



W A V E R L E Y
COUNCIL

COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held at the Boot Factory, Spring Street, Bondi Junction at:

7.00 PM, TUESDAY 26 NOVEMBER 2024

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

Emily Scott
General Manager

Waverley Council
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Bondi Junction NSW 1355
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Statement of Ethical Obligations

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

Live Streaming of Meetings

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

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

The Mayor will read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

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4. Addresses by Members of the Public

5. Confirmation and Adoption of Minutes

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9. Questions with Notice

There are no questions with notice.

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11. Closed Session 302

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

CM/11.1/24.11	CONFIDENTIAL REPORT - 2A Edmund Street, Queens Park - Negotiation Phase Outcome
CM/11.2/24.11	CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Club and Community Facilities Building Upgrade - Head Contractor Services

CM/11.3/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and
Community Facilities Building Upgrade - Project Management Services

12. Resuming in Open Session304

13. Meeting Closure

OBITUARIES CM/3/24.11

Subject: Obituaries
Manager: Emily Scott, General Manager



Barbara Armitage

Julia Hatsatouris

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/5.1/24.11



Subject: Confirmation of Minutes - Council Meeting - 29 October 2024

TRIM No: A23/0761

Manager: Natalie Kirkup, Governance Officer

RECOMMENDATION:

That the minutes of the Council meeting held on 29 October 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 - 29 October 2024.



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON
TUESDAY, 29 OCTOBER 2024**

Present:

Councillor Will Nemesh (Mayor) (Chair)	Hunter Ward
Councillor Keri Spooner (Deputy Mayor)	Waverley Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Dov Frazer	Hunter Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Margaret Merten	Bondi Ward
Councillor Joshua Spicer	Waverley Ward
Councillor Michelle Stephenson	Bondi Ward
Councillor Lauren Townsend	Lawson Ward
Councillor Katherine Westwood	Lawson 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 Wy Kanak who arrived at 7.04 pm during apologies/leaves of absence.

Crs Frazer and Masselos attended the meeting by audio-visual link.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interest

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

3. Obituaries

Ben Lucas

Father Nicholas Lucas

Leo Lucas

Bill Moyes OAM

Maurice Steinfeld

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

S Betts addressed the meeting.

4. Addresses by Members of the Public

4.1 S Betts – CM/3/24.10 – Obituaries – Ben Lucas and Nicholas Lucas.

4.2 B Peacock (on behalf of Save Bondi Village) – CM/8.3/24.10 – NSW Housing Reform – Communications Strategy.

4.3 P Paech – CM/8.3/24.10 – NSW Housing Reform – Communications Strategy.

4.4 C Phitidis – CM/8.4/24.10 – Cadigal Place Renaming.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Fabiano

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

- CM/5.1/24.10 Confirmation of Minutes – Council Meeting – 20 August 2024.
- CM/5.2/24.10 Confirmation of Minutes – Council (Mayoral Election) Meeting – 10 October 2024.
- CM/5.3/24.10 Adoption of Minutes – Waverley Traffic Committee Meeting – 22 August 2024.
- CM/5.4/24.10 Adoption of Minutes – Waverley Traffic Committee Meeting – 26 September 2024.
- CM/7.2/24.10 Investment Portfolio Report – August 2024.
- CM/7.3/24.10 Investment Portfolio Report – September 2024.
- CM/7.5/24.10 Annual Returns Disclosing Interests of Councillors and Designated Persons.
- CM/7.6/24.10 Small Grants Program 2024-25 – Round 1.
- CM/11.1/24.10 CONFIDENTIAL REPORT – Mill Hill Cafe – 33 Spring Street, Bondi Junction – Lease.

5. Confirmation and Adoption of Minutes**CM/5.1/24.10 Confirmation of Minutes - Council Meeting - 20 August 2024 (A23/0761)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Fabiano

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

CM/5.2/24.10 Confirmation of Minutes - Council (Mayoral Election) Meeting - 10 October 2024 (A23/0761)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Fabiano

That the minutes of the extraordinary Council (mayoral election) meeting held on 10 October 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.3/24.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 August 2024
(A23/0764)**

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Fabiano

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

**CM/5.4/24.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 September 2024
(A23/0764)**

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Fabiano

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 26 September 2024 be received and noted, and that the recommendations contained therein be adopted.

**CM/5.5/24.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 October 2024
(A23/0764)**

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Westwood

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 24 October 2024 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/CV.01/24.10 – Electric Vehicle Charging Stations.

And that this item be dealt with separately below.

**CM/5.5.1/24.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 October 2024 -
TC/CV.01/24.10 - Electric Vehicle Charging Stations (A11/0853)**

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Westwood

That Council:

1. Does not adopt the Traffic Committee's recommendation.
2. Defers this item to the Council meeting on 26 November 2024 for further consideration.

6. Mayoral Minutes**CM/6.1/24.08 Support for the Jewish Community - Collaboration with Woollahra Council on Public Artwork (A23/0698)****MOTION**

Mover: Cr Nemesh

That Council:

1. Welcomes the resolution of Woollahra Council passed at its meeting on 28 October 2024 to work with Waverley Council on commissioning a public art installation to represent both councils' ongoing support for those in our community impacted by the events on 7 October 2023.
2. Requests the Mayor to write to Cr Swan, Mayor of Woollahra, thanking her for the invitation to participate in this joint initiative and immediately commences discussions to facilitate a process moving forward.
3. Officers prepare a report to Council, following initial discussions with Woollahra Council, on the proposed scope, budget, timeline and consultation process for the art installation.
4. Refers this resolution to the Arts, Culture and Creativity Advisory Committee for its feedback.
5. Informs the NSW Jewish Board of Deputies of this resolution.

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

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

UNANIMOUS DECISION

That Council:

1. Welcomes the resolution of Woollahra Council passed at its meeting on 28 October 2024 to work with Waverley Council on commissioning a public art installation to represent both councils' ongoing support for those in our community impacted by the events on 7 October 2023.
2. Requests the Mayor to write to Cr Swan, Mayor of Woollahra, thanking her for the invitation to participate in this joint initiative and immediately commences discussions to facilitate a process moving forward.
3. Officers prepare a report to Council, following initial discussions with Woollahra Council, on the proposed scope, opportunities for public submissions, budget, timeline and consultation process for the art installation.
4. Refers this resolution to the Arts, Culture and Creativity Advisory Committee for its feedback.
5. Informs the NSW Jewish Board of Deputies of this resolution.

CM/6.2/24.08 Antisemitic Graffiti (A24/0972)**MOTION**

Mover: Cr Nemesh

That Council:

1. Notes:

- (a) The antisemitic graffiti occurring in the Waverley local government area specifically targeted at the Jewish community.
- (b) That graffiti is a criminal act of vandalism and antisemitic graffiti is especially nefarious, with 129 instances recorded in the last month.

2. Welcomes the investigation by police taskforce Cadomin to catch the perpetrator(s).

3. Continues to immediately remove the graffiti upon notification.

4. Provides a copy of Council's register of antisemitic graffiti (which includes the date, time, location of each incident) every six months to the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia.

5. In conjunction with the police and other agencies, undertakes an immediate security assessment that includes but is not limited to:

- (a) Identifying locations of vulnerability.
- (b) Examining the suitability of installing additional and/or higher specification CCTV cameras in specific locations
- (c) Other security measures as identified within the security assessment.

6. Officers prepare a report to Council in December with options to implement the recommendations of the security assessment, a budget and a time frame.

