted in section 5, Dr Sarah Jane Moore's work has had an ongoing creative development life at Bondi Pavilion since those earliest reopening engagements, including support from Waverley Council's small grants and Local Creative Collaborations programs, culminating in a performance in November 2023 at Bondi Pavilion Theatre.

Bondi Festival 2023

Bondi Festival held its first festival at Bondi Pavilion in 2023. It opened with an official Bondi Festival Welcome featuring a local Elder delivery of a Welcome to Country. Twenty-five percent of Bondi Festival 2023 events featured First Nations artists.

Bondi Festival 2023 delivered *Marang* (meaning Sand Dunes in local Dharawal language), a free event held in the Pavilion's Garu and Guya Courtyards on the opening weekend of the festival. With a Welcome to Country from Uncle Lloyd Walker, performances from the Jannawi Dance Clan, Weaving and Shell Art Workshops from Gujaga Foundation, Bushtucker Workshops from the horticulture team at Bush to Bowl, and the Wilka Thalta First Nations Food Truck (Plate Events and Catering), the event also featured live music from First Nations musicians Akala, Blanche Music and Earl Weir, and stalls from Sandy Designs, Deadly Del Designs, Bush to Bowl and Duru Nanang.

Bondi Festival created two Acknowledgement of Country audio recordings to be played before shows and events. Many artists also incorporated their own beautiful Acknowledgements of Country within their performances.

Bondi Festival hired a First Nations Producer to produce the Bondi Festival Welcome, *Marang*, our recorded Acknowledgements of Country, and to consult on other festival operations.

Brenda Matthews: The Last Daughter was ticketed as a free event, with attendees invited to donate to the Indigenous Literacy Foundation. Held during NAIDOC week, the event raised over \$1,000 for the foundation.

Bondi Story Room

Bondi Story Room features a number of resources on Aboriginal cultural heritage, developed in collaboration with Indigenous knowledge holders. Council worked with the Gujaga Foundation to identify and research local stories, as well as provide an Indigenous and cultural audit of all Story Room content and its treatment in the digital exhibition prior to its opening.

This content continues to be utilised in various ways, for example in Bondi Festival's Walking Tour.

First Nations artists

First Nations artists continue to feature throughout the Bondi Pavilion creative program.

This includes:

- *An Evening with Ursula Yovich*, presented in Bondi Pavilion Theatre in September 2023, marking exactly a year since the venue's reopening.
- *How the Birds Got Their Colours*, a dance work presented on Bondi Beach as part of Waverley Council's co-presentation with Sydney Festival in January 2024.

BuriBuri public artwork

Bondi Pavilion is Site 4 in Waverley Council's Public Art Masterplan. The core purpose of this artwork as outlined is to recognise the history, culture and presence of the First Nations community specific to Bondi and greater Coastal Sydney.

The artwork is to serve as a recognition of the world's oldest surviving continuous culture with a design process that ensures a prominent self-determined Aboriginal cultural presence in Bondi Pavilion.

The artwork, currently part-way through the commissioning process, will represent the *BuriBuri* (Whale Dreaming), a significant dreaming to the Sydney Coastal people of the Dharawal language group that tells the formation of land and coast regions demarcated across broader Coastal Sydney from Bondi stretching down towards the south coast to the northern lip of the Georges River.

Cultural permissions to allow artists to respond to and convey this dreaming have been granted by knowledge holders and representative Elders have strongly endorsed the proposed concept design.

14. Accessibility

The redeveloped Bondi Pavilion meets all current accessibility standards. Some of these include:

- Hearing services: a hearing loop is available in the Theatre and hearing augmentation is available across multiple rooms, however it has rarely been used and limited feedback is available. Hearing services signage includes braille instructions.
- Wheelchair seating: the Theatre has multiple wheelchair seating options for patrons and their carers with needs captured at the time of ticket purchase.
- Website: bondipavilion.com.au was built to comply with Web Content Accessibility Guidelines (WCAG) 2.0 through choice of font, colour, hyperlinks etc. Users submitting event details are required to complete mandatory fields for text and images to ensure accessible web pages are published.
- Changing Places: the public amenities include a Changing Places facility, which allows individuals with high support needs and their carers access to a suitable toilet.
- Auslan: Arts and Culture programming will continue to trial live Auslan interpretation and captioning during performances and events.
- Relaxed performances: have been trialled in summer 2024, including the provision of a breakout space.

15. Venue Partners

15.1 Tenants

The Pavilion's commercial tenants attract a steady stream of visitors and add to the vibrancy of the precinct. Despite some initial delays in opening, the one retail and three food and beverage tenants – Between the Flags, Glory Days, Surfish and Promenade – work well within the fabric of the building and its events. Some identified housekeeping issues include placement of furniture outside of tenancy lines and appropriate storage/handling of waste, however processes are in place to monitor this. There have been no problems with alcohol or antisocial behaviour associated with tenant trading or activities.

15.2 Licensees

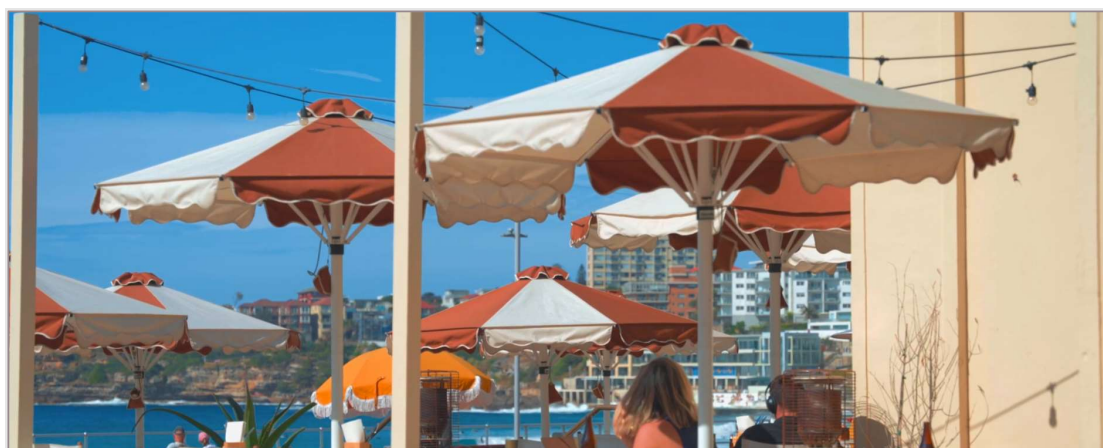
The two other tenants, Eastside Radio and Bondi Pavilion Clay Studio, were appointed under three-year licensing agreements awarded through a competitive process. The Clay Studio has been running successfully and works well within the general programming of the Pavilion. Eastside has taken longer to settle in, and while the radio studio is utilised at various times each day, their activity is not as visible and has attracted some negative feedback about underuse of the facility. The venue team meets regularly with Eastside and they have provided plans for increased onsite activity to raise their profile and maximise use of the

studio. Overall Eastside management view their occupation of the studio as a very positive experience and the partnership continues to be mutually beneficial.

15.3 First floor liquor licence

Council's liquor licence for the first floor of the Pavilion is managed by Glory Days under an 18-month trial that is due to expire in September 2024. The current arrangement requires the operator to provide bar services to support theatre activity and catering for events. Aspects of the arrangement work well, such as summer weekend bar activations, however feedback is consistently received that the exclusive catering requirement restricts community usage upstairs. Noise from DJs during weekend bar activations is continually monitored by the venue team. Pre- and post-theatre bar service, for internal and external hirers are generally well supported.

A review of the trial has recently been completed and Council has approved the undertaking of a tender to appoint a new operator for a period of up to five years. The proposed operating model maintains the third-party management of Council's liquor licence however catering services would be non-exclusive to provide flexibility and allow for self-catering under certain circumstances.



16. Conclusion

Bondi Pavilion is a well-loved historical venue prominently located on the internationally renowned Bondi Beach. Since reopening in September 2022, the Pavilion has reaffirmed its position as an important community and cultural asset that is heavily utilised by a diverse range of hirers, attendees and visitors.

Community interest in the revitalised Pavilion has been overwhelming positive, with significant and ongoing demand from local residents and businesses for venue hire and access to facilities. The four hospitality and retail businesses have also quickly established a strong presence in the precinct and provide a range of high quality experiences for visitors. The Pavilion's open public spaces and amenities are also used year-round, providing free access to important Council services.

A packed year-round schedule of events and activities has seen the Pavilion engage with a wide range of audiences, ranging from free family events through to theatre productions. The venue has played host to annual events such as Flickerfest International Short Film Festival, Ocean Lovers Festival, Bondi Festival, Head On Photo Festival, Festival of the Winds, City2Surf and exciting one-off events that have creatively used the Pavilion's many spaces.

The learnings of the last 18 months have been used to inform improvements to venue operations, including the establishment of ongoing staff and investment in systems, which will further improve the customer experience.

Following a successful 18 months of operation, Bondi Pavilion will continue to deliver significant social impact through its dynamic and growing creative program and access to high quality facilities, ensuring it remains at the heart of the local Waverley community for generations to come.

17. Attachments

1. Bondi Pavilion Artistic Program
2. Local Creative Collaborations

BONDI PAVILION

Bondi Pavilion Artistic Program

PROUDLY
OWNED AND
MANAGED BY



WAVERLEY COUNCIL



Goals and objectives

**BONDI
PAVILION**



Goal 1

Our diverse and ongoing stories are shared and celebrated

Waverley's cultural landscape is underpinned by the rich heritage of its traditional owners, the Bidjigal and Gadigal people, and the diverse stories of our unique people and places.

OBJECTIVES

- 1.1 Increased recognition, visibility, celebration and sharing of Aboriginal stories, arts, culture and language.
- 1.2 Increased opportunities for locals and visitors to engage with Waverley's diverse stories, history and heritage.
- 1.3 Increased awareness of Waverley's unique place in the Australian contemporary cultural landscape.
- 1.4 Increased opportunities for community connection through arts and culture, including cross-cultural and intergenerational experiences.

Goal 2

We have a vibrant network of spaces and places for cultural participation, production and experience

Waverley has a dedicated network of spaces and places that will support local cultural and creative participation, production and presentation, and foster community connections.

OBJECTIVES

- 2.1 A network of affordable, fit-for-purpose, cultural and arts facilities that support cultural and creative participation, production and presentation.
- 2.2 Increased cultural and creative participation through the provision of new and improved spaces.
- 2.3 Our public domain, beaches and parks are platforms for creativity and cultural expression.

Goal 3

Arts and cultural participation is flourishing and inclusive

Supporting diverse and inclusive opportunities that respond to the needs and interests of our community will allow arts and cultural participation to flourish

OBJECTIVES

- 3.1 Ensure arts and cultural participation is accessible for everyone in our community – all ages, cultures, genders, incomes and abilities.
- 3.2 Encourage diverse cultural offering and experience, including day and night and out-of-season activities.
- 3.3 Maximise use of external opportunities to further Waverley's arts and cultural activities.

Goal 4

Showcasing and supporting our creative sector and community

Showcasing and supporting our creative sector to thrive, collaborate and kickstart their initiatives will drive local cultural outcomes.

OBJECTIVES

- 4.1 Support collaboration and networking between local creatives and organisations.
- 4.2 Promote and showcase local artists, makers and creators.
- 4.3 Harness the knowledge, skills and ideas of local creative community.
- 4.4 Support our creative community to kickstart their own ideas, projects and initiatives.
- 4.5 Support for young and emerging artists.

Goal 5

Developing strong partnerships to facilitate growth for our cultural and creative sector

We will be a leading Council with strong and productive cultural partnerships – locally, nationally and internationally.

OBJECTIVES

- 5.1 Foster strong and productive cultural partnerships, locally, regionally, across Sydney, nationally and internationally
- 5.2 Increase awareness of the value of the arts within Council and the broader community
- 5.3 Broker cross-sector collaboration (community, business, education and developers) to deliver cultural value of the arts and culture.



Strategic Vision

STRATEGIC VISION STATEMENT HAS BEEN DEVELOPED, DESIGNED TO CAPTURE IN WORDS THE ESSENCE OF BONDI PAVILION'S PURPOSE AND VISION FOR THE FUTURE:

A historical gateway to community, culture and creativity, Bondi Pavilion is a hub for artists, a place for cultural and community exchange, and a drawcard arts and culture destination.

The Pavilion's world-class artistic program and presentation boosted by creative sector partners is balanced with ongoing and new community led uses, welcoming audiences from near and far.

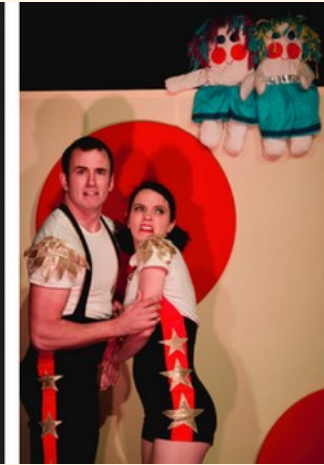


2023 KEY STATISTICS – PERFORMING ARTS



Junkyard Beats

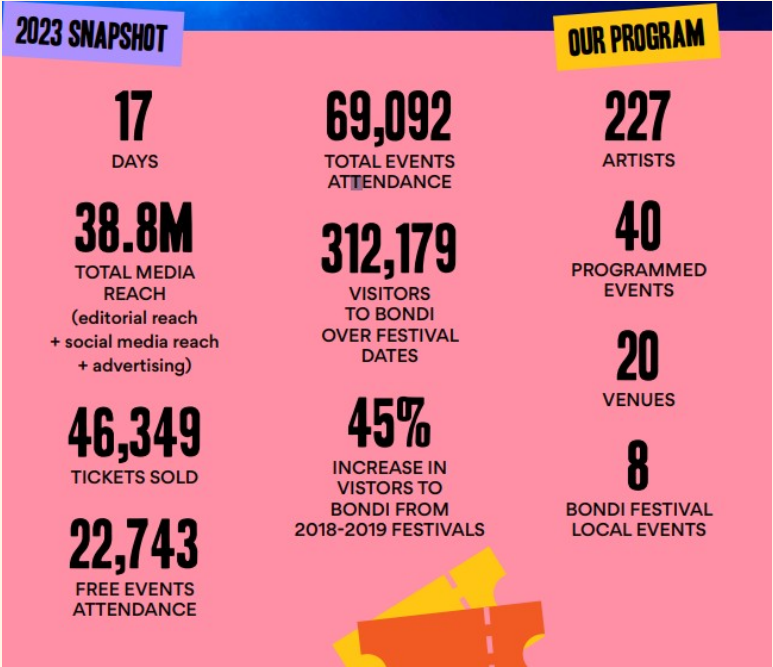
- Events = 76
- Artists engaged = 90
- Total live performance attendance = 5,273
- Live performances in Theatre = 26
- Talks and Ideas events including NIB Award = 8
- Lunchtime music performances (High Tide Room) = 9
- Additional events (e.g. workshops, showings) = 33



Children are Stinky

"The show was great for children and it's so good to have good quality show locally! I hope there will be many more!"
audience member, Junkyard Beats.

"Made my child laugh so much. He still says it's the best show he's ever seen! Plus the seating allowed for him to be picked from the audience which was a huge bonus."
audience member, Children are Stinky



Total Attendance: 69, 092

Ticketed performances: 2,400

Free events: 22,743

Ice Rink and Ferris Wheel: 33,949

No of Artists engaged: 227

No of events: 40

VISUAL ARTS – BONDI PAVILION GALLERY

Gallery exhibitions = 8

Gallery visitation = **88,923**

Gallery opening event attendance = **1,567**

Artists supported = 94

Artist talks: 10

Artist talk attendance: 201

Other workshops, talks and tours: 17

Other workshops, talks and tours attendance: 306

Imagine Awards 2023:

Highly Commended for Exhibition Project for Small and Volunteer Galleries for **Rainbow Mermaid Fireworks**

"Very impressive – Beautiful – I have never been to Bondi before, didn't expect a gallery, and it has been amazing – it made my day"

"Such a high standard of work- all of it consistently good. A wonderful show."



'Mermaids, Rainbow, Fireworks' Emily Crockford & Rosie Deacon



ArtExpress 2023

BONDI STORY ROOM

Stories published: 386

Story suggestions unpublished: 1669

Contributors: 154

Total volunteers engaged: 21

Average weekly visitation: 1500

Talks and tours: 209

Local Government Awards 2023:

Leo Kelly OAM Awards Division C Highly Commended :
The Bondi Story Room

Imagine Awards 2023:

Highly Commended for Exhibition Project for Small and
Volunteer Galleries



MAJOR EVENTS AND OTHER ACTIVITIES

Festival of the Winds – approx. 40,000 visitors

Carols by the Sea – approx. 1500 attendees

Courtyard music – 8 events

Sunshine Singers – approx. 30 participants

WAVE workshops – 24 participants

“So much improvement and excellent work being done, its on the up and up as a cultural space”



Festival of the Winds

AUDIENCE FEEDBACK



COIL



Audiences, The Listies' ROFL



End of Winter

Keep the wonderful events coming. I am thrilled with the Pavilion.

Absolutely love using the pavilion and being part of this community, please keep doing what you are doing.

Loved our experience at the Bondi Pavilion! Such a beautiful space for a show.

Amazing show. More high-quality kids shows in the summer holidays please.

The theatre was beautiful, staff was helpful and Ivan was just simple amazing!

The venue is so intimate and personable that it is a pleasure.

The Bondi Pav theatre is such a cool, intimate venue!

This was hands down the best live theatre performance I have seen in a decade! It was so creative, bold, unexpected, nostalgic, witty and hilarious! I also loved their clever use of the space. COIL

Audience Feedback

Really enjoy the pavilion since it has been renovated.

The Bondi Pavilion is a great community space.