AMENDMENT

Mover: Cr Townsend

Seconder: Cr Wy Kanak

That:

1. Clause 5(b) be deleted.

2. Clause 5(c) be amended to read as follows:

'And any other security measures as identified within the security assessment.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Notes:

- (a) The antisemitic graffiti occurring in the Waverley local government area specifically targeted at the Jewish community.
 - (b) That graffiti is a criminal act of vandalism and antisemitic graffiti is especially nefarious, with 129 instances recorded in the last month.
2. Welcomes the investigation by police taskforce Cadomin to catch the perpetrator(s).
3. Continues to immediately remove the graffiti upon notification.
4. Provides a copy of Council's register of antisemitic graffiti (which includes the date, time, location of each incident) every six months to the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia.
5. In conjunction with the police and other agencies, undertakes an immediate security assessment that includes but is not limited to:
 - (b) Identifying locations of vulnerability.
 - (b) Examining the suitability of installing additional and/or higher specification CCTV cameras in specific locations
 - (c) Other security measures as identified within the security assessment.
6. Officers prepare a report to Council in December with options to implement the recommendations of the security assessment, a budget and a time frame.

Cr Masselos was not present for the votes on this item.

7. Reports**CM/7.1/24.10 Draft Financial Statements 2023-24 (A24/0111)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That:

1. Council, in relation to the financial statements required by section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ending 30 June 2023 attached to the report:
 - (a) Have been properly drawn up in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of Council's knowledge and belief, present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records.

2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign:
 - (a) The Statement by Councillors and management for the General Purpose Financial Statements and Special Purpose Financial Statements on page 6 of the Annual Financial Statements attached to the report.
 - (b) The Statement by Councillors and management for the Special Purpose Financial Statements on page 3 of the Special Purpose Financial Statements attached to the report.
 - (c) The financial statements attached to the report.
4. Council sends the signed financial statements to Council's auditor for final clearance.
5. Council forwards a copy of the audited financial statements to the Office of Local Government.
6. Council gives public notice of the audited financial statements and presents them at a Council meeting, in accordance with sections 418 and 419 of the *Local Government Act 1993*.

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

CM/7.2/24.10 Investment Portfolio Report - August 2024 (SF24/3676)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Fabiano

That Council notes:

1. The Investment Summary Report for August 2024 attached to the report.
2. 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/7.3/24.10 Investment Portfolio Report - September 2024 (SF24/3676)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Fabiano

That Council notes:

1. The Investment Summary Report for September 2024 attached to the report.
2. 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/7.4/24.10 Committees and Organisations - Councillor Appointments (SF24/5003)**MOTION**

Mover: Cr Nemesh

Seconder: Cr Spicer

That Council:

1. Establishes a Capital Works Review Committee that includes the ICT Modernisation Program within its scope.
2. Establishes a Strategic Property Review Committee that includes the responsibilities of the Housing Advisory Committee within its scope.
3. Disestablishes the Housing Advisory Committee.
4. Re-establishes the Surf Life Saving Committee.
5. Changes the name of the Sustainability Expert Advisory Panel to the Sustainability and Transport Expert Advisory Panel and amends its scope to include the responsibilities of the Cycling Advisory Committee.
6. Disestablishes the Cycling Advisory Committee.
7. Re-establishes the Waverley Business Forum, to replace the Innovation Forum, noting there are no appointed members to the forum.
8. Officers prepare reports to Council as soon as possible recommending terms of reference for each of the following committees and appoints Councillor members once the terms of reference are adopted:
 - (a) Capital Works Review Committee.
 - (b) Strategic Property Review Committee.
 - (c) Surf Life Saving Committee.
 - (d) Sustainability and Transport Expert Advisory Panel.
 - (e) Waverley Business Forum.
9. Appoints Councillors to the committees and organisations listed below until the next mayoral election on 15 September 2026, subject to the rules of the organisations.

AMENDMENT

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That Council also appoints Cr Fabiano to the General Manager's Performance Review Panel.

THE AMENDMENT WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE CHAIR.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Establishes a Capital Works Review Committee that includes the ICT Modernisation Program within its scope.
2. Establishes a Strategic Property Review Committee that includes the responsibilities of the Housing Advisory Committee within its scope.
3. Disestablishes the Housing Advisory Committee.
4. Re-establishes the Surf Life Saving Committee.
5. Changes the name of the Sustainability Expert Advisory Panel to the Sustainability and Transport Expert Advisory Panel and amends its scope to include the responsibilities of the Cycling Advisory Committee.
6. Disestablishes the Cycling Advisory Committee.
7. Re-establishes the Waverley Business Forum, to replace the Innovation Forum, noting there are no appointed members to the forum.
8. Officers prepare reports to Council as soon as possible recommending terms of reference for each of the following committees and appoints Councillor members once the terms of reference are adopted:
 - (a) Capital Works Review Committee.
 - (b) Strategic Property Review Committee.
 - (c) Surf Life Saving Committee.
 - (d) Sustainability and Transport Expert Advisory Panel.
 - (e) Waverley Business Forum.
9. Appoints Councillors to the committees and organisations listed below until the next mayoral election on 15 September 2026, subject to the rules of the organisations:

COUNCIL COMMITTEES

Committee name:	<u>Finance, Operations and Community Services Committee</u>
Councillors to be appointed:	Chair and Deputy Chair.
Chair of Committee:	The Mayor unless they decline, in which case Council will appoint the Chair.
Appointees:	Crs Westwood (Chair) and Masselos (Deputy Chair).
Committee name:	<u>Strategic Planning and Development Committee</u>
Councillors to be appointed:	Chair and Deputy Chair.
Chair of Committee:	The Mayor unless they decline, in which case Council will

appoint the Chair.

Appointees: Crs Stephenson (Chair) and Lewis (Deputy Chair).

TECHNICAL COMMITTEES

Committee name: **Traffic Committee**

Councillors to be appointed: Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate voting representative (Deputy Chair).

Chair of Committee: The Mayor unless they decline, in which case Council will appoint the Chair.

Appointees: Crs Frazer (Chair) and Spicer (Deputy Chair).

ADVISORY COMMITTEES

Committee name: **Access and Inclusion Advisory Panel**

Councillors to be appointed: Chair, Deputy Chair and two other Councillors.

Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.

Appointees: Crs Spicer (Chair), Townsend (Deputy Chair), Spooner and Fabiano.

Committee name: **Arts, Culture and Creativity Advisory Committee**

Councillors to be appointed: Chair, Deputy Chair and one other Councillor.

Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.

Appointees: Crs Stephenson (Chair), Westwood (Deputy Chair) and Masselos.

Committee name: **Audit, Risk and Improvement Committee**

Councillors to be appointed: One (non-voting). The Mayor cannot be a member of this Committee.

Chair of Committee: An Independent Member (non-Councillor).

Appointees: Cr Spicer.

Committee name: **Floodplain Management Committee**

Councillors to be appointed: Chair, Deputy Chair and one other Councillor.

Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.

Appointees: Crs Stephenson (Chair), Nemesh (Deputy Chair) and Spooner.

Committee name: **General Manager's Performance Review Panel**

Councillors to be appointed: Chair, Deputy Mayor and one other Councillor.

Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.

Appointees: Crs Nemesh (Chair), Westwood (Deputy Chair) and Spooner.

Committee name: **Multicultural Advisory Committee**

Councillors to be appointed: Chair, Deputy Chair and up to two other Councillors.

Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.

Appointees: Crs Nemesh (Chair), Lewis (Deputy Chair) and Frazer.

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

Councillors to be appointed: Chair, Deputy Chair and two other Councillors.

Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.

Appointees: Crs Townsend (Chair), Wy Kanak (Deputy Chair), Masselos and Fabiano.

Committee name: **Resident Parking Scheme Review Committee**

Councillors to be appointed: Chair, Deputy Chair and one other Councillor.

Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.

Appointees: Crs Stephenson (Chair), Frazer (Deputy Chair) and Merten.

EXTERNAL ORGANISATIONS

Name: **Centennial Park and Moore Park Community Trustee Board**

Councillors to be appointed: One Councillor.

Appointees: Cr Nemesh (Mayor).

Name: **NSW Public Libraries Association**

Councillors to be appointed: One Councillor.

Appointees: Cr Spicer.

Name:	<u>Southern Sydney Regional Organisation of Councils (SSROC) – Board</u>
Councillors to be appointed:	A maximum of two delegates and two alternates (one delegate to be the Mayor).
Appointees:	Crs Nemesh (Mayor) and Townsend. Alternates: Crs Westwood and Spooner (Deputy Mayor).
Name:	<u>Southern Sydney Regional Organisation of Councils (SSROC) – Program Delivery Committee</u>
Description:	Deals with asset management, public works, procurement, waste management and SSROC financial reports.
Councillors to be appointed:	Cr Westwood. Alternate: Cr Merten.
Name:	<u>Southern Sydney Regional Organisation of Councils (SSROC) – Sustainability Program Committee</u>
Description:	Deals with regional planning, environmental management, transport planning and management, and community development.
Councillors to be appointed:	Cr Westwood. Alternate: Cr Masselos.
Name:	<u>Sydney Coastal Council Group – Delegate</u>
Councillors to be appointed:	One Councillor (no alternate).
Appointee:	Cr Townsend.
Name:	<u>Sydney Coastal Council Group – Executive Committee</u>
Councillors to be appointed:	One Councillor (must not be the delegate and there is no alternate).
Appointee:	Cr Frazer.
Name:	<u>Sydney Football Stadium Community Consultative Committee</u>
Councillors to be appointed:	One Councillor and one alternate.
Appointees:	Cr Nemesh (Mayor). Alternate: Cr Spicer.
Name:	<u>Sydney Water Customer and Community Reference Group (Bondi)</u>
Councillors to be appointed:	Up to three Councillors.
Appointees:	Crs Frazer, Spicer and Spooner.

**CM/7.5/24.10 Annual Returns Disclosing Interests of Councillors and Designated Persons
(A24/0116)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Fabiano

That Council notes the returns of Councillors and designated persons disclosing interests for the period 30 June 2023 to 30 June 2024.

CM/7.6/24.10 Small Grants Program 2024-25 - Round 1 (A24/0730)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Fabiano

That Council, under the Small Grants Program 2024–25 (Round 1), grants \$46,000 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

8. Notices of Motions**CM/8.1/24.10 Pedestrian Amenity (A24/0956)****MOTION / UNANIMOUS DECISION**

Mover: Cr Fabiano
Seconder: Cr Wy Kanak

That Council:

1. Notes that:

- (a) There is an existing Council resolution that addresses the process and prioritisation of pedestrian amenity improvements across Waverley, including:
 - (i) Bronte Road from Ebley Street, Bondi Junction, to Victoria Street, Charing Cross (both sides of the road).
 - (ii) Wellington Street, Bondi from Bondi Road to Edward Street (Bondi Public School Side).
 - (b) Delivery of the program is currently underway.
 - (c) A report will be prepared to Council on the Walking Strategy, including the findings of the Safe Walking Routes to School project, in early 2025.
2. Officers include in the report to Council the outcomes of the audit for the areas specified in clauses 1 (a)(i) and (ii).

CM/8.2/24.10 NSW Housing Reform - Communications Campaign (SF24/382)**MOTION**

Mover: Cr Merten

Seconder: Cr Lewis

That Council:

1. Notes that:

- (a) The Waverley local government area (LGA) is one of the most densely populated LGAs in Australia.
 - (b) The previous Mayor and General Manager and Council planners have met the Minister for Planning, the Hon Paul Scully, to discuss the State Government's housing reforms and their impact and implications for Waverley.
 - (c) As a result of that meeting, the Department of Planning and Environment and Council undertook to work together to clarify definitions such as 'town centres', and to achieve housing reform outcomes that are sensitive to residential and public amenity of the Waverley LGA.
2. Requests that Council's Community Planning Advocate works with the Communications team to develop an information, communications and outreach campaign explaining the new State Government's housing reforms. This plan, including a budget and funding source, is to be presented at the December Council meeting for consideration.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes that:

- (a) The Waverley local government area (LGA) is one of the most densely populated LGAs in Australia.
 - (b) The previous Mayor and General Manager and Council planners have met the Minister for Planning, the Hon Paul Scully, to discuss the State Government's housing reforms and their impact and implications for Waverley.
 - (c) As a result of that meeting, the Department of Planning and Environment and Council undertook to work together to clarify definitions such as 'town centres', and to achieve housing reform outcomes that are sensitive to residential and public amenity of the Waverley LGA.
2. Requests that the Mayor and Deputy Mayor seek an urgent meeting with the Minister for Planning and Public Places, the Hon Paul Scully, to discuss Council's preferred options to deliver its housing targets.
3. Requests that Council's Community Planning Advocate works with the Communications team to develop an information, communications and outreach campaign explaining the new State Government's housing reforms. This plan, including a budget and funding source, is to be presented at the December Council meeting for consideration.

AMENDMENT

Mover: Cr Nemesh

Seconder: Cr Spicer

That clause 3 be amended to read as follows:

‘Requests that Council’s Community Planning Advocate works with the Precincts and community groups to explain the new State Government’s housing reforms and their impact on Waverley.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

For the Amendment: Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.

Against the Amendment: Crs Fabiano, Lewis, Merten, Spooner and Wy Kanak.

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

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

UNANIMOUS DECISION

That Council:

1. Notes that:
 - (a) The Waverley local government area (LGA) is one of the most densely populated LGAs in Australia.
 - (b) The previous Mayor and General Manager and Council planners have met the Minister for Planning, the Hon Paul Scully, to discuss the State Government’s housing reforms and their impact and implications for Waverley.
 - (c) As a result of that meeting, the Department of Planning and Environment and Council undertook to work together to clarify definitions such as ‘town centres’, and to achieve housing reform outcomes that are sensitive to residential and public amenity of the Waverley LGA.
2. Requests that the Mayor and Deputy Mayor seek an urgent meeting with the Minister for Planning and Public Places, the Hon Paul Scully, to discuss Council’s preferred options to deliver its housing targets.
3. Requests that Council’s Community Planning Advocate works with the Precincts and community groups to explain the new State Government’s housing reforms and their impacts on Waverley and prepares a report to the December Council meeting with a full proposal on a way forward, including budget.

Cr Masselos was not present for the votes on this item.

CM/8.3/24.10 NSW Housing Reform - Communications Strategy (SF24/382)**MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That Council:

1. Notes the following unanimous resolution passed at the 'Save Bondi Village' group meeting at Bondi Pavilion on 14 October 2024: 'This community/public meeting calls on Waverley Council to embark on an extensive communication strategy to inform residents of the NSW Housing Reforms and the serious implications of these reforms for Bondi/Waverley.'
2. Officers prepare a report to the December 2024 Council meeting outlining an engagement and communications strategy and budget to inform residents of the NSW housing reforms and anticipated impacts for Waverley.
3. Officers prepare a report to Council by June 2025 evaluating the changes to the excavation controls in the Waverley Development Control Plan and recommending any further amendments to ensure the objectives are achieved.

THE MOTION WAS PUT AND DECLARED LOST.

Division**For the Motion:** Crs Fabiano, Lewis, Merten, Spooner and Wy Kanak.**Against the Motion:** Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.*Cr Masselos was not present for the vote on this item.**B Peacock (on behalf of Save Bondi Village) and P Paech addressed the meeting.***CM/8.4/24.10 Cadigal Place Renaming (A24/0287)****MOTION / DECISION**

Mover: Cr Nemesh

Seconder: Cr Frazer

That Council:

1. Withdraws its application to the Geographical Names Board to change the name of Cadigal Place to Gadigal Place.
2. Advises the residents of Cadigal Place of Council's decision, as well as the Dover Heights Precinct.