Amazing voice, blown away by the venue, helpful & friendly theatre staff. What a lovely theatre.

The show was excellent and the vibe at the venue was amazing.

Thank you for putting on this show, it was a highlight of our school holidays!

The owners of the Bondi Pavilion are doing a great job. Customer service was exceptional and high-quality food.

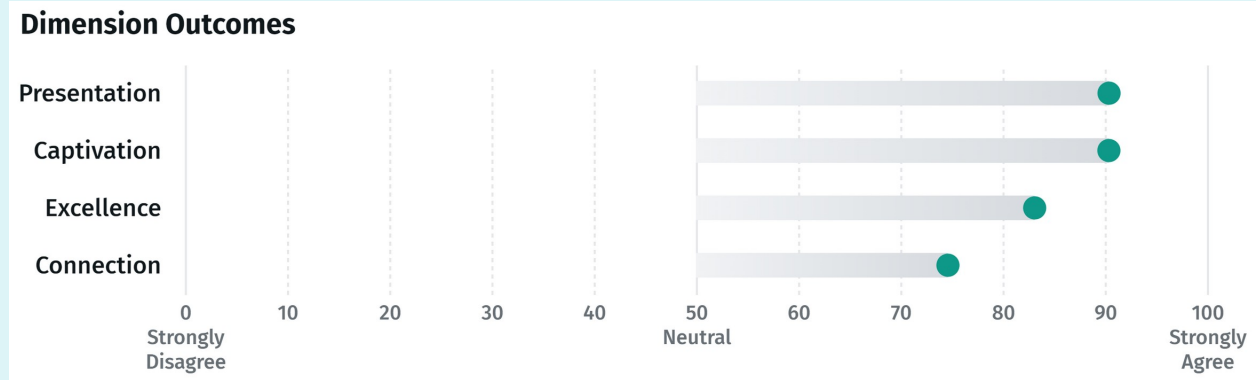
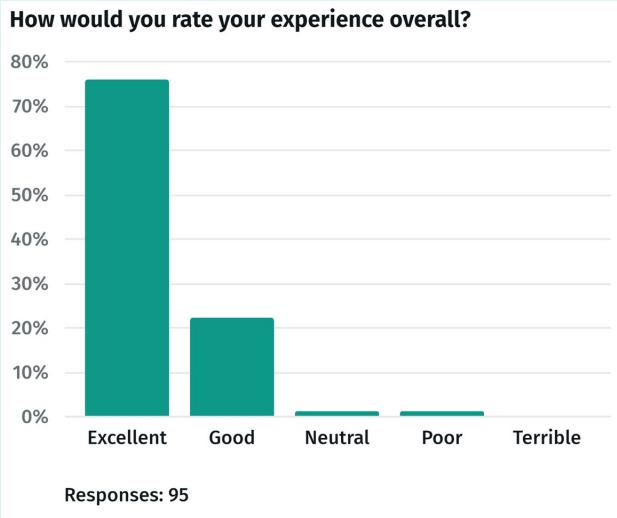
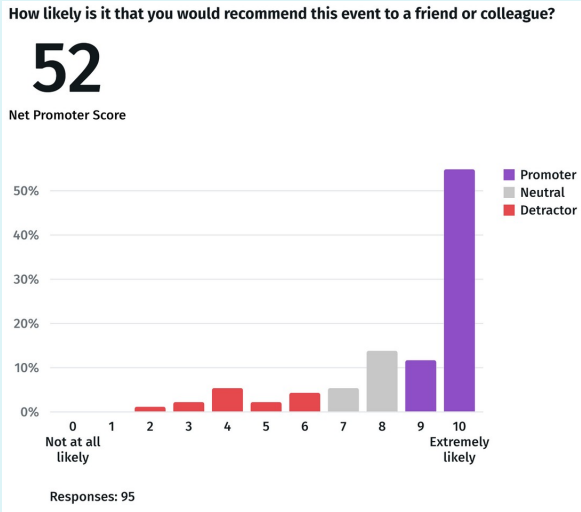
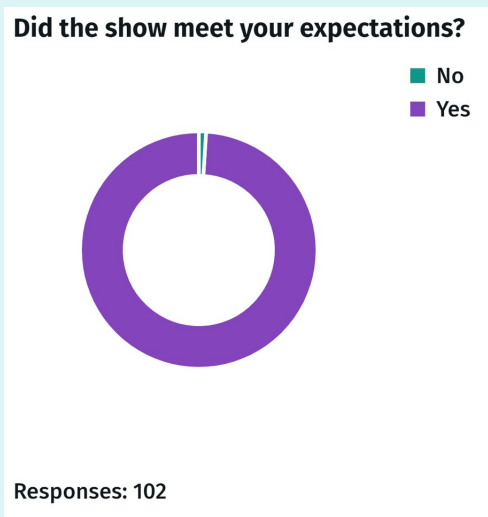
The Pav is a beautiful place I love to visit.

Nice vibe, the theatre is great and it fitted well in the Bondi lifestyle that we all love.



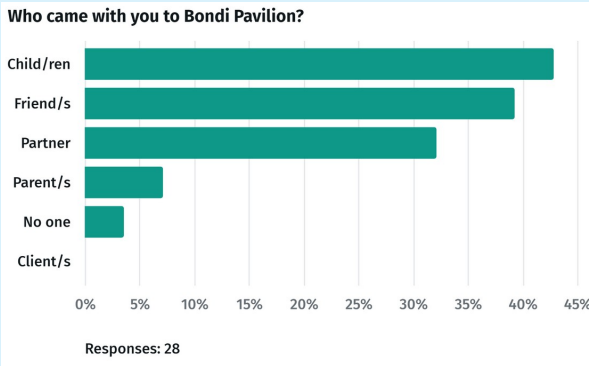
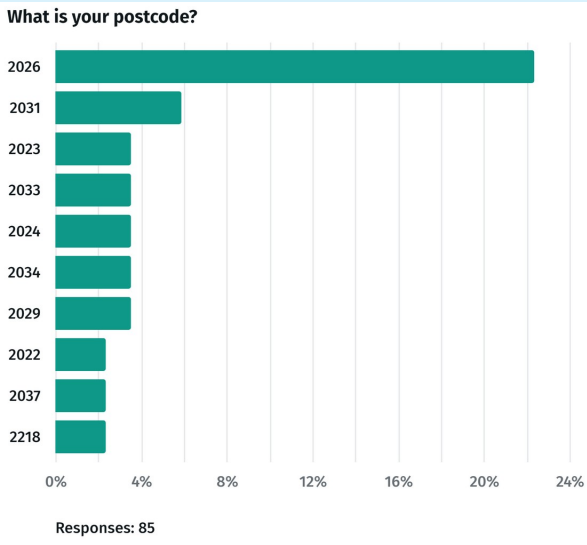
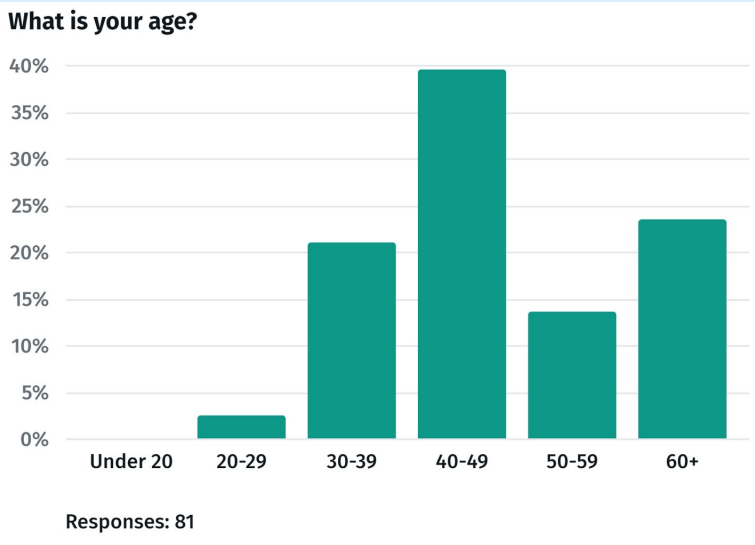
Lisa Oduor-Noah – Live at the Pav

Audience Responses - August to November 2023



It exceeded my expectations. It was funny, age appropriate with a pinch of adult humour, engaging, and had a magnificent storyline. The actors were talented and professional, had the children in fits of laughter and sitting on the edge of their seats.
Children are Stinky

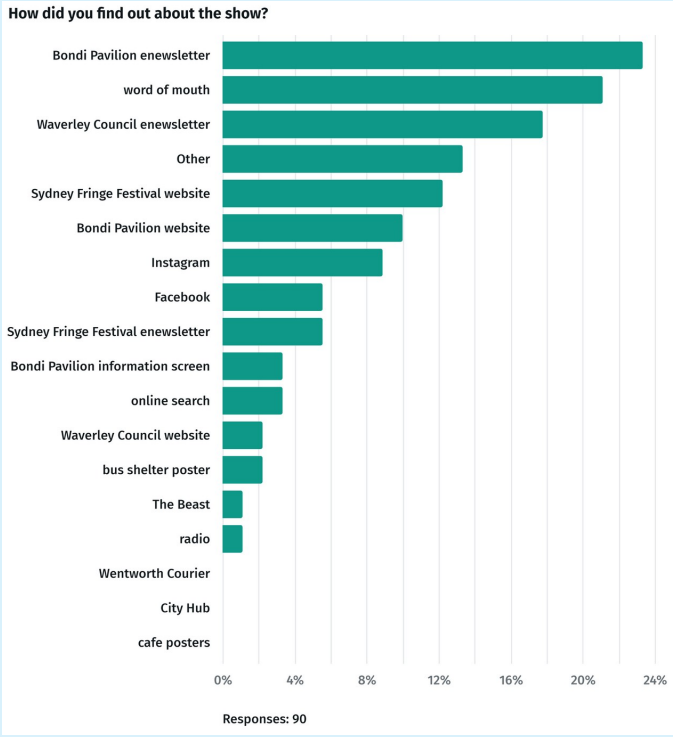
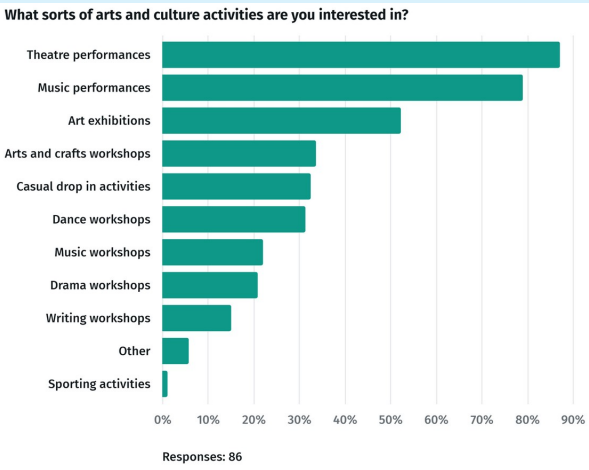
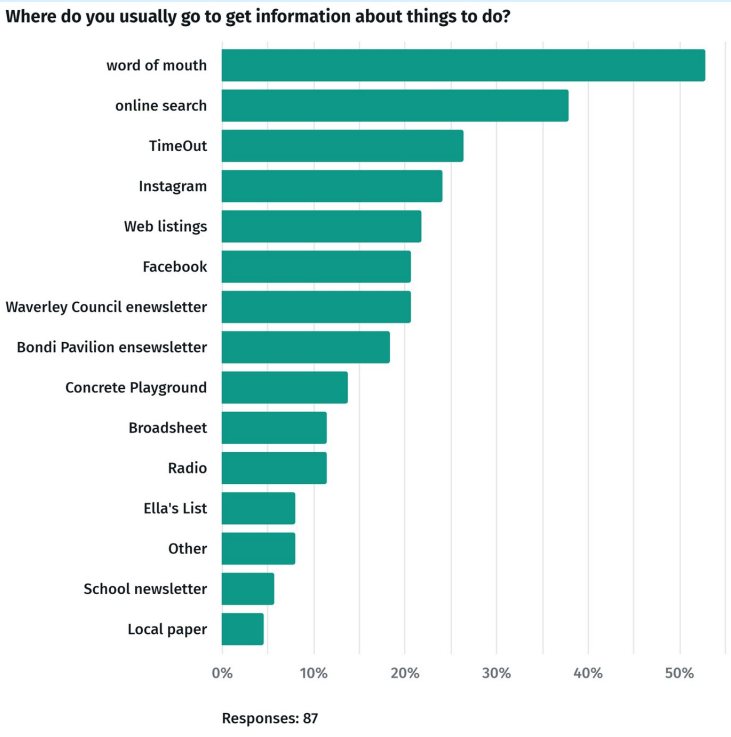
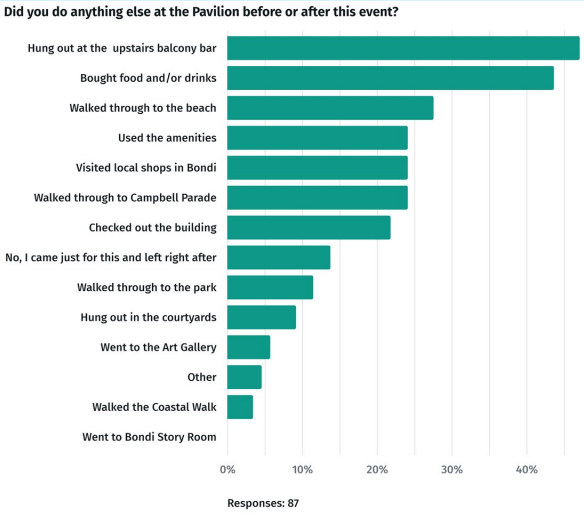
Audience demographics



This was a beautiful evening of song, stories and poetry. Ursula has not only a stunning voice but just a wonderful manner. Great music and evening, thank you.
An Evening with Ursula Yovich

It actually exceeded my expectations. It was top quality, an awesome show, terrific performer in clear command of his material, and a great vibe in the audience
Citizen

Audience interests and attendance



Jude was a hoot. Really enjoyed the jokes, she was relatable and made everyone laugh, throughout the show. Well done!
Jude Perl's Greatest Hits

2024 Program Highlights

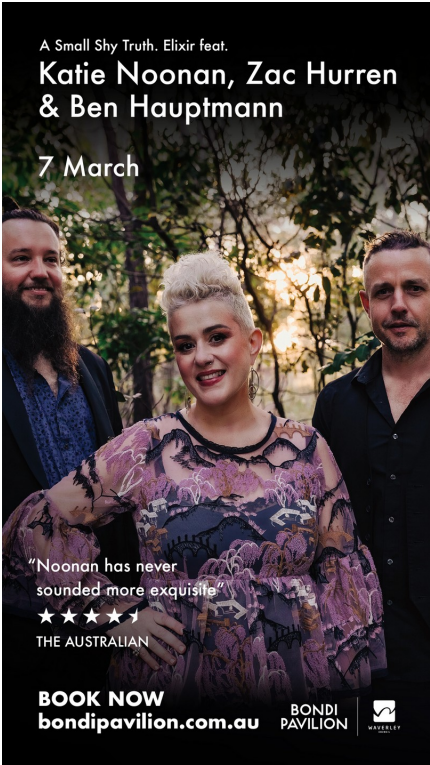
Sydney Festival



Mardi Gras Festival



International Women's Day



2024 Program Highlights - March/April

Music

Talks

Film

Family

Queenie van de Zandt in

BLUE: The Songs of Joni Mitchell

A Neil Gossling & Amazon Women Enterprises Production

15–16 March



"The audience was enraptured and shouting for more"
★★★★★
SCENESTR.COM.AU

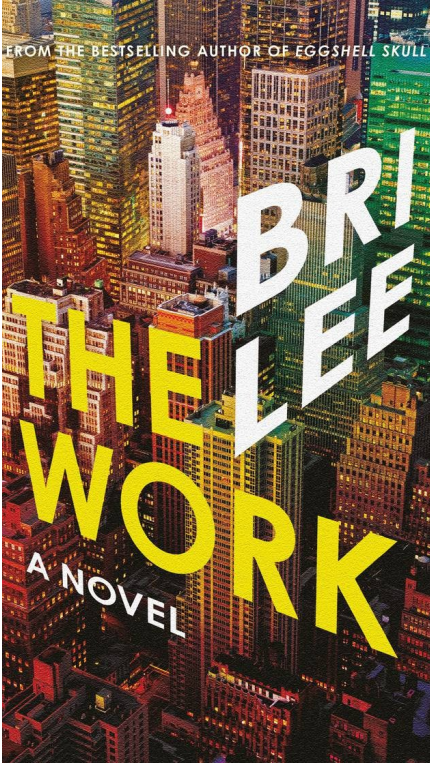
BOOK NOW
bondipavilion.com.au

BONDI PAVILION

FROM THE BESTSELLING AUTHOR OF EGGSHELL SKULL

BRIEE THE WORK

A NOVEL



CINEMA

BONDI PAVILION



Good - National Theatre Live

Sun 7 Apr
Film screening

DIRECTED BY OLIVIER AWARD-WINNER DOMINIC COOKE (FOOLLIES), STARRING DAVID TENNANT (DR WHO)

Filmed live in London, a blistering reimagining of one of Britain's most powerful, political plays.

bondipavilion.com.au

PROCEEDS SUPPORT Waverley Council

WORKSHOP

BONDI PAVILION



Creative Planet

20–21 Apr

RUN BY LEGS ON THE WALL SESSIONS FOR 6-8, 9-12, 13-17 & 18-25 YEARS

Leap, fly and kick against gravity: learn silks (aerial acrobatics), parkour, and softs (mat work)

bondipavilion.com.au

PROCEEDS SUPPORT Waverley Council

NSW LEGS ON THE WALL

2024 Program Highlights – April / May/June

COMEDY

Don Juan

23–25 May

A SLIGHTLY ISOLATED DOG PRODUCTION, SUPPORTED BY CREATIVE NEW ZEALAND

Theatre at its most fun, with ridiculous accents, twisted pop songs and brilliant physical comedy



bondipavilion.com.au




THEATRE/MUSIC

Dear Diary



14–15 Jun

SOUTH COAST SINGER SONGWRITER KAY PROUDLOVE BRINGS HER INFECTIOUS PERSONALITY TO THE STAGE

From first kisses and girl power, to lost gigs and frayed friendships, Dear Diary is a musical journey into the world of growing up



bondipavilion.com.au



FAMILY FUN

Sun Runners

23–27 Apr

BY AUDIOPLAY & WINDMILL THEATRE COMPANY

Plunge headfirst into an interactive audio space adventure



bondipavilion.com.au



MUSIC/POETRY

Blackbird by Poetica

Wed 1 May

FEAT. NICK HASTINGS & SACHIN BURNS, JESSICA CAMPBELL, KAHN & NADAY KAHN, DECLAN KELLY, MIRIAM IREBERMAN, JENNA NEUMIRCHU, EVE + PAUL WHEELER, DAVID LESER, TIGI DUNNLEY + SPECIAL GUESTS

A night of music and poetry celebrating The Beatles



bondipavilion.com.au



BOOK LAUNCH

All The Beautiful Things You Love

Tue 30 Apr

JONATHAN SEIDLER IN CONVERSATION WITH BRIGID DELANEY



bondipavilion.com.au



MUSIC

Bondi WAVE

May–Aug 2024

CRAFT YOUR SOUND

Over 12 weeks learn how to write, arrange, and record original music. Applications close 19 Apr



bondipavilion.com.au



2024 Program Highlights - July - October

Contemporary Dance



Found Objects - Shaun Parker & Co

World Music



Birth and Death of Stars – Mzaza

Family



The Librarian (Canada)

Comedy



Are you Pulling My Leg



- Plus:
- Bondi WAVE Concert
 - Winter Talks and Ideas
 - National Theatre Live Screenings

Key Strengths

- Destination and internationally recognised venue.
- Outstanding award-winning renovations.
- Loyal local audience.
- High quality facilities.
- Multi-artform venue with attractive outdoor spaces.
- Intimate theatre venue and excellent acoustics.
- Experienced and dedicated programming and delivery team.
- Good access, public transport, available parking.
- Legacy and history.