C Phitidis addressed the meeting.

9. Questions with Notice

CM/9.1/24.10 Access Provisions (A21/0205)

QUESTION

The following question was submitted by Crs Fabiano and Wy Kanak:

Regarding resolution CM/8.6/23.11 (Continuous Pedestrian Paths of Travel – Accessibility Solutions), can an update be provided on the actions outlined in this resolution, particularly relating to the audit of kerb crossings (pram ramps) and priorities for rebuilding to contemporary standards?

Background

Priorities for pram ramps were identified in Council's Asset Strategy.

Resolution CM/8.6/23.11 is as follows:

That Council:

1. *Notes Council resolution CM/8.2/21.11 (Accessibility in Waverley) for Waverley to become the most accessible place in NSW.*
2. *Notes the Disability Inclusion Action Plan (DIAP) 2022–26, which aims to identify what needs to be done to optimise accessibility and inclusion in Waverley.*
3. *Notes actions from Council's Bondi Junction Pedestrian Access and Mobility Plan (PAMP) 2009 are now finalised.*
4. *Notes the Waverley People, Movement and Places Study approved by Council in December 2017.*
5. *Officers prioritise the installation of Tactile Graphic Surface Indicators (TGSIs), known as tactile markers, such as at existing continuous footpath treatments (CFTs) in Waverley, ensuring that installations meet best practice for proper alignment with all desire lines of pedestrian travel, starting with high pedestrian areas in Bondi Junction.*
6. *Officers, through Council's internal Access and Mobility Working Group:*
 - (a) *Continue to conduct access audits of the Bondi Junction commercial area and villages centres throughout Waverley to plan, prioritise and action improvements to continuous pedestrian paths of travel, including footpaths, kerb ramps, cycleways, continuous footpath treatments, shared paths, shared zones, unsignalised pedestrian crossing, and signalised intersections using a staged approach to create outcomes as soon as possible.*
 - (b) *Identify areas of concern that fall under the authority of Transport for NSW/the NSW State Government and then make representations, as appropriate, with Councillors being notified.*
7. *Officers investigate any funding sources to carry out this work.*
8. *Officers engage with the Access and Inclusion Advisory Panel on proposals.*
9. *Officers request design input on the above initiatives from Guide Dogs NSW and other stakeholders in the vision impaired area.*

10. *Receives a progress report in the first half of 2024 on the above actions.*

General Manager's answer

Clauses 1 to 4 are noted.

Clause 5

Council officers have implemented updated technical standards to ensure that new pedestrian facilities including pram (pedestrian) ramps, continuous footpath treatments and pedestrian crossings include contemporary and compliant design principles. As such, any new treatments being installed will meet this above objective.

Existing treatments planned for review and retrofitting with tactile graphic surface indicators are to be completed within the current financial year. Focus on key pedestrian routes and the Bondi Junction commercial area will be the priority.

Clause 6

Audits are planned of key pedestrian routes to assess the opportunities for improvements.

Based on the findings of these audits, a program of works will be developed. This is likely to be funded from the Complete Streets Program and the Local Village Centres allocations in the Long Term Financial Plan. This audit is occurring in parallel with finalising Council's Walking Strategy. Officers will be reporting to Council on the Walking Strategy in early 2025 of the calendar year.

Sharon Cassidy

Director, Assets and Operations

CM/9.2/24.10 Tram Waiting Shed/Bus Shelter, Bondi Road (A04/0458)

QUESTION

The following question was submitted by Crs Fabiano and Wy Kanak:

The historic tram waiting shed/bus shelter on Bondi Road has fallen into a state of disrepair and is in urgent need of repair. Can an update be provided on any proposed plans to complete carpentry repairs and repainting of the historic tram shed?

Background

This is an important legacy structure from Waverley's transport past and offers excellent shade and shelter to people waiting for buses. It has been damaged and out of use for several months. Bedraggled infrastructure unnecessarily degrades Waverley's historic amenity, and repairs and restoration are worthwhile.

General Manager's answer

Council officers have undertaken a full design scope, including a methodology for preservation of the historic tram waiting shed's materials and character. Council adopted the 2024-25 Capital Works Budget with adequate budget provisions for this scope.

Prior to tendering for the delivery of the works, there is the necessary heritage approvals process that needs to be undertaken. This is currently in train.

Works are planned to be completed this financial year.

Sharon Cassidy
Director, Assets and Operations

CM/9.3/24.10 First Nations Training Programs (A24/0965)

QUESTION

The following question was submitted by Cr Wy Kanak:

Can officers clarify which First Nations training programs are available for post-youth training; for example, Council rangers and casuals?

General Manager's answer

Council has an Equal Employment Opportunity Management Plan, and Aboriginal and Torres Strait Islanders are a focus group within this plan. The plan outlines Council's priority to continue to provide targeted employment opportunities through the Elsa Dixon Aboriginal Training Program and provide cultural awareness training to employees to increase understanding and appreciation for Aboriginal and Torres Strait Islander culture. As well as our much loved Elsa Dixon Trainees, Council also has a targeted employment position (Aboriginal Community Development Officer).

Council recently advertised for casual Rangers through our normal recruitment process which everyone is encouraged to apply. All advertisements for Council's recruitment include our commitment to equal employment opportunity and our encouragement for (among other groups) Aboriginal and Torres Strait Islander people to apply. Council does not have any First Nations adult training programs at this point in time.

Ben Thompson
Director, Community, Culture and Customer Experience

10. Urgent Business

There was no urgent business.

11. Closed Session

There were no matters dealt with in closed session.

CM/11.1/24.10 CONFIDENTIAL REPORT - Mill Hill Cafe - 33 Spring Street, Bondi Junction - Lease (A21/0147)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Fabiano

That Council:

1. Treats the report as confidential 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. Grants a lease to The Dining & Co Castle Hill Pty Ltd for the Mill Hill Café, 33 Spring Street, Bondi Junction, for three years with one three-year option, on the terms and conditions set out in the report.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

12. Meeting Closure**THE MEETING CLOSED AT 8.53 PM.**

.....
SIGNED AND CONFIRMED
MAYOR
26 NOVEMBER 2024

:

MAYORAL MINUTES CM/6/24.11

Subject: Mayoral Minutes

Manager: Mayor of Waverley, Cr Will Nemesh



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/7.1/24.11

Subject: Annual Report 2023-24 and State of the City Report 2024

TRIM No: A22/0557

Author: Sneha Sabu, Coordinator, Corporate Planning and Reporting

Director: Emily Scott, General Manager

RECOMMENDATION:

That Council notes the Annual Report 2023–24 (Attachment 1) including the State of the City Report 2024 (Attachment 2) attached to the report.

1. Executive Summary

The purpose of this report is to present Council's Annual Report 2023–24 including the State of the City Report 2024 for submission to the Minister of Local Government by 30 November 2024.

The Annual Report comprises five parts. The first three parts are published in one volume. Part 4, the Audited Financial Statements, and Part 5, the State of the City Report, are published separately. The Audited Financial Statements are presented to Council as a separate report.

2. Introduction/Background

Section 428 of the *Local Government Act 1993* requires that, within five months after the end of each financial year, a council must prepare a report (its annual report) for that year. The annual report highlights achievements in implementing the delivery program and the effectiveness of the principal activities undertaken in achieving the objectives. An annual report must be prepared in accordance with the guidelines under section 406 (which outlines the requirements for Integrated Planning and Reporting) and must contain a copy of the council's audited financial statements prepared in accordance with the Local Government Code of Council Accounting Practice and Financial Reporting published by the Office of Local Government.

A copy of Council's annual report must be posted on Council's website and provided to the Minister and such other persons and bodies as the regulations may require by 30 November each year.

In addition to reporting on the most recent financial year (2023–24), the Annual Report in the year in which an ordinary election of councillors is to be held must also report on Council's achievements in implementing the Community Strategic Plan over the previous term of Council. The State of the City Report is prepared for three financial years from 2021-22 to 2023-24.

3. Relevant Council Resolutions

Nil.

4. Discussion

The Annual Report 2023–24 (Attachment 1) provides an overview of Council’s performance over the past financial year. The Annual Report forms an important component of the Integrated Planning and Reporting (IP&R) Model as it ‘closes the loop’ in keeping the community informed of achievements in implementing the Delivery Program and Operational Plan.

The Annual Report is a key point of accountability between Council and its community. Its focus is to report on progress of the Delivery Program and Operational Plan as these documents are within Council’s responsibility to deliver.

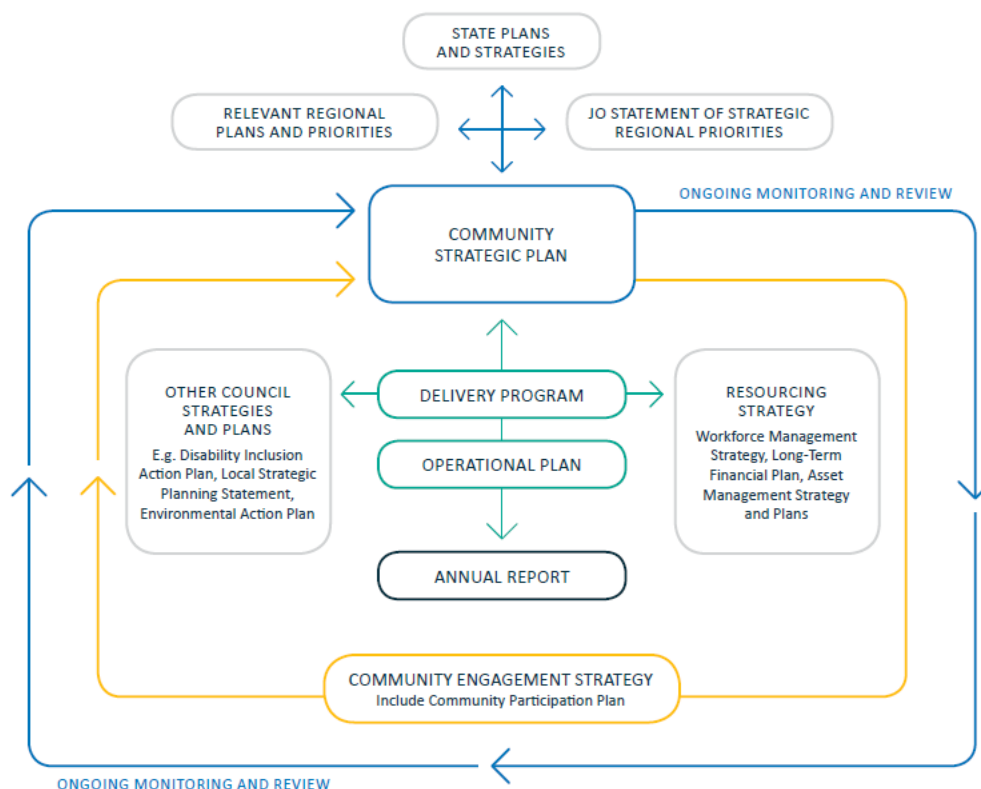


Figure 1. The Integrated planning and reporting framework.

The Annual Report 2023–24 is structured around the three themes in the Community Strategic Plan 2022–2032. This is the second report based on the Community Strategic Plan 2022–2032, the Delivery Program 2022–26 and the Operational Plan 2023–24.

Of the total 158 actions in the Operational Plan 2023–24, 93% (147) of the actions in the Operational Plan were completed and 7% (11) are in progress.

Section 428 of the *Local Government Act 1993* requires Council within five months after the end of each year to prepare a report (its Annual Report) for that year. The annual report highlights achievements in implementing the Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives.

The Annual Report must be prepared in accordance with the guidelines under section 406 (which outlines the requirements for Integrated Planning and Reporting) and must contain a copy of Council’s audited financial statements prepared in accordance with the Local Government Code of Council Accounting Practice and Financial Reporting published by the Office of Local Government. A copy of Council’s Annual

Report must be posted on Council's website and provided to the Minister and such other persons and bodies as the regulations may require by 30 November each year.

The State of our City Report (Attachment 2) should be presented to the second meeting of a newly elected Council for noting. The report covers the term of the previous Council and objectively tracks Council's progress against the Community Strategic Plan (CSP). The report provides information that sets the scene for the new Council and may include achievements to date and highlight future work to be undertaken. The report should assist the new council to undertake a review of the CSP, which is an essential component of IP&R cycle.

5. Financial impact statement/Time frame/Consultation

The actions in the Operational Plan 2023–24 were included in the budget and work program when the Operational Plan was adopted by Council in June 2023. Funding to implement the Delivery Program over its term is based on the Long-Term Financial Plan that supports the Delivery Program. The Annual Report 2023–24 covers the period 1 July 2023 to 30 June 2024 and must be submitted to the Minister for Local Government by 30 November 2024. The progress made in implementing the Delivery Program contributes to the State of the City Report 2024.

6. Conclusion

The Annual Report 2023–24 provides a snapshot of Council's performance against the deliverables detailed in the Delivery Program 2022–26. The Annual Report 2023–24 is prepared in compliance with section 428 of the *Local Government Act 1993* and Office of Local Government Annual Report Checklist.

The State of the City Report 2024 provides Council's achievements in implementing the Waverley Community Strategic Plan 2022-24 over the previous Council term.

7. Attachments

8.

1. Annual Report 2023-24 (under separate cover)
2. State of our City Report 2024 (under separate cover)

**REPORT
CM/7.2/24.11****Subject:** Quarterly Budget Review (Q1) - September 2024**TRIM No:** SF24/4957**Manager:** Teena Su, Executive Manager, Finance**Director:** Tara Czinner, Director, Corporate Services

RECOMMENDATION:

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 2024-25 Operating and Capital budgets in accordance with the attachments to the report.

1. Executive Summary

Following the Q1 2024–25 budget review, Council's Q1 proposed budget is now estimated to generate a total income of \$189.5m and requiring expenditure of \$199.1m, which will result in the use of reserves totalling \$9.6m to deliver the planned expenditure program within a balanced budget for 2024–25 financial year.

The following amendments are proposed:

- Increase operating income by \$5.9m to \$167.0m.
- Increase operating expenses by \$3.7m to \$145.2m.
- Decrease capital income by \$6.6m to \$22.6m.
- Increase capital expenses by \$0.9m to \$53.5m.
- Increase reserve utilisation requirement by \$5.3m to \$9.6m.

The Q1 budget review forecasts a balanced budget and improves the Operating Performance Ratio to 0.18% from 0.09% for 2024-25 financial year.

2. Introduction/Background

As part of the Integrated Planning and Reporting Framework for NSW Local Government, the Office of Local Government has a set of minimum reporting requirements for councils. These reporting requirements have been put in place to assist councils to facilitate progress reporting against the original and revised annual budgets. Reporting is required at the end of each quarter.