Next steps: Key Bondi Pavilion Key Strategies – 2024/2025

STRONG CREATIVE PROGRAMMING

- Developing an annual program that offers audiences access to a broad representation of art forms across theatre, cabaret, music, comedy, film and visual arts.
- Balancing high-quality professional work, local artistic engagement, community focused events alongside commercial hires.
- Building informed programming decisions based on audience feedback and regular survey data.
- Growing our live music public program both in Theatre and courtyard.
- Developing a strong and visible outdoor performance and engagement program to engage local communities.
- Engaging our local creative community in regular events and creative conversations on the first Wednesday of each month.

ENHANCED YOUTH AND FAMILY OFFERINGS

- Developing a vibrant and accessible family performing arts program in the Theatre, including free community events.
- Strengthening our workshop and youth engagement programs.
- Building youth audiences through discounted tickets for under 30s.

Next steps: Key Bondi Pavilion Key Strategies – 2024/2025

NEW PARTNERSHIPS TO SUPPORT VIABILITY

- Ensuring the venue has a strong reputation from local and national arts sector to build opportunities for inclusion on national touring circuit.
- Building strong and mutually beneficial partnerships with significant arts organisations, festivals and arts centres based locally, in Western Sydney, regional NSW and nationally.
- Building diverse funding streams to support the financial sustainability of our artistic program and to build mutually beneficial partnerships.
- Growing our long-term audience development strategy including building champions for the venue and our program.

MEANINGFUL ALIGNMENT WITH VALUES

- Ensuring our work, and the promotion of our work, is accessible to both artists and audiences.
- Engaging meaningfully with First nations communities across all our arts and culture programming.
- Engaging meaningfully with culturally diverse communities through our arts and culture programming.
- Embedding environmental sustainability across all artistic programming at the Bondi Pavilion, from choice of programming through to delivery.

BONDI PAVILION

Local Creative Collaborations

PROUDLY
OWNED AND
MANAGED BY



WAVERLEY COUNCIL



Local Creative Collaborations

Launched May 2023

- Supporting local artists to develop, create and share new artistic works
- Visual arts / contemporary performance / music / theatre
- Yalagang Room, Bondi Pavilion

What's offered:

- Subsidised use of Bondi Pavilion
- Cash contribution to artists' fees and materials (up to \$2500)
- Mentoring and artistic support

Round One EOIs: May 2023 – cross art-form

Round Two EOIs: Nov 2023 – performing arts focus

Round Three EOIs: Q3 2024 – cross art-form



Artists Supported To Date

Round One

Dr Nikki Heywood – Contemporary Music - Sep 2023

Zuzana Galova – Visual Arts – Oct 2023

Jonny Pasvolsky – Theatre / Comedy - Nov 2023

Eav Brennan – Visual Arts / Craft – Dec 2023

Ed Wightman – Theatre – Jan 2024

Peter Sedlacik – Visual Arts – Feb 2024

Enzo Amato – Visual Arts – May 2024

Steven Durbach – Visual Arts – August 2024

Round Two

Greta Gertler Gold– Musical Theatre – Apr/May 2024

Gabrielle Bates – Music – Oct 2024



Key Stats

2023 projects: 4

2023 artists engaged: 8

2024 projects 2024: 6

2024 artists engaged: 12

Participation in showings/workshops/
events (incl. networking events): 245



Next Steps

- Heighten focus on development of *new* creative works
- Evaluate project throughout 2024
- Consider return to cross artform support
- Consider most appropriate way to support second stage development of performance works in Theatre itself, e.g. as part of Sydney Fringe Festival



REPORT CM/7.10/24.06



Subject: Tender Evaluation - Community Housing Management Services

TRIM No: A24/0117

Manager: Annette Trubenbach, Executive Manager, Community Services

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

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 the evaluation relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The tender evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2021*, accepts the preferred tenderer [NAME TO BE INSERTED BY COUNCIL AT THE MEETING] for the supply of housing management services for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] for the first year, with base management fees to be increased annually in the following years by the most recently published Annual Wage Price Index for NSW.
3. Authorises the General Manager or delegate to enter into a contract on behalf of Council with the preferred tenderer for three years with a three-year option, commencing 1 October 2024.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*
5. Authorises the General Manager or delegate to make administrative arrangements with Bridge Housing, consistent with the terms of the relevant deeds, for the common areas not included in the tender.

1. Executive Summary

A tender process for management of the units in Council's affordable and social housing programs has been conducted. The Tender Evaluation Panel recommends that Council accepts the preferred tender and authorises the General Manager or delegate to enter into a contract with the preferred tenderer for an appointment of three years, to commence from 1 October 2024, with a three-year option following review.

2. Description of Service or Product being Tendered

To achieve arm's length management of Council's housing portfolios, comprehensive management services were sought from community housing providers holding Tier 1 or 2 registration under the National Regulatory System for Community Housing. The services sought comprised:

- Property management services, including regular maintenance, repairs and capital improvement.
- Tenancy management services including allocations according to Council's policies and management of tenancies.
- Financial management services including bill payment, collection of rents, and provision of monthly financial statements and returns.
- Reporting to Council on work undertaken and outcomes achieved.

A special purpose agreement, the Waverley Council Housing Management Agreement, was developed by Maddocks Lawyers for this tender. It covers performance expectations and key performance indicators (KPIs) for each of the services sought, which include provision of a detailed monthly financial statement within 30 days of the end of each month; a performance report and meeting with Council representatives quarterly; and the provision of information to enable annual reporting on the outcomes achieved by Council's housing programs.

3. Scope of Tender

The key elements of the tender's scope are as follows:

Term

Commencing on 1 October 2024 for three years with a three-year option following review.

Financial model

The provider:

- Collects income from rents.
- Pays all bills, and procures everything that is needed to run the programs using its contractors, oversees and warrants the completion of work, and pays the contractors' invoices.
- Deducts costs (except for strata special levies and planned capital improvement expenditure) from income, issues a statement and remits the balance (income minus expenditure) to Council monthly; or if monthly income is insufficient to cover expenditure, issues a statement and an invoice to Council for the balance (income minus expenditure). Forwards the invoices for strata special levies to Council.
- Issues invoices monthly to Council for its management fees. After the first year, base management fees will be increased annually on the anniversary of commencement by the most recently published Annual Wage Price Index for NSW from the Australian Bureau of Statistics.

Maintenance responsibilities

The provider:

- Undertakes maintenance to ensure that all units provide tenants with a safe, functional and healthy living environment (minimum standard referencing Council's Asset Condition Report 2022).
- Works collaboratively with Council to develop specifications for fixtures, fittings, and finishes in Council's social and affordable housing units, including improvements towards Council's stated environmental commitments, within the first 12 months of the contract.
- Works collaboratively with Council to develop an agreed three-year capital improvement plan which may include environmental performance improvement projects.

The collaborative development of a specification will provide Council with the opportunity to explore the potential costs/ benefits for modernisation of units developed in the 1980s, especially their environmental performance, drawing on the combined expertise of the provider and relevant Council teams. A

specification will provide a consistent standard for all parties including Council's tenants, staff, the provider and their contractors.

The collaborative development of a three-year capital improvement plan will enable Council to actively draw on the provider's experience as a long-term manager of residential property portfolios. Implementation, of the plan or works specified within it, may be undertaken by Council or the provider depending on the nature and scale of the works agreed. Works will be separately costed and invoiced.

Property portfolio

The portfolio covered by the tender includes all units in Council's affordable and social housing portfolio, except for the units at 2A Edmund Street, a Council-owned building currently held vacant pending construction work, and common area management of two buildings Council owns jointly with Homes NSW and Bridge Housing. Under relevant deeds, Bridge Housing holds responsibility for common area management of both buildings, and this report recommends that Council authorises the General Manager or delegate to make administrative arrangements with Bridge Housing consistent with the terms of the relevant deeds.

4. Reason for Tender

Council has tendered for property and tenancy management of its Affordable Housing Program since 2005, and progressively added to the tender process elements of management of its Social Housing program over the 19 years since.

In May 2022, following consideration of the recommendations of the social and affordable housing review, which included examination of the model for the tender, Council endorsed the letting of a contract to a community housing provider for management of its housing programs through a tender process, with the new contract to re-frame maintenance responsibilities and contain a robust performance management framework.

The tender was called in order to satisfy Council's procurement obligations, and to action the resolution endorsed by Council in May 2022.

5. 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"> 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. 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. 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

		<p>report to be prepared to Council to endorse the award of the contract.</p> <ol style="list-style-type: none"> 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. 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. 6. Pursues additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models, such as co-operative housing, that may present themselves in the affordable housing space. 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. 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.
Council 20 February 2018	CM/7.13/18.02	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats the attachment to this report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 2. Under clause 178(1)(a) of the Local Government (General) Regulation 2005, accepts Bridge Housing Limited as the preferred tenderer for the supply of management of Waverley Council's Housing Programs for the sum of \$154,695 excluding GST. 3. Authorises the General Manager, or delegated

		<p>representative, to enter into contract on behalf of Council with Bridge Housing Limited for a period of five years, with a possible extension of one year if required.</p> <p>4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the Local Government (General) Regulation 2005.</p> <p>5. Authorises the General Manager, or delegated representative, to negotiate an administrative arrangement for the properties not included in this tender, that are consistent with the terms of the relevant deeds.</p>
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6. Discussion

Invitation to tender

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

- Andrew Best, Executive Manager Property and Facilities.
- Leisa Simmons, Manager Housing and Community Support, Community Programs.
- Tim Sneesby, Manager Strategic Planning.

A Request for Tender (RFT) Evaluation and Probity Plan was developed and approved by the Evaluation Panel on 30 April 2024.

Tender documents were available on VendorPanel from 19 March 2024. The tender was advertised on Council's website, and email notification of the tender was sent to the 10 'non-specialist' community housing providers holding Tier 1 or 2 NRSCH registration and operating in the Sydney metropolitan area.

A tender briefing was provided on 3 April 2024. Tenders closed at 5.00 pm on Wednesday, 24 April. The Evaluation Panel used the RFT Evaluation and Probity Plan to determine which tender offered Council the best value for money for the provision of housing management services.

Tenders received

The following tenders were received:

- Evolve Housing Limited.
- Bridge Housing Limited.

Late tenders

Nil.

Non-conforming tenders

Nil.

Alternative tenders

Nil.

Tender evaluation

Conforming tenders were evaluated in accordance with the RFT Evaluation and Probity Plan, which was developed with reference to Council's Purchasing Procedures, the Tendering Guidelines for NSW Local Government 2009 issued by the Office of Local Government, and the provisions of the *Local Government Act 1993*, and *Local Government (General) Regulation 2021*.

The Evaluation Panel agreed on the following advertised selection criteria:

- Demonstrated experience including experience and skills of team responsible, and referee reports.
- Demonstrated capability and capacity to deliver the full requirement as set out.
- Management plans including quality assurance plans, and demonstrated practices.
- Demonstrated commitment to environmental and social sustainability practices.
- Total cost of management services for year 1 of the contract.

Tenders were given a score on each of the evaluation criteria and ranked in accordance with their scores. Final scores and rankings are shown in the confidential tender evaluation attached to the report.

Both tenders demonstrated ample capability and capacity to deliver the services sought consistent with expectations for a Tier 1 registered community housing provider. Both demonstrated their experience in the management of social and affordable housing, including experience of managing units in strata buildings, and delivery of management services under contract according to the specifications of property owners. Both demonstrated the availability of systems and procedures that would enable the delivery of the required financial services, maintenance of tenancy records and reporting against KPIs.

The meticulous level of attention to the detail of the specific requirements of the tender and the price quoted distinguished one tender from the other. The first ranked tender demonstrated careful consideration of each element of the tender, described potential options for delivery of each of the services required, and demonstrated considered coordination of all elements of the response, earning a slightly higher score from the tender panel on most assessment criteria. Combined with competitive pricing this effort resulted in a clear recommendation on a preferred tenderer.

Evaluation Panel's Recommendation

Following evaluation of the tenders the Evaluation Panel recommends that the housing management services offered by the preferred tenderer will deliver the comprehensive housing management services sought, while offering Council the best value for money. The Panel recommends that Council authorises the General Manager or delegate to enter into a contract on behalf of Council with the preferred tenderer for three years with a three-year option, commencing 1 October 2024.

7. Financial impact statement/Time frame/Consultation

Financial impact statement

The operation of Council's social and affordable housing programs is financed through income from rents, with budgets for housing management fees contained in multiple cost centres. The annual management fee will be covered by income from rents. The first-year consultancy fee will be drawn from program operating reserves.

Time frame

The incumbent has agreed to an extension of the existing contract until 1 October 2024. Preparation to enact the new agreement can commence immediately following Council's approval.

Consultation

Representatives of Council's internal Housing Working Group, including the Property, Community Programs, and Strategic Planning teams made up the Tender Evaluation Panel. The Panel consulted with Council's Procurement Team at key points during the tender process.

8. Conclusion

A tender process for management of the units in Council's affordable and social housing programs has been conducted. The Tender Evaluation Panel recommends that Council accepts the preferred tender and authorises the General Manager or delegate to enter into a contract on behalf of Council with the preferred tenderer for three years with a three-year option, commencing 1 October 2024.

9. Attachments

1. Tender evaluation (confidential) .

REPORT
CM/7.11/24.06

Subject: Arts, Culture and Creativity Advisory Committee Meeting -
24 April 2024 - Minutes

TRIM No: A23/0398

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

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

RECOMMENDATION:

That Council notes the minutes of the Arts, Culture and Creativity Advisory Committee meeting held on 24 April 2024 attached to the report.

1. Executive Summary

The Arts, Culture and Creativity Advisory Committee (ACCAC) provides input and advice to Council on arts and culture activities in Waverley and related issues. The committee met on 24 April 2024 and the minutes of that meeting are attached to this report.

2. Introduction/Background

The most recent ACCAC meeting was held at Bondi Pavilion Theatre on 24 April 2024.

3. Relevant Council Resolutions

Nil.

4. Discussion

The ACCAC last met on 24 April 2024. The minutes of that meeting are attached to the report for Council's noting.

5. Financial impact statement/Time frame/Consultation

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

6. Conclusion

This report provides the minutes of the ACCAC meeting held on 24 April 2024 for Council's noting.