Collectively, these documents are known as the Quarterly Budget Review Statement (QBRS). Quarterly reports are required to be submitted at the end of each quarter to Council in accordance with the relevant legislation, clause 203 of the *Local Government (General) Regulation 2021*, and that the responsible accounting officer of Council prepares and submits to Council a Budget Review Statement that indicates the

latest estimates of income and expenditure for the current financial year. The QBRs must include, or be accompanied by:

- A report as to whether or not the responsible accounting officer believes that the Statement indicates that the financial position of Council is satisfactory, having regard to the original estimates of income and expenditure.
- If that position is unsatisfactory, recommendations for remedial action.

Council's original 2024-25 budget was adopted at its meeting on 18 June 2024. On 20 August 2024, Council approved rolling over the 2023-24 incomplete projects budget to the 2024-25 financial year for completion.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 August 2024	CM/7.1/24.08	That Council carries over \$6,139,856 from the 2023-24 financial year budget to 2024–25, as set out in Attachment 1 of the report.

4. Discussion

The September Quarterly Budget Review forecasts a decrease in income by \$0.7m to \$189.5m. This comprises \$5.9m increase in operating income and a \$6.6m decrease in capital income. It also forecasts a total increase of \$4.6m in expenses, comprising a \$3.7m increase in operating expenses, a \$0.4m increase in the Capital Works Program and a \$0.5m increase in other capital expenses. These have revised the expense program total to \$198.6m (\$199.1m including loan principal repayment) for financial year (FY) 2024–25.

The following table provides a comparison of Council's forecast position between the current approved budget and Q1 proposed budget and actuals (including commitments) for the first quarter to 30 September 2024.

Table 1. Comparison of current approved budget and Q1 proposed budget.

Table 1 - Q1 Proposed Budget - '000	Original Budget	Current Approved Budget	Q1 Amendment	Q1 Proposed Budget	Q1 change %	Actual (Incl. Commitments) 30 September 2024	Note
Estimated Income	189,820	190,255	(713)	189,542	(0.37%)	104,976	
Operating Income	160,970	161,131	5,851	166,982	3.63%	97,410	1
Capital Income	28,850	29,124	(6,564)	22,560	(22.54%)	7,566	2
Estimated Expenses	(187,774)	(194,564)	(4,566)	(199,130)	2.35%	(80,092)	
Operating Expense	(141,261)	(141,478)	(3,702)	(145,181)	2.62%	(49,419)	3
Capital Works Program	(36,100)	(42,474)	(404)	(42,878)	0.95%	(29,990)	4
Other Capital Expense	(9,927)	(10,126)	(460)	(10,586)	4.54%	(566)	5
Loan Repayment	(486)	(486)	0	(486)	-	(117)	
Net Income / (Expenses)	2,046	(4,309)	(5,280)	(9,588)	122.54%	24,883	
Reserve Funds	(2,046)	4,309	5,280	9,588	122.54%	(17,947)	6
Net Result - Surplus/(Deficit)	0	0	(0)	(0)		6,936	

(Excluding depreciation expense)

Operating income

Operating income (excluding capital works income and proceeds from the sale of assets) increased by \$5.9m, mainly attributed to the following changes:

- \$2.2m increase in operational grants and contributions mainly due to the Roads to Recovery grant being lower than anticipated by \$128k, and new fundings for several new initiatives/projects, including:
 - \$1.3m grant and contributions for the public electric vehicle (EV) charging program. This program is to implement the Leading the Charge Electric Vehicle Infrastructure Charging Strategy in the Eastern Suburbs to expand the network of public EV chargers. The program work involves the installation of EV charging stations, maintenance and operational software licence costs.
 - \$500k grant for Permit Plug Play project for strategy and policy development and assets upgrade works.
 - \$179k grant for library equipment purchases.
 - \$135k grant for a street party event.
 - \$99k grant for the Walking Strategy project.
 - \$57k grant for Culture Waves.
 - \$23k grant for Waverley Cemetery Garden.
- \$1.4m increase in income from Infrastructure services based on the year-to-date trend: a \$3.2m increase in road opening permits (\$1.3m), crane permits (\$1.2m), truck zone permit fees (\$600k) and engineering plan assessment fees (\$100k). However, there is a \$1.8m decrease in bus shelter income due to the commencement of the new bus shelter contract being later than anticipated, from February 2025.
- \$0.7m increase from Compliance: hoarding and construction fees increase by \$400k, parking fees increase by \$200k and building certificates increase by \$50k.
- \$0.7m increase in investment income based on revised interest rates, income and expense projections.

Capital income

Capital income decreased by \$6.6m mainly due to the following:

- \$1.0m increase in housing contributions and section 7.12 contributions.
- \$5.0m decrease in grants and contributions for the Capital Works Program mainly attributed to unsuccessful project grant applications.
- \$2.7m decrease in planning agreement (VPA) contributions to reflect the revised VPA money receipt timeline.

Operating expenses

Operating expenses increase by \$3.7m, mainly attributed to the following:

- \$2.2m grants and contributions funded expenditure program as mentioned in the above operating income section.
- \$0.8 temporary resources hire to cover staff leave plans and vacancies, and temporary labour hire for payroll operations remediation work.
- \$0.5m increase in waste disposal expense mainly due to new waste contract and the FOGO implementation.
- \$0.4m contractors increase associated with Infrastructure Services' road opening permit income increase.
- \$0.4m reduction in ICT Modernisation Program expense due to a reassessment of the works delivery schedule for this financial year.

Capital works program (Attachments 2 and 3)

The Capital Works Program proposes amendments to 70 projects. These amendments will result in a net increase in program expenditure by \$0.4m to \$42.9m following a reassessment of the project work delivery schedule and other priorities.

The Q1 capital works program review resulted in a decrease in revenue (\$5m) mainly attributed to unsuccessful project grant applications, an increase in the use of the reserves fund (\$4m) and an increase in the use of the general fund (\$1.5m).

The table below provides a summary of expense changes to the Capital Works Program:

Table 2. Expense changes to capital work program.

Capital Works Program Q1 Amendments	No. of Projects	Amount \$'000
Project Costs Reduction	34	5,326
Project Costs increase	27	(4,306)
Funds Brought Forward (LTFP)	4	(3,974)
Project Costs deferral	3	2,750
New Project	2	(200)
Total	70	(404)

Significant changes to these projects include:

Building infrastructure

\$0.3m decrease in building infrastructure projects mainly due to:

- \$0.6m increase in Tamarama Surf Lifesaving Club Building Upgrade for final contract variation for project completion. The project variation is higher than originally anticipated due to defective works and latent conditions encountered.
- \$0.2m increase in staff accommodation to cover works at Customer Service Centre.
- \$1.1m decrease in Council Chambers Upgrade due to the revised project schedule and the building demolition is not anticipated in FY 2024–25.

Living infrastructure

\$0.1m saving in living infrastructure projects for the Strategic Asset Management Plan street trees planting program due to in-house resources carrying out the planting work.

Public domain infrastructure

\$0.9m decrease in public domain projects mainly due to:

- \$1.1m increase in Cliff Walk Remediation to cover for additional costs for completion. Cost increases are attributed to the Eastern Reserve stabilisation works (below George Street), balustrading following updated risk assessment and design changes based on site conditions.
- \$2.1m decrease in Quinn Road Memorialisation Wall deferred to FY 2025-26.

Road infrastructure

\$0.3m increase in road infrastructure projects mainly due to:

- \$1.3m increase in Charing Cross Streetscape Upgrade due to the electrical work delivery schedule in this financial year.
- \$0.4m decrease in Curlewis Street Streetscape Upgrade to reflect the current scope being delivered in this financial year.
- \$0.3m decrease in 2024-25 road costs for Bourke Street (Birrell Street to Queens Park).

Recreational and public spaces

\$0.7m increase in living infrastructure mainly due to:

- \$1.8m increase in Bondi Park Plan of Management for Stage 2 for 2024/25 financial year with funds brought forward from the Long Term Financial Plan. Works are expected to be completed in December 2024.
- \$0.5m decrease in Barracluff sports field, reduced funding required for optimised scope.
- \$0.3m decrease in Sir Thomas Mitchell Reserve deferred to FY 2025-26 as grant funding not received.
- \$0.3m decrease in Waverley Park Playground and Fitness Station Upgrade as grant funding not received.

Sustainability infrastructure

\$0.2m decrease in sustainability infrastructure projects mainly due to the transfer of the installation of public EV charging stations from the Capital Works Program to the Regional Environmental Program for better reporting.

Unplanned works

\$0.9m increase in Unplanned Works projects mainly for:

- Marks Park - Coastal Walk landslip: \$0.1m.
- Stormwater works at Oceanview Avenue and George Street: \$0.7m.

\$42.9m of Capital Works Program projects will be delivered in this financial year following the Q1 review. The following table shows how the revised Capital Works Program is funded.

Table 3. Funding of revised capital works program.

Capital Works Program Summary Funding Sources '000	Q1 Proposed Budget	Current Approved Budget	Q1 Amendments
Expenditure	(42,878)	(42,474)	(404)
Funding Sources:			
Grants and Contributions	4,429	9,516	(5,087)
External Restricted Reserves	18,622	13,705	4,917
Internal Restricted Reserves	7,592	8,485	(892)
General Fund	12,235	10,768	1,467

Other capital expense

Other capital expenses increased by \$0.5m is mainly due to:

- A Library infrastructure grant of \$179k for equipment for Library operations.

- Moved the \$241k public EV charging installation work from the Capital Works Program to the Regional Environment Program to consolidate all public EV charging program income and expenses to one cost code.
- \$40k increase for the 2024-25 Plant Replacement program.

The revised Q1 budget anticipated 42 fleet items replacement purchases. As at 30 September, six items have been purchased/ordered, with the remaining 36 items to be purchased.

Table 4. Plant/fleet replacement.

2024/25 Budget Plant Replacement Program	2024/25 Current Approved Budget		Q1 Amendments		Sep YTD Act (Inc. Commitments)		2024/25 Q1 Projected Budget	
	Qty	\$	Qty	\$	Qty	\$	Qty	\$
Passenger Vehicle	6	271,952	(1)	(13,646)	1	48,480	5	258,306
Light Commercial Vehicle	18	722,762	-	20,190	4	176,902	18	742,952
Truck Fleet	8	2,035,562	(1)	(80,801)			7	1,954,761
Specialised Equipment	9	290,576	3	114,370	1	15,000	12	404,946
Total	41	3,320,852	1	40,113	6	240,382	42	3,360,965

Reserves

An additional \$5.3m from the reserves fund is required to bridge the funding gap in the proposed Q1 budget program. This is primarily due to the unsuccessful grant income of a few projects and contract variations to several Capital Works Program projects.

A net use of \$9.6m reserves money is to fund the revised FY 2024-25 budget. The reserves balance projection is revised to \$101.4m for 30 June 2025.

Financial performance measures

The following financial performance measures indicate that Council meets all six of the OLG Performance Measures from the Q1 proposed budget.

Table 5. Financial performance measures

	Forecasted indicator 30-Jun-25		Benchmark
Key Performance Indicators:			
1. Operating Performance Ratio This ratio measures Council's achievement of containing operating expenditure within operating revenue.	0.18%	✓	>0.00%
2. Own source operating revenue ratio This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contri	84.49%	✓	>60.00%
3. Unrestricted current ratio To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities c	3.63	✓	>1.50x
4. Debt service cover ratio This ratio measures the availability of operating cash to service debt including interest, principal and lease payments	46.26	✓	>2.00x
5. Rates, annual charges, interest and extra charge outstanding percentage To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts	4.5%	✓	<5.00%
6. Buildings and Infrastructure renewals ratio To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating	229.71%	✓	>=100.00%
Note. Asset fair valuation adjustment and net gain on asset disposal are excluded in the above calculations.			

Income and expense performance as at 30 September 2024

Figures 1 and 2 below illustrate the income and expense performance for the nine months of the year ending 30 September 2024 compared to the Q1 proposed budget for the year ending 30 June 2025.

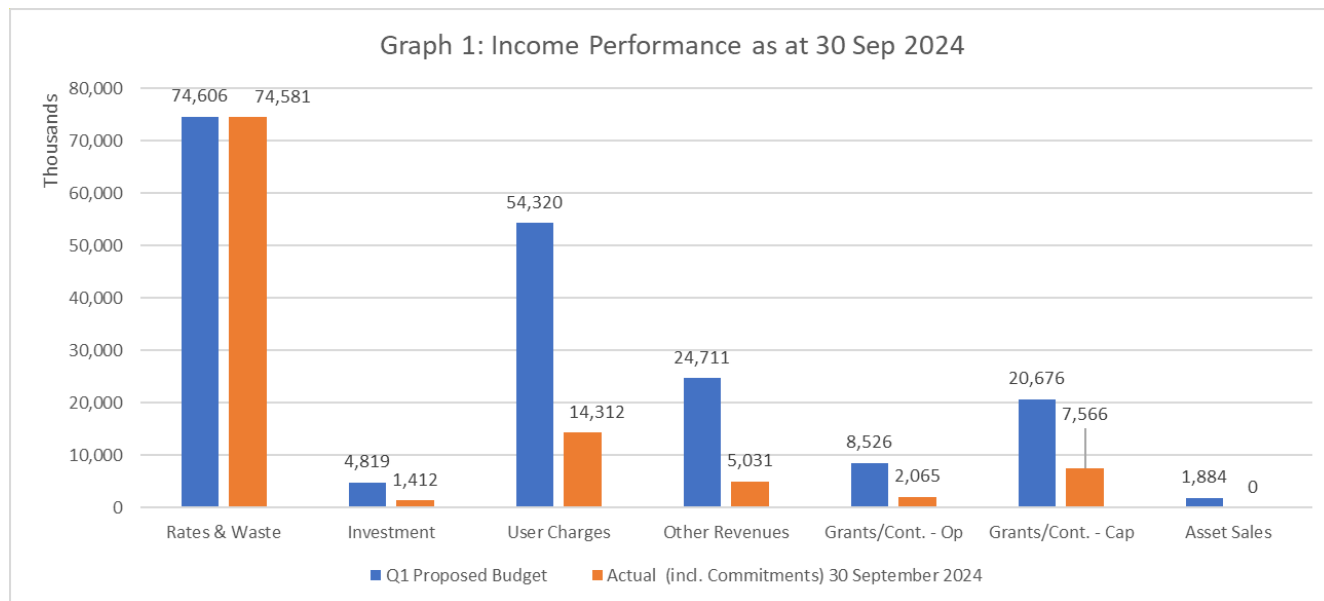


Figure 1. Income performance.