7. Attachments

1. ACCAC - 24 April 2024 - Minutes [↓](#) .



AGENDA Title: Waverley Arts and Culture Advisory Committee Location: Bondi Pavilion Theatre			Date: Wednesday 24 April 2024	Time: 6pm-7.30pm
Participants: Cr Paula Masselos, Ben Thompson, Tanya Goldberg Michaela Boland, Alex Bowen, Nerida Campbell, Sam Marshall, Benjamin Schostakowski Guests: Chris Bendall Artistic Director Bondi Pavilion, Alice Farley Acting Manager Arts and Culture Apologies: Cr Tony Kay, Aleema Ash, Cr Elaine Keenan, Antonia Pesenti, Donna Hewitt, Isabel Hudson				
Chair: Cr. Paula Masselos			Minute Taker: Alice Farley	
No	Subject	Type	Minutes	Responsibility
1.	Welcome, apologies and conflicts of interest	For noting	Cr. Paula Masselos welcomed everyone and acknowledges country. Apologies submitted by Cr Tony Kay, Aleema Ash, Cr Elaine Keenan. No conflicts raised.	Chair/All
2.	Bondi Pavilion creative program overview	For noting and discussion <ul style="list-style-type: none"> • 2023 pilot year key learnings • Audience trends and observations • 2024 program • Key strategies 2024/25 • Committee feedback and input 	Chris Bendall provided background on Art and Culture programming to date including the goals and objectives outlined in the Arts and Culture Plan 2021 – 2026. Background information also given on: <ul style="list-style-type: none"> - Strategic Vision - Programming Framework Chris outlined 2023 key statistics and the shape of the year's program across stand alone performing arts events, Bondi Festival, Visual Arts, Bondi Story Room public programming and music. Also covered major events and other activities contributed to by the A&C team at Waverley and noted our program's success across State awards including IMAGine Awards and Local Government NSW Awards.	Chris Bendall



			<p>Reviewed audience feedback to performing arts program focusing on survey responses.</p> <p>Reviewed recent and upcoming events, and analysed strengths and challenges of creative program.</p> <p>Committee discussion on:</p> <ul style="list-style-type: none"> - Lessons for program shaping and improvement within overwhelmingly positive feedback - Basis of feedback on areas for improvement - National benchmarking - How statistics, age and gender-based responses may impact programming. - Ticket sales, expectations and audience experience. - Partnering and co-production opportunities. - Reaching new audiences: 17-30s, beach-goers, tourists - Understanding the unique creative offer of the venue, separate to local hospitality and entertainment offers - Legacy events - Venue management factors and constraints. 	
3.	Local Creative Collaborations program review	<p>For noting and discussion</p> <ul style="list-style-type: none"> • Activities to date • Performing arts / cross art form focus • Alternative models • Committee feedback and input 	<p>Chris presented to the committee on the Local Creatives Collaboration artists' development program.</p> <p>Chris outlined program background, purpose and past funding rounds and provided updates on past and future recipients. Key statistics outlined. Review of program achievements, based on evaluations from artists engaged to date.</p> <p>Consideration of models of support offered by other organisations and venues:</p> <ul style="list-style-type: none"> - Geelong: geared more towards testing and presenting new works. 	Chris Bendall



			<ul style="list-style-type: none"> - Merrigong: year-round program that supports artists to take creative risks through creative development and hosting public presentations. - Canberra Theatre Centre: similar to what we do, skill development workshops + outcome. - BrandX: offering subsidised spaces in response to shortage of space in Sydney. - Performing Lines in Tasmania residency program. Intensive 3 days and an outcome with professional dramaturg and design elements. - Hothouse idea. - Old Fitz late night program model: main show + late show. <p>Committee discussion on:</p> <ul style="list-style-type: none"> - Developing the program through partnerships to elevate the program and our local artists. - Commitments to presentation of developed works, possible showcase format. - Strong endorsement and support for program's continued focus on performing arts, provision of purpose based spaces for performing artists a unique opportunity. - Acknowledgement of limitations of independent artists to draw larger audiences. - Opportunities to host more industry at venue through invitations and ongoing sector engagement. - Importance of bar being open for audiences, post-show connection and discussion. 	
4.	Nib Literary Award update	Presentation for information and questions	Alice Farley provided an update on the Nib Award including recent changes to governance and judging panel renewal, prize money, advisory group, prize winners and engagement.	Alice Farley
6.	General business		<p>Congratulate the staff for all the hard work and passion.</p> <p>Invitation to come for Don Juan, theatre performance.</p>	Chair



7.	Meeting close		7.38pm	
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Remaining 2024 Meeting Dates

- Wednesday 12 June 2024
- Wednesday 11 September 2024
- Wednesday 16 October 2024

Links:

1. [Arts, Culture and Creativity Advisory Committee Terms of Reference](#)
2. [Waverley Council Code of Meeting Practice](#)
3. [Waverley Arts and Culture Plan 2021-2026](#)

REPORT CM/7.12/24.06



Subject: Planning Proposal - Clause 4.4A - Post-Exhibition

TRIM No: PP-1/2024

Manager: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise the planning proposal on clause 4.4A (exceptions to floor space ratio) attached to the report (Attachment 1) and to amend the *Waverley Local Environmental Plan 2012*.
2. Writes to all those who made submissions advising them of Council's decision.

1. Executive Summary

On 19 March 2024, Council approved a planning proposal on a general update to the Waverley Local Environmental Plan (WLEP).

The planning proposal was submitted to the Department of Planning, Housing and Infrastructure (DPHI) in two parts. The amendment proposed to clause 4.4A (exceptions to floor space ratio) was separated from the general update planning proposal and submitted to DPHI in a standalone planning proposal to fast-track the amendment (the planning proposal to amend clause 4.4A is attached to the report at Attachment 1).

A gateway determination (Attachment 2) was received from DPHI on 6 May 2024 for the clause 4.4A and the planning proposal was exhibited for a period of 28 days throughout May and June 2024.

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

2. Introduction/Background

On 19 March 2024, Council endorsed the Waverley Local Environmental Plan (WLEP) General Update planning proposal. The planning proposal seeks to amend the *Waverley Local Environmental Plan (WLEP) 2012* to:

- Address minor wording and mapping errors and inconsistencies.
- Resolve issues related to recently introduced clauses.
- Introduce a development pathway for the display of goods on the footpath.

The planning proposal was submitted to the Department of Planning, Housing and Infrastructure (DPHI) in two parts. The amendment proposed to clause 4.4A (exceptions to floor space ratio) was separated from

the General Update Planning Proposal and submitted to DPHI in a standalone planning proposal to fast track the amendment.

This planning proposal seeks to amend clause 4.4A by adding the following underlined to the existing clause:

Table 1. Proposed changes to the WLEP 2012.

Clause 4.4A - Exceptions to floor space ratio	<p>Amend the clause as follows:</p> <p><i>Despite clause 4.4, the maximum floor space ratio for a dwelling house, <u>attached dwelling</u>, <u>semi-detached dwelling</u> or dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows:</i></p> <p><i>(a) for lots with an area less than 100 square metres—1:1;</i></p> <p><i>(b) for lots with an area of 100 square metres to 550 square metres—$[(550 - \text{lot area}) \times 0.0011] + 0.5$:1;</i></p> <p><i>(c) for lots with an area greater than 550 square metres—0.5:1.</i></p>	<p>This change is proposed to make other low-density forms of residential development eligible to use the exception.</p> <p>It is reasonable for the added building types to have a similar scale as a dwelling house or dual occupancy in order to achieve visually consistent streetscapes.</p>
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Explanation

Clause 4.4A of the WLEP 2012 applies a variable 'sliding scale' maximum floor space ratio (FSR) control for the development of low-density dwellings (currently: dwelling houses and dual occupancies) in the R2, R3 and R4 zone. Where a lot is between 100 m² and 550 m² the maximum FSR is dependent on the size of the lot, with larger lots granted less FSR.

Semi-detached dwellings and dual occupancies are types of residential accommodation that are very similar in terms of built form (both consist of two dwellings). The distinction being that dual occupancies are two dwellings located on one lot of land and may only be strata subdivided, whereas semi-detached dwellings are two physically attached buildings located on their own lot of land.

Attached dwellings are defined as a building containing three or more dwellings where each dwelling is:

- On its own lot of land.
- Is attached to another dwelling by a common wall.
- None of the dwellings is located above any part of another dwelling.

Attached dwellings are already permitted with consent in the R2 and R3 zones and can be found in the form of terraces across the local government area (LGA). Including attached dwellings in this clause will allow for the development of new and existing attached dwellings to achieve a floor space ratio and built form that is typical of existing attached dwellings in the LGA.

This change has been proposed because it aligns with how the WLEP has historically been applied and interpreted. It is reasonable for the additional building types to maintain a scale similar to that of a dwelling house or dual occupancy.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 March 2024	CM/7.2/24.03	<p>That Council:</p> <ol style="list-style-type: none"> 1. Forwards the planning proposal attached to the report (Attachment 1) on a general update to the <i>Waverley Local Environmental Plan 2012</i> to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination for the purposes of public exhibition. 2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI. 3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI to exercise the delegations issued by the Minister under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> to amend the <i>Waverley Local Environmental Plan 2012</i>. 4. Publicly exhibits the draft Display of Goods on Footpath Policy attached to the report (Attachment 2) for a minimum of 42 days. 5. Officers prepare a report to Council following the exhibition period.

4. Discussion

A gateway determination was received by DPHI on 6 May 2024 for the Planning Proposal to amend Clause 4.4A. The determination included the following gateway conditions:

Table 2. Council response to gateway conditions.

Gateway condition	Council response
1a) Remove all references to the proposed amendment to clause 4.5(3) of the Waverley LEP 2012.	<p>The draft amendment to clause 4.5 'Calculation of floor space ratio and site area' was removed at the instruction of The DPHI.</p> <p>The addition to clause 4.5(3) was proposed to providing clarity for how a DA applying Cl4.4A should determine site area.</p>
1b) Include a disclaimer that the proposed provisions will be subject to Parliamentary Counsel drafting should the proposal proceed to finalisation.	A disclaimer was included on the planning proposal document for exhibition as well as on the Have Your Say website.
1c) Include a plain English explanation of the potential impacts of the proposed LEP amendment on the existing R2, R3 and R4 residential zoned land within the Waverley LGA.	A plain English explanation was included in the exhibition material, including an FAQ.

2) Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1.	The planning proposal was exhibited for 21 days as per the exhibition requirements.
3) No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.	No action required.
4) A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).	No action required. A public hearing was not held.

5. Consultation

The planning proposal was publicly exhibited between 10 May and 7 June 2024, and included:

- A Have Your Say page, including a FAQ and feedback survey.
- Council e-newsletters.
- Email notification to Precincts.

Six submissions Were received via the Have Your Say feedback forum and email.

Table 3. Proposed changes to the WLEP 2012

Submission	Waverley Response
<p>I write in support of the amendment to clause 4.4A of the Waverley LEP.</p> <p>The proposed amendment supports the delivery of housing at an appropriate scale for a variety of housing typologies in the Waverley LGA.</p>	Support noted.
<p>I would like to register my strong support for the proposed amendment to the LEP to clearly include Attached dwellings and Semi -Detached dwellings within the definition of the clause.</p> <p>It is my strongly held view that this was always the intent of the original clause, given the enormous number of attached dwellings and Semi-detached dwellings on appropriately sized lots.</p> <p>The clause 4.4a itself is an excellent and appropriate small site initiative and frankly ought to be used in other LGAs with similar small lots.</p> <p>Thanks, for the opportunity to comment.</p>	Support noted.
<p>I support this amendment. The amendment merely returns normal practice to Council's assessment of DAs for semi-detached dwellings.</p> <p>I request Council provide an explanation why this drafting error was not identified and/or rectified</p>	<p>Support noted.</p> <p>This change has been proposed because this is how the policy was always intended to be interpreted.</p>

<p>earlier. Both Woollahra and Randwick Council fixed the same problem in their respective LEPs years ago.</p> <p>The impact on ratepayers trying to get through Development Applications for semi-detached dwellings has been significant.</p>	<p>Council was unaware of the complications surrounding the application of Clause 4.4A until a Land and Environment Court appeal. This amendment was made as soon as reasonably possible in response to the issues identified.</p>
<p>Dear Sir or Madam, I find the Waverley LEP 2012 - REG 4.4A 'Exemptions to Floor Space Ratio' incongruous as it permits a pair of semis on a 550m2 block to have an FSR of 0.8025:1 whereas a block of units on the same size land is restricted to an FSR of 0.6:1</p> <p>b) for lots with an area of 100 square metres to 550 square metres—$[(550 - \text{lot area}) \times 0.0011] + 0.5$:1,</p> <p>550-275=275 275x0.0011=0.3025 0.3025+0.5=0.8025</p>	<p>Concern noted.</p> <p>Most R3 zones in the Waverley LGA, where units are permitted and encouraged, have an FSR of 0.9:1, which is greater than the ~0.8:1 afforded to low density development on small lots under clause 4.4A.</p> <p>Whilst portions of Waverley's R3 zones have an FSR of 0.6:1, Council considers this control to be sound. The development of units is often inappropriate on small lots, where a low density building typology (e.g. a semi or a terrace) is more suitable.</p> <p>Council maintains the ability to consider requests to vary development controls (such as FSR) where developments achieve good planning outcomes.</p>
<p>I fully support these proposed changes and the plan to implement them immediately, even to suggest a 1 to 1 ratio applied to torrents titles. thank you</p>	<p>Support noted. Council considers this control to be sound. Council maintains the ability to consider requests to vary development controls (such as FSR) where developments achieve good planning outcomes.</p>
<p>Am requesting More information to make an assessment. Am looking to understand the impact of the proposed amendment on the floor space ratio for attached and semi-detached dwellings. Does the proposed amendment increase or decrease the floor space ratio?</p>	<p>This question is answered in the FAQ on Council's YourSay as well as in this report. The amendment applies a variable 'sliding scale' FSR control for the development of low-density dwellings where a lot is between 100 m2 and 550 m2. The control effectively increases the FSR on small lots under 550 m2.</p>

6. Conclusion

This change is recommended to Council because this is how the policy has historically been applied and was always intended to be interpreted. It is reasonable for the added building types to have a similar scale as a dwelling house or dual occupancy.

It is recommended that Council exercises the delegations issued by the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise the planning proposal to amend clause 4.4A of the *Waverley Local Environmental Plan 2012*.

7. Attachments

1. Planning Proposal [↓](#)
2. Gateway Determination [↓](#) .



PLANNING PROPOSAL

Amendments to Clause 4.4A
PP-1/2024/A



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Planning Proposal Information

Table 1 – Council Versions

No.	Date	Version
1	19 February 2024	Sent to Waverley Local Planning Panel
2	08 March 2024	Sent to 19 th March Council Meeting
3	27 March 2024	Separated from General LEP Update and submitted to DPHI
4	09 May 2024	Amended following Gateway determination advice

EXECUTIVE SUMMARY

This Planning Proposal prepared by Waverley Council seeks to update the Waverley Local Environmental Plan 2012, by amending Clause 4.4A to clarify the residential accommodation typologies which the clause was always intended to apply to.

This Planning Proposal amendment applies to land zoned R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential.

The change proposed under this Planning Proposal is not a result of a strategic study or report – rather a need to provide clarification or strengthen an existing provision based on feedback since original implementation.

The Planning Proposal is considered a ‘minor’ planning proposal, in line with the LEP Making Guidelines (August 2023) criteria as it seeks to implement a housekeeping clarification.

Council requests to be appointed the Planning Proposal Authority (PPA) and Local Plan-Making Authority (LPMA).

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

1.1 Objective

This Planning Proposal seeks to amend the Waverley Local Environmental Plan (WLEP) 2012 as per Part 2.1 of this report to:

- resolve issues related to existing clauses, and

1.2 Intended Outcomes

The intended outcomes of the proposed amendments to the WLEP are to:

- provide clarity regarding the consideration of floor space ratio.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Intended Provisions

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 as follows:

Table 2 – Proposed changes to WLEP 2012

Section of the WLEP 2012	Proposal	Reason
Clause 4.4A Exceptions to floor space ratio	<p>Amend the clause as follows:</p> <p><i>Despite clause 4.4, the maximum floor space ratio for a dwelling house, attached dwelling, semi-detached dwelling or dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows—</i></p> <p><i>(a) for lots with an area less than 100 square metres—1:1,</i></p> <p><i>(b) for lots with an area of 100 square metres to 550 square metres—$[(550 - \text{lot area}) \times 0.0011] + 0.5$:1,</i></p> <p><i>(c) for lots with an area greater than 550 square metres—0.5:1.</i></p>	<p>This change is proposed to make other low-density forms of residential development eligible to use the exception.</p> <p>It is reasonable for the added building types to have a similar scale as a dwelling house or dual occupancy.</p>

Explanation of potential impacts

The addition of semi-detached and attached dwellings in Clause 4.4A is not expected to create any additional impacts on the existing R2, R3 and R4 residential zoned land within the Waverley LGA beyond how the clause has been operating since the introduction of the Waverley LEP in 2012.

Semi-detached dwellings are proposed to be included in the development applicable under clause 4.4A, alongside dual occupancies, to which Cl4.4A already applies. Semi-detached dwellings and dual occupancies are types of residential accommodation that are very similar in terms of built form (both consist of two dwellings). The distinction being that dual occupancies are two dwellings located on one lot of land and may only be strata subdivided, whereas semi-detached dwellings are two physically attached buildings located on their own lot of land.

Attached dwellings – being a building containing three or more dwellings where each dwelling is on its own lot of land, is attached to another dwelling by a common wall, and none of the dwellings is located above any part of another dwelling – is also proposed to be included in Clause 4.4A. Attached dwellings are already permitted with consent in the R2 and R3 zones and can be found in the form of terraces across the LGA. Including attached dwellings in this clause will allow for the development of new and existing attached dwellings to achieve a floor space ratio and built form that is typical of existing attached dwellings in the LGA.

Waverley Local Planning Panel

The Waverley Local Planning Panel (WLPP) considered this Planning Proposal at a meeting held on 28 February 2024 and have provided the following advice:

“Resolution

For the reasons outlined in the Council officer’s report, the Panel:

- Recommends Council separate the Planning Proposal into two parts, with the amendments to Clause 4.4A placed into one Planning Proposal and the remaining amendments to be placed in another Planning Proposal. This is to ensure that the amendment to Clause 4.4A is expedited and not be categorised as a Principal LEP amendment.
- Advises Council to consider amendments to the Draft Display of Goods on the Footpath Local Approvals Policy to:
 - ensure that it is not too restrictive, in particular, review the 0.6m depth for goods displays to allow greater flexibility and ensure that the focus is on the outcome, being a clear path of travel of a certain width.
 - be consistent with the DCP controls for Footpath Dining, in particular review the 2m clear path of travel dimension to be 2.5m consistent with the DCP control for Outdoor seating
 - allow kerbside displays as only permitted when there is a predominance of kerbside dining / displays and a clear path of travel is maintained, and

Subject to the above recommendations, the Planning Panel recommends to Council that the Planning Proposals should proceed to Gateway Determination and public exhibition.”

A response to the issues raised are addressed in the table below.

Table 3 – Response to WLPP Feedback

Matter	Response
Recommends Council separate the Planning Proposal into two parts, with the amendments to Clause 4.4A placed into one Planning Proposal and the remaining amendments to be placed in another Planning Proposal. This is to ensure that the amendment to Clause 4.4A is expedited and not be categorised as a Principal LEP amendment.	Council will separate the planning proposal into two separate planning proposals, as described, following Council’s resolution and before the planning proposal is forwarded to The Department for gateway determination.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the LEP Making Guidelines (August 2023). The issues to be addressed include the strategic planning context of the amendments, Strategic Merit, Site-Specific Merit, potential State and Commonwealth agency interests, and environmental, social and economic impacts.

Table 4 – Assessment of Proposal against Strategic Merit Test

a) Does the proposal:	
Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or a corridor/precinct plan applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or	Yes, it is consistent with the Greater Sydney Regional Plan and Eastern City District Plan as discussed later this in this report.
Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or	Yes, it is consistent with the Waverley Local Strategic Planning Statement as discussed later this in this report.
Respond to a change in circumstances that has not been recognised by the existing planning framework. Factors that lead to responding to a change in circumstances may include, but not exclusively relate to: <ul style="list-style-type: none"> • Key infrastructure investment or opportunity to plan for future infrastructure unanticipated by the existing strategic planning framework • Response to key Government priorities – Premier's Priorities, climate change, or a shift in government policy (e.g. NSW Government's Net Zero Plan) • Changes to population and demographic trends and associated needs such as housing or jobs. 	No. The Planning Proposal responds to a change in circumstances created by previous changes to the Waverley LEP.

Table 5 – Assessment of Proposal against Site Specific Merit Test

b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards).	The changes under this Planning Proposal seek to clarify or strengthen existing clauses, or rectify inaccuracies. As such, the changes are not expected to result in any realised impact upon the natural environment, need for services and infrastructure, or any change to the built form of development.
Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates	The proposed changes will not alter existing, approved or likely future uses. The changes under this Planning Proposal seek to clarify or strengthen existing clauses.

Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	The proposal will not result in any additional use of or need for infrastructure. No changes to housing capacity are proposed.
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3.1 Is the Planning Proposal a result of any strategic study or report?

The changes proposed under this Planning Proposal are not a result of a strategic study or report – rather a need to provide clarification or strengthen an existing provision based on feedback since original implementation of the particular clause being altered.

3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the identified objectives and intended outcomes as the updates concerns issues arising from previous amendments of principle planning controls.

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

The proposal is consistent with the objectives of a Metropolis of Three Cities Region Plan and the Eastern City District Plan as it is consistent with the applicable objectives and planning priorities as per the following tables.

Table 6 – Metropolis of Three Cities

Relevant Objectives	Comment
Objective 10 – Greater housing supply	Updating the wording of CI 4.4A to allow attached and semi-detached dwellings to use the FSR formula currently in the clause will ensure that housing supply can be delivered in a reasonable scale that aligns with the site, rather than being restricted to the (in most cases) reduced FSR stipulated on the FSR Map which is better suited to other development types permitted on that land.

Table 7 – Eastern City District Plan

Relevant Planning Priorities	Comment
Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	Updating the wording of CI 4.4A to allow attached and semi-detached dwellings to use the FSR formula currently in the clause will ensure that housing supply can be delivered in a reasonable scale that aligns with the site, rather than being restricted to the (in most cases) reduced FSR stipulated on the FSR Map which is better suited to other development types permitted on that land.

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

The Planning Proposal is consistent with applicable local strategies and plans, as per the following tables.

Table 8 - Waverley Local Environmental Plan 2012

Relevant Aims CI 1.2	Comment
To promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,	Provisions relating to low density land use types will be clarified by this PP, by updating CI 4.4A to make clear that the FSR formula relates to attached and semi-detached dwellings as the clause was originally intended to.

Table 8 – Waverley Local Strategic Planning Statement (March 2020)

Relevant Planning Priorities	Comment
6. Facilitate a range of housing opportunities in the right places to support and retain a diverse community.	Provisions relating to low density land use types will be clarified by this PP, by updating CI 4.4A to make clear that the FSR formula relates to attached and semi-detached dwellings as the clause was originally intended to.

Table 9 – Waverley Local Housing Strategy

Relevant Priorities	Comment
H1. Manage housing growth sustainably and in the right locations	Provisions relating to low density land use types will be clarified by this PP, by updating CI 4.4A to make clear that the FSR formula relates to attached and semi-detached dwellings as the clause was originally intended to. This will ensure that low density streetscapes have a consistent character.
H5 Ensure new development is consistent with desired future character	

Table 10 – Waverley Community Strategic Plan 2022-2032

Relevant Direction or Strategy	Comment
2.6 Control and manage development to protect the intrinsic values of the community including aesthetics, size, heritage and population.	Provisions relating to low density land use types will be clarified by this PP, by updating CI 4.4A to make clear that the FSR formula relates to attached and semi-detached as the clause was originally intended to. This will protect the aesthetic value of the LGA as bulk and scale is managed.

3.5 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

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

3.6 Is the Planning Proposal consistent with applicable SEPPs?

This Planning Proposal is consistent with applicable State Environmental Planning Policies. Assessed the Planning Proposal against the State Environmental Planning Policies SEPPs:

Table 11 – Assessment of Proposal against the SEPPs

Title	Applicable	Comment
Housing SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.

Title	Applicable	Comment
Design Quality of Residential Apartment Development – SEPP 65	N/A	The PP will not impact the application of this SEPP in the LGA.
Exempt and Complying Development Codes SEPP	Yes	The PP will not impact the application of this SEPP in the LGA.
Transport and Infrastructure SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Primary Production SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Biodiversity and Conservation SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Resilience and Hazards SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Industry and Employment SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Resources and Energy SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Planning Systems SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Sustainable Buildings SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	The PP will not impact the application of this SEPP in the LGA.

3.7 Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

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

Table 12 – Assessment of Proposal against Ministerial Direction

Ministerial Direction	Relevance	Consistency
6.1 Residential Zones	<p>A Planning Proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> • Broaden the choice of building types and locations available in the housing market, • Make more efficient use of existing infrastructure and services, and • Reduce the consumption of land for housing and associated urban development on the urban fringe and • Be of good design. 	The proposal is consistent with the objectives of this direction as clarity surrounding FSR and lot size controls will be provided – assisting to manage the scale of housing.

3.8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No, there are not expected to be any adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats as a result of this Planning Proposal.

3.9 Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

There are unlikely to be any other environmental effects as a result of the Planning Proposal.

3.10 Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal has adequately addressed the relevant social and economic effects arising from the objectives and intended effects of the proposal.

Social and economic effects of this Planning Proposal are expected to be negligible, as the changes proposed strengthen an existing control.

3.11 Is there adequate public infrastructure for the Planning Proposal?

There is adequate public infrastructure for the Planning Proposal and the planning proposal will not lead to a need for greater public infrastructure.

3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with public authorities and government agencies can be undertaken in line with the future Gateway determination, if granted.

PART 4 – MAPPING

There are no mapping changes are proposed under this Planning Proposal:

PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include at minimum a display on the Council’s website. The gateway determination will specify the level of public consultation that must be undertaken in relation to the Planning Proposal.

Pursuant to Division 3.4 of the Act, a Planning Proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the gateway determination for the proposal. The Planning Proposal Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

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

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

Table 13 – Indicative project timeline

Tasks	Timeframe and/or date
Consideration by Council	February and March 2024
Council decision	March 2024
Gateway Determination	April 2024
Pre-exhibition	April 2024
Commencement and completion of public exhibition period	May - June 2024
Consideration of submissions	July 2024
Post-exhibition review and additional studies	August 2024
Submission to the Department for finalisation (where applicable)	October 2024
Gazettal of LEP amendment	November 2024

Disclaimer: The provisions of this planning proposal will be subject to Parliamentary Counsel drafting should the proposal proceed to finalisation.



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-668): to amend Clause 4.4A 'Exceptions to floor space ratio' of the Waverley Local Environmental Plan 2012 to apply to development for the purpose of an 'attached dwelling' and 'semi-detached dwelling' on land zoned R2, R3 and R4.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Waverley Local Environmental Plan 2012 to expand Clause 4.4A Exceptions to floor space ratio to apply to development for the purpose of an 'attached dwelling' and 'semi-detached dwelling' on land zoned R2, R3 and R4 in the Waverley Local Government Area, should proceed subject to the following:

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

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

The LEP should be completed on or before 7 March 2025.

Gateway Conditions

1. Prior to exhibition, the proposal is required to be updated to:
 - (a) Remove all references to the proposed amendment to clause 4.5(3) of the Waverley LEP 2012.
 - (b) Include a disclaimer that the proposed provisions will be subject to Parliamentary Counsel drafting should the proposal proceed to finalisation.
 - (c) Include a plain English explanation of the potential impacts of the proposed LEP amendment on the existing R2, R3 and R4 residential zoned land within the Waverley LGA.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
- 3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.
- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 6 May 2024



Jazmin van Veen
Director, Local Planning (North, East and
Central Coast)
Planning, Land Use Strategy, Housing and
Infrastructure
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

PP-2024-668 (IRF24/765)

REPORT CM/7.13/24.06



Subject: Draft Planning Agreement Policy (Amendment No. 5) - Exhibition

TRIM No: SF23/1066

Author: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Publicly exhibits the draft Planning Agreement Policy (Amendment No. 5) attached to the report.
2. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

Draft Amendment No. 5 to the Planning Agreement Policy 2014 is a housekeeping amendment that proposes:

- Updates to the standardised residential voluntary planning agreement (VPA) benchmark rates applied to development applications in line with current market conditions; and
- Housekeeping amendments relating to process improvement.

2. Introduction/Background

The Planning Agreement Policy 2014 has been successfully utilised to negotiate and draft planning agreements accompanying development applications seeking a clause 4.6 variation to clause 4.4 floor space ratio of the Waverley Local Environmental Plan 2012 (WLEP), and planning proposals seeking an increase in maximum permissible floor space.

The Planning Agreement Policy 2014 is based on the principle of value sharing, or value capture, where it is an expectation that a developer gaining a value uplift would share some of this uplift with the community. Where development exceeds the established planning controls, and can do so without having an unacceptable impact, then value sharing can provide the community a net benefit from the development in terms of additional infrastructure and amenity.

Success of the Planning Agreement Policy 2014

Since 1 July 2018, close to \$14 million has been raised. To place this number into context, the section 7.12 developer contributions provided by all development across the Waverley local government area for the same period was \$15 million.

Contributions have been dedicated towards several public domain upgrades including Waverley's Complete

Streets program in Bondi Junction (for development relating to Bondi Junction) and upgrades to local parks nearby developments. There have been instances where parks directly adjacent to a subject development have been upgraded because of VPA contributions such as Seven Ways at Glenayr Avenue.

To this extent, the policy aims to ensure increases in density are associated with an increase in liveability.

3. Relevant Council Resolutions

Meeting and Date	Item No.	Resolution
Strategic Planning and Development Committee 5 March 2024	PD/5.2/24.03	EXTRACT That Council: ... 3. Officers update the Planning Agreement Policy without delay to prevent 'double dipping' of funds for affordable housing, where a contribution is levied under the Affordable Housing Contribution Scheme and a planning agreement is offered at the same time.
Strategic Planning and Development Committee 7 November 2023	PD/5.1/23.11	<i>The motion below was lost.</i> That Council: 1. Publicly exhibits the draft Planning Agreement Policy (Amendment No. 5) attached to the report. 2. Officers prepare a report to Council following the exhibition period.
Strategic Planning and Development Committee 5 July 2022	PD/5.2/22.07	That Council adopts the Planning Agreement Policy 2014 (Amendment No. 4) and Public Benefit Register attached to the report, subject to the following amendments: 1. The removal of all proposed amendments within the Planning Agreement Policy 2014 (Amendment No.4) relating to the General Manager exercising their delegation to endorse planning agreements so that VPAs continue to be endorsed by the elected Council post-exhibition. 2. Adjusting the Public Benefit Register to include suitable works subject to overview and approval by the elected Council. 3. Mandated VPA payments associated with planning proposals continue to be paid by developers at gazettal.
Council 15 February 2022	CM/7.13/22.02	That Council: 1. Publicly exhibits the draft Planning Agreement Policy 2014 (Amendment No. 4) and the draft Public Benefit Register attached to the report for a minimum period of 28 days.

		<ol style="list-style-type: none"> 2. Officers prepare a report to Council following the exhibition period. 3. Notes that the policy includes updated benchmark rates, housekeeping amendments and the introduction of a Public Benefit Register.
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Although the existing Planning Agreement Policy (Amendment No.4) provides for up to 100% of monetary contributions to be allocated to affordable housing, this report no longer proposes to detail the assessment criteria by which this outcome would be assessed as previously considered and lost at the Strategic Planning and Development Committee meeting on 7 November 2023 (PD/5.1/23.11).

4. Discussion

The draft policy is attached to the report, with amendments marked-up.

Updated benchmarks

Standardised benchmark rates were introduced in Amendment 2 of the policy and have been in place since August 2018. Since then, the benchmarks have been applied to at least 25 VPAs. The benchmark rates provide certainty for applicants and reduces the administrative burden for Council officers. They also provide certainty to the community as to how benefits are negotiated.

The benchmark rates were introduced on the basis that they would be regularly updated to reflect current market conditions. Attachment 1 outlines the new rates, which vary from a 3% increase to a 24% increase from the previous benchmarks for different suburbs. Detailed market research was undertaken using Realestate.com, NSW Valuer General and the Housing NSW Rent and Sales Report. Recent sales were taken from the December 2023 to May 2024 time period. The methodology is the same as that used to update the benchmark rates actioned under Amendment 5 of the Policy.

The benchmarks under Amendment 4 of the Policy considered 2021-21 financial year sales data, which is no longer an accurate reflection of Waverley's real estate market and hence the level of value uplift that developers are receiving from exceedances to floor space ratio.

Housekeeping amendments

Housekeeping amendments include:

- Update of the residential benchmark rates in accordance with market trends.
- Deletion of Appendix 7, which contains a copy of Council's Statement of Business Ethics, as the 2014 version included in Amendment 4 of the Policy is outdated and a current version is now provided online.
- Amendment to delete reference to the contribution only being spent in the Waverley local government area (LGA). In certain circumstances it may be appropriate to provide reasonable flexibility for the purpose of delivering affordable housing where there may be an opportunity that is in close proximity to, but outside of, the Waverley LGA boundary.
- Clarification that where both a contribution is levied under the Affordable Housing Contribution Scheme (AHCS) and a VPA is offered, 'double dipping' of funds for affordable housing will not occur, as per the resolution of PD/5.2/24.03.

Double dipping of funds

Where a contribution is levied under the AHCS and a VPA is also offered, the proportion of VPA funds dedicated to affordable housing may be reduced by the AHCS amount to prevent the 'double dipping' of funds for the purposes of affordable housing. The reduced funds will instead be assigned to other public benefits, resulting in less than 25% of the Planning Agreement contribution going towards affordable housing.

5. Financial impact statement/Time frame/Consultation

The draft Planning Agreement Policy 2014 (Amendment No. 5) will go on public exhibition should the recommendations from this Council report be adopted. A post-exhibition report would come back to Council in late 2024 for Council to adopt the amended policy.

6. Conclusion

The draft Planning Agreement Policy 2014 (Amendment No. 5) has been drafted in accordance with the relevant legislation, and Council's policies, plans and strategies. Subject to Council approval, it proposes to update benchmarks to reflect current housing market conditions and provide housekeeping amendments to ensure the policy remains up to date.

2. Attachments

1. Draft Planning Agreement Policy 2014 (Amendment No. 5) (under separate cover) .

REPORT CM/7.14/24.06



Subject: Subsidised Lease Program - Exhibition

TRIM No: A23/0388

Manager: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Publicly exhibits the draft Subsidised Lease Program Policy attached to the report for a minimum of 42 days.
2. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

Council has had difficulty in adding affordable housing stock to our portfolio given high property prices in the Waverley local government area (LGA) with no new stock added to the program since 2016.

Compared to traditional approaches such as obtaining dedicated affordable housing via voluntary planning agreements (VPAs), developing affordable housing with a community housing provider (CHP) or purchasing apartments off the market, the Subsidised Lease Affordable Housing Program (Subsidised Lease Program) presents an innovative, low-cost and efficient way to rapidly add affordable housing to our affordable housing program.

Initial modelling demonstrates that a Subsidised Lease Program could add between four to nine dwellings to Council's affordable housing program. This approach would complement, not compete, with the existing program and traditional approaches to adding affordable housing stock, such as purchasing or developing apartments.

This report seeks endorsement to place the draft Subsidised Lease Program Policy (Attachment 1) on public exhibition for a minimum of 42 days before reporting back to Council with the results of the exhibition.

2. Introduction/Background

At the Strategic Planning and Development Committee meeting on 3 May 2022, Council considered the findings and recommendations of the Social and Affordable Housing Review Project. The unanimous resolution (PD/5.2/22.05) included a decision to: 'pursue additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models that may present themselves in the affordable housing space.'

The Social and Affordable Housing Review consultant report spoke to the potential for a program of subsidising leases to increase affordable housing stock in the short term, which could be funded via recurrent income:

Continue to explore establishment of alternate recurrent funding through the planning system (for example, contributions from commercial floorspace to provide recurrent lease income for Council that may be used for affordable housing delivery.

The Local Housing Strategy (CM/7.6/21.10) also includes an action to 'investigate and implement new housing delivery models to maximise the provision of affordable housing.'

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 December 2023	PD/5.3/23.12	That Council: <ol style="list-style-type: none"> Officers prepare a draft policy on the implementation of the Subsidised Lease Program. Notes that the Subsidised Lease Program would complement and not compete with other more conventional approaches to increasing affordable housing stock.
Strategic Planning and Development Committee 3 May 2022	PD/5.2/22.05	That Council: <ol style="list-style-type: none"> 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. 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. 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. 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. 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.
		8. Pursues additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models, such as co-operative housing, that may present themselves in the affordable housing space.
		9. 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.
		10. 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.

4. Discussion

Whitton Lane commercial office floor space opportunity

The Whitton Lane commercial office floor space was negotiated as a VPA with a developer in 2020 (CM/7.12/20.02), with the net rental income being hypothecated to the public purpose of affordable housing. As the commercial floorspace at Whitton Lane is occupied and rental income generated, there is now an opportunity to implement the Subsidised Lease Program.

Modelling shows that approximately four 1-2 bedroom units could be subsidised each year via the Subsidised Lease Program for every \$100K annual net rental revenue generated by commercial office floorspace. Therefore, in the context of Whitton Lane, between 4 to 9 (depending on the unit sizes and household income) units could be subsidised.

It is acknowledged that funding the Subsidised Lease Program will rely on the Whitton Lane commercial suites being constantly tenanted. Long term leases and robust contracts for tenants of the Whitton Lane suites can mitigate this financial risk.

There is opportunity for Council to acquire more commercial floorspace in the future to increase the revenue available to fund the Subsidised Lease Program. This will be discussed in a future report to Council.

Draft Subsidised Lease Program Policy

The draft Subsidised Lease Program Policy (Attachment 1) (the Program) outlines what the Program is, who is eligible to participate and the operating framework.

In summary, the Program will seek to provide affordable rental housing in the Waverley LGA for tenants who meet the requirements of Council's Affordable Housing Program Tenancy Policy (recently adopted by Council; see resolution FC/5.1/24.02). The Program is proposed to operate as follows:

1. Council engages a Community Housing Provider (CHP) to operate the Program for a fixed term.

2. The CHP will lease private rental stock in and around the Waverley LGA, either from the open rental market or by working with their existing private landowner contacts who may be able to offer private dwellings available for rent. The CHP will likely headlease the dwellings, and then sub-lease to tenants who need the housing and are eligible under the Tenancy Policy. Pending terms of the contract with the CHP, Council will not be on the lease.
3. Council will partially subsidise the rent of tenants involved in the Program from the net revenue generated from commercial office floorspace. The subsidy will ensure that the tenant is paying what they would under the Affordable Housing Program and Tenancy Policy.

The draft Program outlines that:

- Lease periods will align with the Tenancy Policy.
- Unit sizes will be subject to what is available on the market and the requirements of the eligible tenants.
- Units will be located within the Waverley LGA as much as possible. However, units located in suburbs that directly adjoin the Waverley LGA borders will also be considered where units within Waverley LGA are not available.

Modelling has been completed based on one- and two-bedroom apartments and a subsidy to allow low-income and moderate-income tenants to pay the same as what they would under the Tenancy Policy. The modelling demonstrates that between four and nine dwellings could be subsidised annually, depending on the size of the dwelling and level of subsidy.

Relationship with other affordable housing delivery models

The Subsidised Lease Program complements other more traditional strategies to acquire new stock, such as developing or purchasing property. While traditional approaches may take up to 5 years to deliver housing stock, the Subsidised Lease Program by contrast could deliver new stock within months, subject to Council support.

Feedback from Housing Advisory Committee

The draft Subsidised Lease Program was presented and discussed at the 1 May 2024 Housing Advisory Committee (HAC) meeting. The HAC members were supportive of the draft Policy and Program approach as a complement to traditional approaches for offering social and affordable housing.

5. Financial impact statement/Time frame/Consultation

Modelling shows that approximately four one-to-two-bedroom units could be subsidised each year via the Subsidised Lease Program for every \$100,000 annual net rental revenue generated by commercial office floorspace.

The Whitton Lane commercial office floorspace generates approximately \$170,000 towards the Affordable Housing Contributions Reserve annually. The Finance Team will identify how best to account for the rental income generated by Whitton Lane to ensure that this funding is allocated for future affordable housing rental units to be managed by a CHP.

It is acknowledged that funding the Subsidised Lease Program will rely on the Whitton Lane commercial suites being constantly tenanted, however, long term leases and robust contracts for tenants of the Whitton Lane suites can mitigate this financial risk. In the unlikely event of the Whitton Lane offices not being tenanted and therefore not generating any revenue, the subsidy for Program participants could be temporarily funded by the affordable housing operating reserve fund or other Council funds until the Whitton Lane offices are tenanted again.

This report seeks Council endorsement to place the draft Subsidised Lease Program Policy (Attachment 1) on public exhibition for a minimum of 42 days. Community consultation will include a Have Your Say (HYS) Page with feedback survey, feature in the HYS newsletter, and email notification to Precincts.

The results of the community consultation will be reported back to Council in mid-late 2024, where Council may choose to adopt the Policy.

6. Conclusion

Initial modelling has demonstrated that a Subsidised Lease Program could add between four and nine dwellings to Council's affordable housing program. This approach would complement the existing program and would not compete with more traditional approaches to adding affordable housing stock, such as purchasing or developing apartments.

This report seeks endorsement to place the draft Subsidised Lease Program Policy (Attachment 1) on public exhibition for a minimum of 42 days before reporting back to Council with the results of the exhibition.

7. Attachments

1. Draft Subsidised Lease Program Policy [↓](#) .



DRAFT

SUBSIDISED LEASE

PROGRAM POLICY

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Amendment No.	Date of Adoption	Date of Effect	Amendment Description
0	XX XX XXX	XX XX XXXX	Establishment of this Policy

Waverley Council

Mail: PO Box 9
Bondi Junction NSW 1355

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This Subsidised Lease Program Policy is published by Waverley Council.

1. Background

Housing prices and rents have been rising over the last 20 years, and unaffordability has been a growing issue over the last two decades as household income to house price ratio has significantly increased in Waverley local government area (LGA) and across Greater Sydney. The Local Housing Strategy identifies that, at present, Waverley LGA is severely unaffordable and that rent for all dwellings is higher than the Sydney average. Currently, there is very little affordable or social housing stock in the Waverley LGA, and there are significant waiting lists and waiting times to access social housing in the wider Eastern suburbs area.

Alongside the significant housing challenges presented to households on low and very low incomes, buying or renting housing in the Waverley LGA is also increasingly unaffordable for key workers, who are typically on moderate incomes. Key workers are people whose jobs are considered essential to supporting community life. This includes people in occupations such as health care, education, emergency and other services. Teachers, both primary and secondary, are generally the largest group of key workers in the LGA. If key workers are unable to afford and access housing in and around the Eastern Suburbs they may need to live much further away. This could limit the ability of businesses and critical services to access a suitable labour pool.

The Waverley Affordable Housing Program (WAHP) successfully provides affordable housing for low and moderate income households in the LGA, operating with the limited portfolio of Council-owned housing stock. There is opportunity for the Subsidised Lease Program Policy (SLPP) to complement the WAHP, by providing affordable housing for low and moderate income households in the LGA through subsidising rentals in the private rental market.

2. Objective

The objective of this Policy is to outline what the Subsidised Lease Program is, who is eligible to participate and the operating framework.

The objective of the Subsidised Lease Program is to provide affordable rental housing in the Waverley LGA for tenants who meet the requirements of the Waverley Affordable Housing Program Tenancy Policy.

3. Program Details

3.1. Program Funding Mechanism

The Subsidised Lease Program will be funded by net revenue generated from the leasing of Council-owned commercial floorspace identified as 'Whitten Lane Office 1' at Level 1, 16 Spring Street, Bondi Junction and 'Whitten Lane Offices 2 and 3' at Level 1, 87-99 Oxford Street, Bondi Junction. These offices were dedicated to Council in perpetuity as part of a Voluntary Planning Agreement (VPA) with a developer in 2020, with the net rental income being assigned for to the public purpose of affordable housing.

As the commercial floorspace at Whitten Lane is being occupied and rental income is being generated, an ongoing source of funding is now available for the Subsidised Lease Program.

It is acknowledged that funding the Subsidised Lease Program will rely on the Whitten Lane offices being constantly tenanted. Long term leases and robust contracts for tenants of the Whitten Lane suites will mitigate this financial risk.

In the unlikely event of the Whitten Lane offices not being tenanted and therefore not generating any revenue, the subsidy for Program participants could be funded by the Waverley Affordable Housing operating reserve fund until the Whitten Lane offices are tenanted again.

3.2. Program Process

The Subsidised Lease Program intends operate as follows:

1. Council engages a Community Housing Provider (CHP) to operate the Program for a fixed term.
2. The CHP will lease private rental stock in and around the Waverley LGA, either from the open rental market or by working with their existing private landowner contacts who may be able to offer private dwellings available for rent. The CHP will headlease the dwellings, and then sub-lease to tenants who need the using and are eligible under the Tenancy Policy.
3. Council will partially subsidise the rent of tenants involved in the Program from the net revenue generated from the Whitten Lane commercial offices. The subsidy will ensure that the tenant is paying what they would under the Waverley Affordable Housing Program and Tenancy Policy.

3.3. Eligibility

To be eligible to participate in the Subsidised Lease Program, an applicant must demonstrate that they meet the requirements of the Tenancy Policy.

3.4. Lease Period

Lease periods will align with the Tenancy Policy.

3.5. Rental Unit Configurations

Unit sizes will be subject to what is available on the market and the requirements of the eligible tenants, however, it is likely that the focus would be on leasing 1 and 2 bedroom apartments to meet the housing needs of most eligible tenants. Apartments or houses with 3 or more bedrooms may be considered where a larger household is eligible.

3.6. Rental Unit Locations

Units will be located within the Waverley LGA as much as possible, however, units located in suburbs that directly adjoin the Waverley LGA borders will also be considered where units within Waverley LGA are not available.

4. Review

This Policy will be reviewed at least every five years. It will be updated as required to ensure consistency with relevant legislative and policy requirements.

REPORT
CM/7.15/24.06

Subject: Waverley Local Planning Panel - Appointment of Chair

TRIM No: A13/0229

Manager: Angela Rossi, Executive Manager, Development Assessment

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

RECOMMENDATION:

That Council appoints the following chairperson and alternate chairpersons to the Waverley Local Planning Panel for a term of three years in accordance with the Minister's direction attached to the report and section 2.18 of the *Environmental Planning and Assessment Act 1979*:

1. David Ryan – Chairperson.
2. Jacqueline Townsend – Alternate chairperson.
3. Helen Lochhead – Alternate chairperson.

1. Executive Summary

The Waverley Local Planning Panel (WLPP) membership consists of a chairperson, alternate chairpersons, expert members and community representatives appointed for a three-year term. The chairperson and alternate chairperson/s for each Council are selected by the Department of Planning, Housing and Infrastructure (DPHI) on behalf of the Minister. The chairperson and alternate chairperson/s are not selected by the elected Council or staff, but Council appoints them.

The current term for the WLPP chairpersons and alternate chairperson/s expires on 30 June 2024.

The DPHI has recruited a new pool of experts and chairpersons for the next three-year term. The Minister has approved and allocated Waverley Council a new chairperson and alternate chairperson/s for the new term's commencement on 1 July 2024. Only the chairperson and alternate chairpersons approved by the Minister can be appointed to the WLPP.

The Minister has approved the following individuals as chairperson and alternate chairpersons of the WLPP:

- David Ryan – Chairperson.
- Jacqueline Townsend – Alternate chairperson.
- Helen Lochhead AO – Alternate chairperson.

The chairpersons for the WLPP are allocated by the Minister and there is no discretion for Council to alter this selection. Therefore, the appointment of the nominated persons by the Council is merely an administrative process. Jacqueline Townsend and Helen Lochhead have previously been appointed as alternate chairs on the WLPP since 24 June 2021. The maximum period a panel member can be appointed is six years, and therefore the alternate chairpersons can only be appointed from 1 July 2024 to 24 June 2027. David Ryan is a new chairperson of the WLPP and will be appointed for the period of 1 July 2024 to 30 June 2027.

In light of the time frames for appointment of new chairs commencing 1 July 2024, certain procedures, appointment and administrative/operational procedures must occur before this date. Further, to enable service delivery to continue with a WLPP meeting in July, the appointment of new chairpersons must be in place prior to that meeting. Accordingly, the timing of appointment is sensitive to ensure business continuity occurs.

It is recommended that the Council appoints:

- David Ryan as the chairperson of the WLPP from 1 July 2024 to 30 June 2027
- Jacqueline Townsend as alternate chairperson from 1 July 2024 to 24 June 2027.
- Helen Lochhead AO as alternate chairperson from 1 July 2024 to 24 June 2027.

2. Introduction/Background

Local planning panels consist of independent consultants who have expertise in areas such as planning, architecture, heritage, the environment, urban design and law. In conjunction with a community representative, they provide an independent assessment and determination of particular development applications.

The WLPP determines significant, complex and contentious development applications in the Waverley local government area. This includes development applications for new residential flat buildings, the demolition of a heritage item, development that receives 10 or more unique objections, a departure to a statutory development standard greater than 10%, applications associated with a planning agreement or an identified conflict of interest.

The selection process for local planning panel appointments is as follows:

- The Minister selects the chair and alternate chairs, to be appointed by Council.
- Council appoints the independent expert members from a list approved by the Minister.
- Council appoints the community representatives.

Councils across NSW are allocated a chairperson and alternate chairperson/s by the Minister. Councillors and Council staff do not make this selection.

For expert panel members (typically two per WLPP meeting), councils select expert members from a list provided by the DPHI following an expressions of interest process. A further report to Council will be forthcoming for new expert members. However, as Council has an existing pool of experts (terms still ongoing beyond 1 July 2024), there are sufficient membership numbers to accommodate the July WLPP meeting in this respect.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 8 June 2021	PD/5.4/21.06	That Council: <ol style="list-style-type: none"> 1. Notes the reappointment of the Hon. Paul Stein as the Chair, and the appointment of Jacqueline Townsend and Helen Lochhead as new alternate chairs, of the Waverley Local Planning Panel (WLPP), as selected by the Minister for Planning, up to 29 February 2024. 2. Appoints the following expert members to the WLPP

		<p>up to 29 February 2024:</p> <ul style="list-style-type: none"> (a) Annelise Tuor. (b) Gabrielle Morrish. (c) Jan Murrell. (d) Peter Brennan. (e) Graham Brown. (f) Stuart McDonald. (g) Helena Miller. (h) Philippa Frecklington. (i) Sharon Veale. <p>3. Appoints the following community representatives to the WLPP up to 29 February 2024:</p> <ul style="list-style-type: none"> (a) Penny Mora. (b) Sandra Robinson. (c) Allyson Small.
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4. Discussion

The Minister approved The Hon. Paul Stein as the chairperson and Helen Lochhead and Jacqueline Townsend as alternate chairpersons of the WLPP until 28 February 2024. The Hon. Paul Stein resigned in early 2023 and was not replaced. On 22 January 2024, the Minister for Planning and Public Spaces made a direction to extend the approval of the chair and member pools and reappoint existing chairs and members of local planning panels for an interim period from 28 February 2024 to 30 June 2024.

On 27 May 2024, the Minister approved David Ryan as the chairperson of the WLPP for a three-year term. David Ryan has over 40 years' experience in planning and law in private practice and local government. He is a qualified town planner and lawyer. David is the Executive Director at Gyde Consulting (formally City Plan Strategy and Development) and has experience as a State Member of Sydney Central Planning Panel, Chair of Hawkesbury Local Planning Panel, alternate Chair of Penrith Local Planning Panel and expert member of the Randwick, Willoughby, Lane Cove and Fairfield Local Planning Panels. The term of appointment is to be three years from 1 July 2024 to 30 June 2027.

The Minister has approved Helen Lochhead AO and Jacqueline Townsend as alternate chairpersons for the new term.

Helen Lochhead and Jacqueline Townsend have been alternate chairs of the WLPP since 24 June 2021. The maximum term for any Panel member is six years. Therefore, the appointment of the alternate chairpersons, is limited from 1 July 2024 to 24 June 2027.

Given that the chairpersons for the WLPP are approved by the Minister and there is no discretion for Council, the appointment of the nominated persons to the position of chairperson/alternate chairperson of the WLPP is merely administrative.

5. Financial impact statement/Time frame/Consultation

The Panel members are paid from the budget set for the operation of the WLPP, which will continue to apply upon the appointment of new chairpersons.

6. Conclusion

The chairpersons for the WLPP are allocated by the Minister and as there is no discretion for Council to alter the nominations.

Recommendation

It is recommended that Council appoints:

- David Ryan as the chairperson of the WLPP from 1 July 2024 to 30 June 2027.
- Ms Jacqueline Townsend as alternate chairperson from 1 July 2024 to 24 June 2027.
- Ms Helen Lochhead AO as alternate chairperson from 1 July 2024 to 24 June 2027.

7. Attachments

1. Minister's direction [↓](#) .

The Hon Paul Scully MP

Minister for Planning and Public Spaces

Ref: IRF24/658

Waverley Council
PO Box 9
Bondi Junction NSW 1355
info@waverley.nsw.gov.au

Dear Council

I am pleased to advise Council that I have approved David Ryan as Chair and Jacqueline Townsend and Helen Lochhead AO as Alternate Chairs for appointment to Waverley Council Local Planning Panel (panel). Only the chair and alternate chairs approved by me can be appointed to your panel.

I have also approved a list of independent experts from which Council is to select at least fifteen members for appointment to its panel. Details of Council's chairs and the independent expert list, along with their curricula vitae have been provided electronically to your nominated contact to proceed with appointment of your panel members.

All approved chairs and experts have successfully cleared probity checks meaning they do not have a bankruptcy or criminal record. Each has provided a statutory declaration that they are not a developer or real estate agent.

The Department of Planning, Housing and Infrastructure has developed a guide to assist councils through the selection and appointment process for panels. This is available at www.planning.nsw.gov.au/sites/default/files/2023-11/local-planning-panels-fact-sheet.pdf.%C2%A0.

Council will need to appoint its approved chairs, expert members and community representatives ahead of 1 July 2024 for a term through to 30 June 2027. Councils is reminded

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nsw.gov.au/ministerscully

that it must comply with the six-year maximum term for any panel member. This may limit continuing members and the expiry date of their term.

Please follow the Local Planning Panels Direction – Appointment of New Members, at www.planning.nsw.gov.au/sites/default/files/2023-02/local-planning-panels-direction-appointment-of-new-members-from-24-april-2023.pdf.

Council must also make sure that new panel members agree to abide by the Code of Conduct for Local Planning Panel Members when accepting their appointment. The Code of Conduct for Local Planning Panel Members, further Local Planning Panels Directions and the Local Planning Panels Remuneration Determination can be found at www.planning.nsw.gov.au/assess-and-regulate/development-assessment/local-planning-panels/statutory-rules-for-local-planning.

I would like to take this opportunity to thank you for your Council's ongoing co-operation in supporting the independence and efficient operation of its panel.

Should you have any questions, please contact Ms Aoife Wynter, Director, Planning Panels at the Department of Planning, Housing and Infrastructure on 8289 6816 or enquiry@planningpanels.nsw.gov.au.

Yours sincerely



Paul Scully MP

Minister for Planning and Public Spaces

REPORT CM/7.16/24.06



Subject: Resident Parking Scheme Review Committee - Community Membership

TRIM No: A02/0750

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Treats the attachment to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Appoints the following individuals to the Resident Parking Scheme Review Committee for a term of up to two years from August 2024:
 - (a) Sylvia Hrovatin.
 - (b) Garret O'Connor.
 - (c) James Organ.
3. Appoints the following individuals to the Committee as Precinct representatives:
 - (a) Di Robinson.
 - (b) Bill Stavrinis.

1. Executive Summary

On 19 March 2024, Council reinstated the Resident Parking Scheme (RPS) Review Committee and called for expressions of interest (EOI) for up to three community representatives to be appointed to the Committee.

This report seeks to appoint three community members to the Committee.

2. Introduction/Background

The last review of the RPS was delivered in 2012, leading to the establishment of a Councillor and staff working group which focused on key areas, addressing issues related to other councils' schemes, decision-making processes, surveys, scheme areas, permits, enforcement, and additional concerns.

Given over 10 years have passed since Council undertook an RPS review, on 19 March 2024 Council resolved to reinstate the RPS Committee and call for an expression of interest for up to three community representatives to be appointed to the Committee for a minimum one-year term.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 March 2024	CM/7.5/24.03	That Council: <ol style="list-style-type: none"> 1. Establishes a Resident Parking Scheme Review Committee. 2. Notes the draft terms of reference for the Committee, as set out in the report. 3. Appoints the Mayor and Cr Fabiano and Cr Kay to the Committee up to and including 13 September 2024. 4. Calls for expressions of interest for up to three community representatives to be appointed to the Committee for the duration of the project.
Council 6 September 2019	CM/7.8/19.08	That Council adopts the following approach for the review of resident parking schemes: <ol style="list-style-type: none"> 1. A working party of appropriate Council officers, the Mayor or alternate, the Deputy Mayor or alternate and Cr Kay or alternate be formed to undertake the review. 2. The working party, once formed, meet on a fortnightly basis and report back to Council on the outcome of the review.
Council 19 February 2019	CM/5.4/19.02	That: <ol style="list-style-type: none"> 1. Council undertakes a review of the policy, process and procedures for the creation of resident parking schemes to ensure that the concerns of residents are better balanced with the need to apply a strategic approach to parking scheme management. 2. The two deferred resident parking schemes be used as test models with the new approach established by Council. 3. A future workshop be held to consider options.

4. Discussion

An EOI has been completed for community members to be appointed to the RPS Committee. It was promoted on Council's Have Your Say website and in social media posts and local advertisements. Community members who have had an interest in the project previously were contacted directly.

The expression of interest timings are shown in Table 1 below:

Table 1. EOI timings.

Milestone	Estimated Completion Date
Release of expression of interest	29 April 2024
Closing date for applications	27 May 2024
Evaluation completed	11 June 2024

Through the EOI process, the community had the opportunity to apply through a series of questions that were then used as part of the assessment criteria.

Seven applications were received (see Attachment 1). A thorough evaluation process was carried out to assess and determine the most suitable applicants to be members of the RPS Committee on 11 June 2024.

The evaluation was carried out according to the following criteria:

- Does the respondent have knowledge of RPS Schemes (basics, awareness of impacts, prior experience).
- Does the respondent provide a viable reason to be part of the committee and show genuine interest for the project holistically (holistically meaning a strong desire to serve and represent the community as a whole).
- Has the respondent agreed to the EOI requirements (in line with the current terms of reference).
- Does the respondent work/live in Waverley local government area.

The Evaluation Panel used the following rating scale to score its level of confidence that the applicant met the committee criteria requirements. Rating scales are shown in the table below:

Table 2. Rating scale.

Response Level	Score
Good response, meets all requirements with added value	80 - 100
Good response, meets all requirements	60 - 79
Good response, doesn't meet all requirements	40 - 59
Acceptable response, meets all requirements	20 - 39
Acceptable, doesn't meet all requirements	10 - 19
No response to the criteria	0

After assessing the applications, the panel confirmed the top three applicants for the Committee:

- Sylvia Hrovatin
- Garret O'Connor
- James Organ

Two representatives from the Precinct Committees have been nominated through the EOI that went out for community representatives. Both of these Precinct representatives have extensive experience with the operations of Precinct Committees and the challenges that the community faces in relation to parking.

It was anticipated that the Combined Precincts would nominate two representatives to join the RPS Committee. However, given two suitable candidates have been nominated through the EOI, and to ensure there are no ongoing delays in beginning this project, it is recommended that Council appoints the following Precinct representatives:

- Di Robinson.
- Bill Stavrinos.

See Attachment 1 for the evaluation and comments.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

Nil.

Time frame

Should Council approve the community members to the Committee, the first Committee meeting would be in July 2024.

Consultation

Nil.

6. Conclusion

This report recommends that Council appoints three community members to the RPS Committee, as well as two Precinct representatives, to serve a minimum one-year term from their appointment.

7. Attachments

1. Evaluation (confidential) .

REPORT
CM/7.17/24.06

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

TRIM No: A24/0298

Manager: Robert Sabato, Executive Manager, Major Projects

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 tender evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Declines to accept any of the tenders for construction services for the 2A Edmund Street Social Housing Project, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council has tested the market with an open tender process.
4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with one or more of the top ranked tenderers with a view to entering into a contract for the construction services, as these tenderers scored highly and had quality submissions, with the issues of price inclusions and project staging to be clarified during negotiations.
5. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.
6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

1. Executive Summary

The purpose of this report is to seek Council's approval to reject all tender submissions for construction services for the 2A Edmund Street Social Housing Project and to directly negotiate with one or more of the top ranked tenderers.

2. Description of Service or Product being Tendered

The 2A Edmund Street Social Housing Project is a social housing apartment block owned by Council. The building is part of Council's Older Persons Housing Program, which aims to enable older renters who have

long-term connections to Waverley and a very low income to 'age in place' in their local community. Previously conducted condition assessment reports identified the need for significant repairs and renovations to the property. A feasibility report was conducted and presented to Council identifying several options for repair and renovations.

In September 2020, Council endorsed a concept design for demolition of the existing building and rebuilding a two-storey apartment block of five apartments with Juliet balconies. The development application (DA) for the 2A Edmund Street Social Housing Project was approved on 27 October 2021.

The service being tendered is head contractor services to complete the construction works. Council previously carried out two request for tender (RFT) processes for the project in 2022 and 2023. The RFT processes sought proposals from suitably qualified contractors to act as Council's head contractor. Both RFT processes were unsuccessful in identifying a suitable contractor.

3. Scope of Tender

The scope of tender includes all building works involved in demolition of the existing building and construction of a new two storey apartment block consisting of five apartments with Juliet balconies, rooftop garden and landscape works.

4. Reason for Tender

The 2A Edmund Street Social Housing Project is a crucial asset to Council's Affordable Housing Program. As the building was deteriorating, major renovations were required to enable the building to be compliant to current building standards. Due to the value of the required works, a request for tender was sought.

5. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 November 2022	CM/7.12/22.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. In accordance with section 178(1)(b) of the <i>Local Government (General) Regulation 2021</i>, declines to accept the tender for construction services for 2A Edmund Street, Queens Park. 2. In accordance with section 178(3)(e) of the <i>Local Government (General) Regulation 2021</i>, authorises the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract for the construction services. 3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter. 4. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the <i>Local Government (General) Regulation 2021</i>. 5. In accordance with section 178(4) of the <i>Local Government (General) Regulation 2021</i>, notes that the reason for not pursuing sections 178(3)(b)–(d) of the <i>Local</i>

		<i>Government (General) Regulation 2021</i> is that Council has tested the market with an open tender and there is not a suitable pool of tenderers for the works.
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6. Discussion

Invitation to tender

On 12 December 2024, Council released a third tender round for the construction services via VendorPanel.

A Tender Evaluation Committee (TEC) was established to evaluate the submissions. The TEC consisted of:

- Brett McAlpin – Project Manager, Major Projects.
- Matthew Henderson – Senior Project Manager, Major Projects.
- Terry Kallis – Facilities Manager, Property and Facilities.
- Emily King – Project Officer, Major Projects.

Tenders received

The open tender closed at 2.00 pm on 18 March 2024, with eight submissions received from the following respondents:

- Momentum Built Pty Ltd.
- HR Building Pty Ltd.
- The Walsh Group Construction Pty Ltd.
- Rapid Construction Pty Ltd.
- Tower Projects Pty Ltd.
- Organix Pest Control Pty Ltd.
- Complete Interior Linings Pty Ltd.
- Dincel Construction System Pty Ltd.

Late tenders

Nil.

Non-conforming tenders

The following tenders were non-conforming:

- Tower Projects Pty Ltd
- Organix Pest Control Pty Ltd
- Complete Interior Linings Pty Ltd
- Dincel Construction System Pty Ltd

The submission provided by Tower Projects Pty Ltd was deemed to be non-conforming by the TEC as the tenderer did not respond to the following mandatory schedules:

- Schedule C3 – Schedule of Financial Assessment Information.
- Schedule T7 – Schedule of Recent Relevant Experience and Referees.

Tower Projects Pty Ltd's submission was also very brief in comparison to other submissions, as well as being the most expensive out of all received submissions.

The submissions from Organix Pest Control Pty Ltd, Complete Interior Linings Pty Ltd and Dincel Construction System Pty Ltd were deemed to be non-conforming by the TEC as they did not respond to the RFT schedules. This is also reflected in the price submitted.

Alternative tenders

Nil.

Tender evaluation

The conforming tenders evaluated were as follows:

- Momentum Built Pty Ltd.
- HR Building Pty Ltd.
- The Walsh Group Construction Pty Ltd.
- Rapid Construction Pty Ltd.

The Evaluation Panel agreed on the following advertised selection criteria:

- Demonstrated capacity and capability.
- Demonstrated experience and past performance.
- Key personnel.
- Proposed methodology.
- Proposed construction program.
- Environmental and social sustainability.
- Lump sum price/schedule of rates.
- Work, health, and safety.
- Satisfaction of financial and trading integrity and insurance requirements

Tenders were given a score on each of the evaluation criteria and ranked in accordance with their scores. Final scores and rankings are shown in the confidential tender evaluation scoresheet attached to the report.

Evaluation Panel's recommendation

The TEC evaluated the tenders on 24 April 2024. Upon review, the TEC recommends rejecting all tenders received and pursuing negotiations with one or more of the top ranked tenderers.

The responses received did not meet the expectations of the TEC in terms of cost. The negotiation phase will seek to discuss the feasibility of value engineering components of the project without compromising the structural and architectural integrity of the design.

The negotiation protocol would be as follows:

- Issue a letter to selected contractors inviting each to participate in a negotiation process in relation to providing a submission for works.
- Issue documentation to each selected contractor who submits a signed acceptance form to enable them to provide a submission.
- Afford each selected contractor a limited time frame to return a response to Council.
- Council officers will conduct an evaluation on the written tender responses.
- Council, at its discretion, can then elect to proceed further with one or more of the selected contractors by either:
 - Conducting negotiation meetings with the contractor(s).

- Issuing a further written draft of the contract documentation to the contractor(s).

7. Financial impact statement/Time frame/Consultation

Financial impact statement

The budget for the 2A Edmund Street Social Housing Project will be funded from the budget item C0712 – 2A Edmund Street (Social Housing) Redevelopment. The budget allocation will be funded from the following reserves:

- Affordable Housing Contribution Reserve: \$3,000,000
- Affordable Housing Reserve: \$1,790,000.
- Social Housing Reserve: \$210,000.

A cost estimate prepared by MBM Quantity Surveyors in September 2021 estimated construction costs to be \$3,284,400 (excluding GST). Considering escalation over the past three years and unprecedented global supply chain issues currently affecting the construction industry, the evaluation panel believes the cumulative available budget of \$5,000,000 is reasonable. Negotiations with select contractors will aim to keep submissions within this budget allowance for contingency and related costs.

Time frame

The construction works for the 2A Edmund Street Social Housing Project can commence in late 2024 with a six-month program projected.

An approved construction certificate has been obtained which allows construction to commence this year.

Consultation

All nearby residents and affected stakeholders will be notified of the commencement of the project and any impact it may have on them.

8. Conclusion

The TEC recommends that Council rejects all tender submissions for the 2A Edmund Street Social Housing Project and negotiates with select contractors.

9. Attachments

1. Tender evaluation (confidential) .

REPORT CM/7.18/24.06



Subject: Tender Evaluation - Recycling Services

TRIM No: A20/0360

Manager: Shane Smith, Executive Manager, Waste, Cleansing and Fleet

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021* for the processing of collected recyclables, as Council, as part of a regional procurement process, has tested the market with an open tender and did not receive any tenders.
2. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract for the processing of collected recyclables, as the initial tender process did not yield any submissions and it is expected that negotiating with selected qualified providers will result in a competitive and favourable outcome for the recycling processing services required.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

1. Executive Summary

The purpose of this report is to seek Council's approval to enter negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract for the processing collected recyclable materials in accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*. This recommendation follows the receipt of no tender submissions from the regional Comingled Recycling Sustainability Solutions (CRESS) tender process for recycling processing services.

2. Description of Service or Product being Tendered

Council continues to offer its residents container recycling (yellow lid bin) and paper recycling (blue lid bin) collection services. Council has a contract for the provision of recycling processing services of collected recycled materials with Visy Recycling. This contract is due to expire on 29 October 2024.

Council recently participated in a regional tender for the provision of processing services for collected recyclables. The Comingled Recycling Sustainability Solutions (CRESS) tender was coordinated by the Southern Sydney Regional Organisation of Councils (SSROC) on behalf of participating councils, which included Waverley Council and Burwood Council. The CRESS tender objectives aimed at achieving a cost-effective recyclables processing services through regional procurement with combined tonnages, to secure long-term processing capacity and price stability for participating councils.

3. Scope of Tender

The scope of the services in the CRESS tender was for processing of recyclables collected by Waverley and Burwood Councils. The tendered services did not include the requirement to collect recyclables. This service in Waverley is carried out by in-house Council services. The services included:

- Operation of a facility or facilities for receiving and processing recyclables.
- Receipt and acceptance of all recyclables.
- Accurate recording of the weight of all recyclables received.
- Removal, management and appropriate disposal of contamination from recyclables received.
- Transfer of recyclables to appropriate facilities or markets for reprocessing, resource recovery and sale, ensuring diversion from landfill.

4. Reason for Tender

Council's existing contract for the provision of recycling processing services is due to expire on 29 October 2024. There is currently no suitable panel or government contracts that can be utilised for these services. The *Local Government Act 1993* requires Council to call tenders for any purchase of goods or services for contracts that have a total contract value of above \$250,000.

5. Relevant Council Resolutions

Nil.

6. Discussion

Invitation to tender

A tender evaluation panel was established to evaluate the tenders. The Panel consisted of:

- Lucas Atkinson – Executive Officer.
- Flavia Evans – Manager, Waste Operations and Engagement.
- Michael McGee – Manager, Parks and Open Space (Burwood Council).

The request for tender and evaluation process was coordinated and observed by David Kuhn (SSROC Senior Coordinator, Circular Economy) and Cathy Dizon (SSROC Strategic Procurement and Contracts Manager).

Tenders were called on 4 April 2024, with the tender being uploaded to the online Vendor Panel portal.

Tenders closed on Friday, 27 April 2024, at 4 pm.

Tenders received

No tenders were received.

Tender evaluation

The tender evaluation panel was convened on 7 May 2024 to confirm that no tenders had been received and no tender evaluation was required.

Evaluation Panel's recommendation

Following the receipt of no tender submissions for the proposed contract, it is recommended that Council pursues negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract for the processing of recyclables services, in accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*.

There are currently limited service provision options available for reliable recycling processing services in the Sydney metropolitan area. Council would be likely to only receive one tender response from the market should another tender process be undertaken.

Council's current contract for recycling processing services of collected recycled materials is functioning well. The current contractual arrangements continue to provide sufficient capacity to process Council's collected recyclables. This ensures that Council can continue to provide reliable recycling collection services for residents and businesses in Waverley.

In accordance with section 178(4) of the *Local Government (General) Regulation 2021*, the decision not to pursue sections 178(3)(b)–(d) of the Regulation is that Council has already tested the market with an open tender. Pursuing another open tender or an expression of interest followed by selective tender is not advisable, as the Council has received an unsatisfactory response from the procurement process.

Council's current contract for recycling processing services expires on 29 October 2024. With limited time remaining in the current contract, delays associated with initiating a new procurement process could impact on essential service continuity for Council's waste and recycling collection services.

7. Financial impact statement/Time frame

Financial impact statement

The budget for processing collected recyclables materials acceptance and processing is from the Commercial and Domestic Waste operational budget. The estimated annual expenditure for processing recyclables is \$585,000.

Time frame

It is anticipated that the contractor appointed after negotiations will commence services on 30 October 2024.

8. Conclusion

In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, it is recommended that following the receipt of no tender submissions for the proposed contract, that Council authorises the General Manager or delegate to enter into negotiations with any person with a view to entering into a contract for processing of collected recyclables.

9. Attachments

Nil.

NOTICE OF MOTION CM/8.1/24.06



Subject: Niblick Street and Brassie Street, North Bondi - Stormwater

TRIM No: A24/0331

Submitted by: Councillor Betts
Councillor Nemesh

MOTION

That Council:

1. Notes that the current 18-month Flood Risk Management Plan is scheduled to be completed in July 2025, when detailed investigation of hot spots will commence and after which funding for any remedial action will be sought.
2. Notes that Council aims to make the community more flood resilient by identifying, managing and, where possible, reducing flooding and flood impacts.
3. Notes that the precinct containing Warners Avenue, Blair Street, Niblick Street and Brassie Street, North Bondi, has already been identified as a hot spot for further detailed investigation.
4. Investigates urgent interim measures to reduce the flood risk impact of heavy water flows down Niblick Street and Brassie Street prior to the completion of the Flood Risk Management Plan in view of the significantly increased flooding in this area such as, but not limited to:
 - (a) Increasing the stormwater pipe size in Niblick Street (currently 300-374 mm wide), especially at the corner of Griffith Avenue—understanding that the stormwater pipe in Griffith Avenue is 450-499 mm wide, which obviously causes a backup and overflow of water in Niblick Street as larger flows in Griffith Avenue are attempting to flow into smaller stormwater pipes in Niblick Street.
 - (b) Investigating how to redirect water from Niblick Street to the larger 'red' pipe under the narrow laneway running between Niblick and Brassie streets.
 - (c) Changing the gradient of Warners Avenue at the intersections of Niblick Street and Brassie Street to prevent stormwater overflow excess water being directed down these streets in any downpour.
 - (d) Changing the gradient of Warners Avenue to direct stormwater overflow along the southern side of Warners Avenue rather than on the northern side so that the overall impact to residents is reduced.
 - (e) Increasing leaf clearance rates in Niblick Street Reserve and Barracluff Park to prevent leaves from clogging the stormwater drains in the area.
 - (f) Investigating how stormwater overflow in Warners Avenue can be better redirected to the underground holding tank in Barracluff Park.

5. Officers consult the Floodplain Management Committee on the results of the investigation and its recommendations.
6. Receives a report on the above investigation with recommendations by November 2024.

Background

Overland flow has increased in the North Bondi catchment in the last 12 months due to serious weather events with significant flooding occurring on at least four occasions during this time.

Residents have become extremely anxious when rain is predicted with many of them spending hours cleaning our street gutters and drains, sweeping away leaves in an attempt to protect their homes from flooding.

It appears that in a storm event, overland flow travels down Glenayr Avenue, diverts west down Warners Lane (the new walkway besides the Seven Ways Reserve) and Blair Street, and is then forced down Niblick Street and Brassie Street.

At the same time, water is flowing from larger pipes in Griffith Avenue and Patterson Street to smaller pipes in Niblick Street obviously causing further street flooding as the pipes are not large enough to deal with the amount of water.

Council cannot expect residents to live with the current level of stormwater overflow for the next two years because our stormwater infrastructure is not large enough to cope with the overflow water. It is critical that we take some action now, even in this one small area, to assist residents who see to be bearing the brunt of the flooding Waverley.

Pipe sizes in the areas are as follows from smallest to largest:

- Niblick Street: 300–374 mm (bright green on Council's map).
- Patterson Street and Niblick Street: 375-499 mm (pale green).
- Griffith Avenue between Plowman Street and Niblick–Plowman: 1/2 450–499 mm (yellow).
- Griffith Avenue between Plowman Street and Niblick–Niblick: 1/2 600–749 mm (orange).
- Between Warners Lane and Brassie Street: 600–749 mm (orange).
- Between Niblick Street and Brassie Street: 900–1199 mm (red).

General Manager's comment

The Flood Risk Management Study and Plan (FRMS&P) is progressing well with community feedback currently being sought to contribute to refining flood modelling across the local government area and exploring flood mitigation options. This has included on-site meetings with residents in the hot spot area identified in this notice of motion.

Proposed investigation feedback

In response to the detail raised in this notice of motion, this is actively being pursued in the development of the FRMS&P with the following noted at this stage:

4(a) – Increasing the stormwater pipe size in Niblick Street (currently 300-374 mm wide), especially at the corner of Griffith Avenue—understanding that the storm water pipe in Griffith Avenue is 450-499 mm wide, which obviously causes a backup and overflow of water in Niblick Street as larger flows in Griffith Avenue are attempting to flow into smaller stormwater pipes in Niblick Street.

The following clarifications are made: the main stormwater pipe running along Griffith Avenue is 525 mm, turning into 600 mm prior to the intersection with Niblick Street, turning into a 900 mm pipe between Niblick Street and Brassie Street. Note that there are smaller (short 10 m-15 m) contributing drains at the intersection of Griffith Avenue and Niblick Street, which are 300 mm (with one short 5 m section in front of 15 Niblick Street at 100 mm).

The drains that they are connecting into (including the 915 mm Sydney Water box/rectangular culverts running along Brassie Street) are at capacity in a one-in-one-year storm event. Increasing the stormwater pipe size in Niblick Street alone is therefore not likely to improve the situation. This is being interrogated in more detail in the FRMS&P.

4(b) – Investigating how to redirect water from Niblick Street to the larger ‘red’ pipe under the narrow laneway running between Niblick Street and Brassie Street.

Additional pits will be investigated in the process, but note this is not expected to assist as per 4(a) due to the capacity downstream.

4(c) – Changing the gradient of Warners Avenue at the intersections of Niblick Street and Brassie Street to prevent stormwater overflow excess water being directed down these streets in any downpour.

4(d) – Changing the gradient of Warners Avenue to direct stormwater overflow along the southern side of Warners Avenue rather than on the northern side so that the overall impact to residents is reduced.

These locations are within the natural low points of the area. Careful consideration needs to be given to these types of options as it could result in additional flooding along Warners Avenue and will be interrogated in the development of the FRMS&P.

4(e) – Increasing leaf clearance rates in Niblick Street Reserve and Barracluff Park to prevent leaves from clogging the stormwater drains in the area.

This can be progressed as a priority now.

4(f) – Investigating how stormwater overflow in Warners Avenue can be better redirected to the underground holding tank in Barracluff Park.

This will be interrogated in the development of the FRMS&P.

Pipe size feedback

The high-level pipe diagrams extracted from our GIS database have the smaller contributing pipes shown as overlapping the larger main drains, which has created confusion that there appears to be smaller diameter sections in between the larger drains. Our assets team will work on an updated map to address this confusion and provide clarity regarding pipe diameters. It should be noted the base information from our GIS database is being used in the modelling being undertaken in the development of the FRMS&P.

Timeline

It is acknowledged that this area is a known hot spot. However, advancing these investigations in advance of the development of the FRMS&P will very likely result in a delay overall. The FRMS&P is required by State Government to provide funding for upgrades to Council infrastructure or to progress upgrading Sydney Water infrastructure. As this hot spot area will most likely require significant upgrades to both Council and Sydney Water infrastructure, it is recommended to complete the FRMS&P in the most efficient

manner. Council officers do not recommend focusing on developing solutions for this hot spot for completion by November 2024 and thus delaying the FRMS&P.

Council officers are prioritising CCTV of the pipes in this hot spot to ensure that they are free of blockages, as well as opportunities to increase leaf and debris cleaning from stormwater pits.

Sharon Cassidy
Director, Assets and Operations

QUESTION WITH NOTICE

CM/9.1/24.06



Subject: Long Term Financial Plan - Council Accommodation

TRIM No: SF23/3977

Submitted by: Councillor Betts

QUESTION

The following question was submitted by Cr Betts:

Will the documents for the end of financial year 2023–24, including the new Long Term Financial Plan (LTFP), state that there is an expected \$40 million spend (to be quantified once a decision is made) that will need to be accommodated in future budgets and LTFPs to fund the building of new Council Chambers?

Background

My question with notice (CM/9.3/24.05) on the 21 May 2024 Council agenda was only partially answered.

The part unanswered was: how will the community be advised that there is no funding for any new Council accommodation in the existing Long Term Financial Plan, but that up to \$40 million may be required to provide for it?

General Manager's answer

The draft LTFP 6.2 recently on public exhibition includes \$4.3 million that will cover the final stages of the Council accommodation projects, as well as demolition and make good of the Council Chambers site. It is clear in this draft that no further allowance for Council accommodation is made in this iteration of the LTFP. No feedback was received on this during the public exhibition period. In addition, this and the May 2024 question with notice, which are on the public record, make this clear.

It is also noted that there are no opportunity income or expenditure assumptions relating to Council's investment and commercial property portfolio in the draft LTFP 6.2 other than the current rental income and maintenance and renewal allowances.

In this coming financial year, 2024-25, Council officers, working closely with the new Council, will commence the development of a new Property Strategy. This will include consideration of further Council accommodation needs and clear agreed actions relating to Council's investment and commercial property portfolio. As presented at the Councillor briefing, options for Council accommodation at both the current Chambers site and in Bondi Junction would require investment of the order of \$31m (construction costs only). Full development costs of the high-level options presented are likely to be in the order of \$40m. These options need further development and costings. The community will be consulted in the development of this new Property Strategy. These assumptions both relating to Council accommodation and Council's investment and property portfolio will be included in the development of LTFP 7.0.

Sharon Cassidy
Director, Assets and Operations

QUESTION WITH NOTICE

CM/9.2/24.06



Subject: Staff Numbers

TRIM No: SF23/5219

Submitted by: Councillor Betts

QUESTION

The following question was submitted by Cr Betts:

Could officers supply the figures for all full-time equivalents (FTEs) and vacant staff positions on the following dates: each year from 1 July 2017 until now, including anticipated figures on 1 July 2024.

General Manager's answer

Financial year ending 30 June	Occupied positions	Vacant positions	Total number of approved positions	Notes
2017	585	54	639	Positions unfunded in staff establishment and recruitment freeze due to amalgamations
2018	583	60	643	Positions unfunded in staff establishment and recruitment freeze due to amalgamations
2019	605	80	685	
2020	612	70	682	Positions unfunded in staff establishment to manage COVID economic response
2021	632	65	697	Positions unfunded in staff establishment to manage COVID economic response
2022	600	97	697	
2023	627	91	718	Work commenced on funding full staff establishment post COVID
2024 (anticipated as at 30 June)	617	105	722	ELT reviewing the staff establishment including long standing vacancies.

The staffing numbers from 30 June 2017 to 30 June 2024 are presented in the table above. Both amalgamation planning and our COVID response resulted in unfunding staff establishment positions. Work

has commenced in 2023-24 to review the staff establishment, targeting the full list of vacant roles particularly those that have been vacant for long periods.

Emily Scott
General Manager

QUESTION WITH NOTICE CM/9.3/24.06



Subject: Boonara Avenue and Imperial Avenue, Bondi - Left
Turn Only Restriction - Update

TRIM No: A21/0178

Submitted by: Councillor Kay

QUESTION

The following questions were submitted by Cr Kay:

1. Can Council officers provide a brief update on the history, current status and implementation timetable on the Council-endorsed left turn only restrictions for northbound traffic from Boonara Avenue and Imperial Avenue at their intersections with Bondi Road, which was recommended by the Waverley Traffic Committee (WTC) in June 2023 and endorsed by Council in July 2023, and also answer the following specific questions?
2. Why it is now almost 12 months since Council endorsed the WTC recommendation and there is no sign of the left turn only traffic restrictions being implemented? In particular, can Council officers confirm my understanding, and that of Boonara Avenue and Imperial Avenue residents, that implementation of the intended left turn only restrictions for northbound traffic at the Bondi Road intersections with Boonara Avenue and Imperial Avenue is being held up by Transport for NSW (TfNSW) because they are linking the Boonara/Imperial Council-endorsed proposal with the TfNSW proposal for a left in/left out vehicular movement at the intersection of Wellington Street and Bondi Road?
3. What alternatives exist for Council to not wait for further TfNSW support of Council's 18 July 2023 resolution (noting that the proposal has already been formally supported by the TfNSW representative on the WTC in June 2023), such as bringing the matter back to the WTC under delegation, Councillors lodging a rescission motion to achieve the same effect and—as the Council resolution only requires 'That Council applies to Transport for NSW—just proceeding with the implementation?

Background

Residents in Boonara Avenue and Imperial Avenue have been waiting patiently over many years for the implementation of restrictions to northbound traffic at Bondi Road to maximise safety and traffic movement. More recently, the community has been waiting for almost a year for implementation of the left turn only proposal following its unanimous recommendation by the Waverley Traffic Committee in June 2023 and then endorsement by July 2023 Council.

I understand from Council officers, as do members of the community, that TfNSW are linking the left turn only proposal to their proposal for left in/left out traffic movements at the intersection of Wellington Street and Bondi Road. It is also understood that TfNSW were due to brief Councillors at one of the Councillor briefing sessions but cancelled and instead briefed the Mayor on the issues.

TfNSW responded to a submission from a Boonara Avenue resident with:

Thank you for your correspondence to Transport for NSW regarding an update to changes to the intersection of Boonara Avenue and Bondi Road, Bondi. Transport would like to advise that Transport is still working with Waverley Council to meet the objective of this project to reduce crashes and to ensure that it is operating both as safely and as efficiently as possible.

Surely, the left turn only restrictions will maximise safety and traffic movement for Boonara Avenue, Imperial Avenue (south) and Bondi Road.

General Manager's answer

Update on status/background and link to Wellington Street traffic movements.

The proposal for the left turn only restrictions at both Boonara Avenue and Imperial Avenue are indirectly linked to the separate consideration that Transport for NSW (TfNSW) has been considering at Wellington Street.

Ongoing discussions between Council officers and TfNSW staff has highlighted that the implementation of the left turn only in Boonara Avenue and Imperial Avenue would result in an increase in vehicles turning right from Bondi Road into Wellington Street. This is likely to occur due to no alternative right turn options between Boonara Avenue and Wellington Street when heading west on Bondi Road.

There have been several incidents at the Wellington Street and Bondi Road intersection. Any increase in movements at this intersection would not be supported by TfNSW. As such, there is a need to address both proposals concurrently. Council officers agree on the technical merits of the joint resolution.

TfNSW has previously presented to Council the proposal to make Wellington Street a left in/left out street at the intersection of Bondi Road. This means drivers would not be able to turn right into or out of Wellington Street.

It is acknowledged that this change would result in inconvenience to parents dropping off their children at Bondi Public School and Montessori School. This inconvenience cannot, however, take precedence over the significant safety deficiencies of the current allowable turns both into and out of Wellington Street at Bondi Road.

To improve safety at this intersection, TfNSW intends to proceed with the changes by building a pedestrian median and implementing signage changes. Council officers support this proposal on its technical and safety merits. Officers intend on discussing design options for improved pedestrian crossing facilities at this intersection should that be supported by TfNSW.

Consequently, TfNSW supports the implementation of the Boonara Ave and Imperial Ave proposal to be implemented concurrently. It is anticipated that works/implementation on both proposals will be finalised in the current calendar year.

Alternative Boonara Avenue and Imperial Avenue options

Council officers are not aware of any alternative options for proceeding with the proposal at Boonara Avenue and Imperial Avenue. Given that Bondi Road is a State Road and the Traffic Management Plan delegations are the responsibility of TfNSW, Council does not have the ability to proceed.

Sharon Cassidy
Director, Assets and Operations

URGENT BUSINESS
CM/10/24.06**W A V E R L E Y**
COUNCIL**Subject:** Urgent Business**Author:** Emily Scott, General Manager

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

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

Such a motion can be moved without notice.

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

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

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

CLOSED SESSION
CM/11/24.06

Subject: Moving into Closed Session

Author: Emily Scott, General Manager

**RECOMMENDATION:**

That:

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

CM/11.1/24.06 CONFIDENTIAL REPORT - Flickerfest 2025 - Financial Assistance - Consultation Outcomes

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

CM/11.2/24.06 CONFIDENTIAL REPORT - Drainage Reserve between Dickson Lane and Belgrave Street, Bronte - Update

This matter is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.3/24.06 CONFIDENTIAL REPORT - 28-36 Ebley Street, Bondi Junction - Public-Private Partnership

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

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

Introduction/Background

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

**RESUMING IN OPEN SESSION
CM/12/24.06**

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

**RECOMMENDATION:**

That Council resumes in open session.

Introduction/Background

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