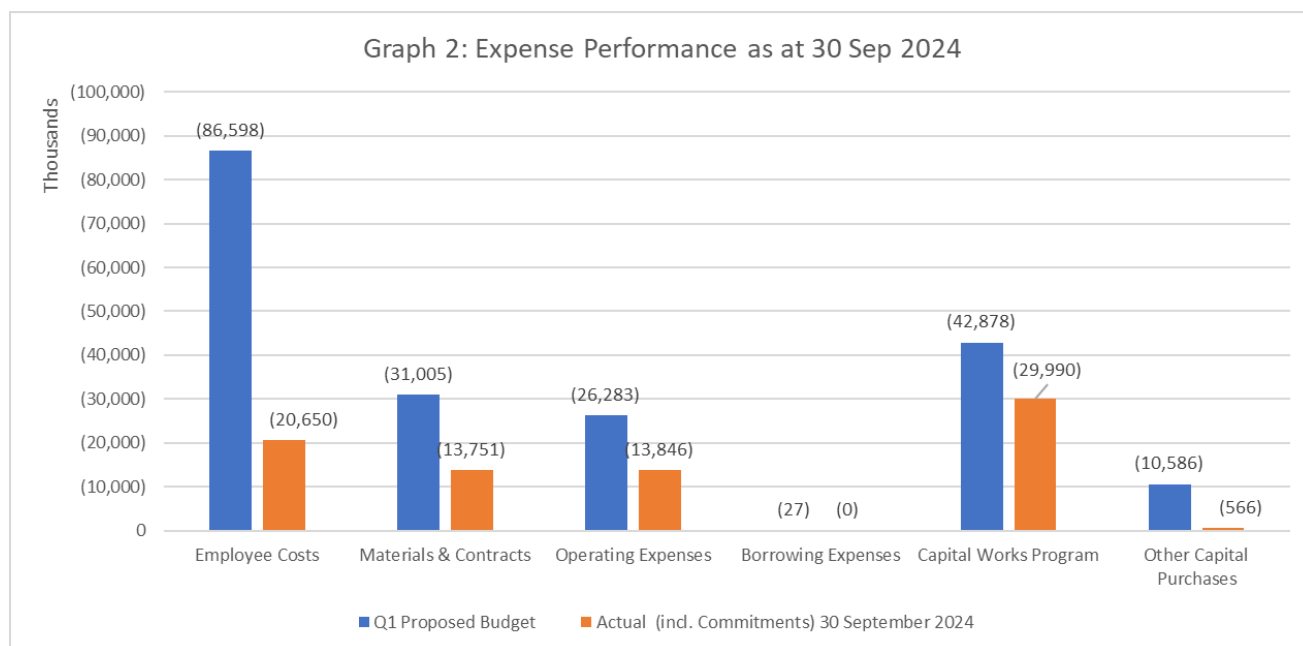


Figure 2. Expense performance.

See Attachment 4 for Directorates' Q1 budget performance as at 30 September 2024.

5. Financial impact statement/Time frame/Consultation

Council is required under clause 203 of the *Local Government (General) Regulation 2021* to, not later than two months after the end of each quarter, prepare and submit a reviewed budget statement showing, by reference to the estimate of income and expenditure which is set out in the operational plan, a revised estimate of the income and expenditure.

6. Conclusion

Council's Executive Manager, Finance, as the responsible accounting officer, advises that Council's overall projected financial position is satisfactory.

7. Attachments

1. Q1 Quarterly Budget Review Statement (QBRs) [↓](#)
2. Q1 Revised Capital Works Program [↓](#)
3. Q1 Revised Capital Works Program Funding [↓](#)
4. Q1 Budget Statement - Council and by Directorate [↓](#)

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

p	page
1. Responsible Accounting Officer's Statement	2
2. Income & Expenses Budget Review Statement's	3
3. Capital Budget Review Statement	6
4. Cash & Investments Budget Review Statement	8
5. Key Performance Indicator (KPI) Budget Review Statement	10
6. Contracts & Other Expenses Budget Review Statement	13

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

30 September 2024

It is my opinion that the Quarterly Budget Review Statement for Waverley Council for the quarter ended 30/09/24 indicates that Council’s projected financial position at 30/6/25 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____

Date:

Teena Su
Responsible Accounting Officer

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2024

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2024/25	Approved Changes Carry Forwards	Revised Budget 2024/25	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
Income							
Rates and Annual Charges	73,430		73,430	(91)	1	73,340	73,414
User Charges and Fees	51,427		51,427	2,893	2	54,320	14,321
Interest and Investment Revenues	4,127		4,127	692	3	4,819	1,412
Other Revenues	24,602		24,602	109	4	24,711	5,031
Grants & Contributions - Operating	6,160	161	6,321	2,205	5	8,526	2,065
Grants & Contributions - Capital	27,013	231	27,244	(6,569)	6	20,676	7,566
Net gain from disposal of assets	1,837	43	1,880	4		1,884	
Total Income from Continuing Operations	188,596	435	189,031	(756)		188,275	103,808
Expenses							
Employee Costs	86,384	24	86,408	191	7	86,598	19,337
Borrowing Costs	27		27			27	
Materials & Contracts	22,154	149	22,303	2,831	8	25,134	5,516
Depreciation	19,500		19,500	2,000	9	21,500	
Legal Costs	422		422	157	10	579	104
Consultants	4,761		4,761	531	11	5,293	956
Other Expenses	26,288	44	26,333	(50)		26,283	6,551
Total Expenses from Continuing Operations	159,537	218	159,754	5,660		165,414	32,464
Net Operating Result from Continuing Operations	29,060	217	29,277	(6,416)		22,861	71,344
Net Operating Result from All Operations	29,060	217	29,277	(6,416)		22,861	71,344
Net Operating Result before Capital Items	2,046	(13)	2,033	153		2,186	63,779

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Unfavourable change of \$0.05m to rates and annual charges due to following reasons: \$0.1m decrease in property rates income to align with actual levy. \$0.08m increase in domestic waste charges
2	Favourable change of \$2.9m to User charges and fees due to following reasons: \$3.2m increase in income from Infrastructure services based on YTD trend: \$1.3m Road opening permits (This also triggers \$190k increase in contractor costs); Crane permits \$1.2m, Truck zone permit fees \$600k, Engineering plan assessment fee \$100k. \$0.7m increase from Compliance: Hoarding & Construction increase by \$400k, Parking Fees increase by \$200k and Building Certificate increase by \$50k. \$0.2m increase in commercial waste charge due to increase in tipping fee \$0.2m increase from Waverley and South Head cemetery transfer renewal rights \$0.2m increase in outdoor seating as YTD actual is trending higher \$0.2m increase in credit card surcharge (\$0.1m) and hire of halls and rooms and license fee (\$0.1m) \$1.8m decrease in bus shelter income due to transition to a new contract commencing Feb 2025
3	Favourable change of \$0.7m to Interest and Investment revenues based on revised income and expenditure program.
4	Favourable change of \$0.1m to Other Revenue due to following reasons: \$0.02m increase in AIF sundry income \$0.03m increase due to legal fee recovery relating to council rates debt management \$0.05m increase due to commercial and residential rent
5	Favourable change of \$2.2m to Grants & Contributions - Operating due to following reasons: \$2.2m grant income increase, associated expenses also incorporated in the expenses budget: -Public EV Charging projects \$1.3m -Permit plug play grant income \$500k -Infrastructure grant for the library \$179k -Street Party \$135k -Walking strategy grant project \$99k -Culture waves \$57k -Waverley cemetery garden \$23k.

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

- 6 Unfavourable change of \$6.6m to Grants & contributions - Capital due to following reasons:
 \$0.6m increase in Housing Contributions
 \$0.4m increase in Section 7.12 Contributions
 \$0.1m increase in State Grants for the Public EV Charging program
 \$5.0m decrease in Grants and contributions for the capital works program mainly attributed to unsuccessful project grant applications.
 \$2.7m decrease in Voluntary Planning Agreement Contributions to reflect the revised VPA money receipt timeline.
- 7 Unfavourable change of \$0.2m to Employee Costs is workers compensation premium is higher than anticipated.
- 8 Unfavourable change of \$2.8m to Materials & Contracts is due to the following reasons:
 \$2.2m increase due to grant income associated expenses increase stated in above Income section
 \$0.8m increase in agency temporary staff hires.
 \$0.4m increase in Road opening permit associated contractors expenses for Roads and Footpath restorations
 \$0.3m increase in open space from concrete purchases (\$72k) for Footpaths repairs; Contractors spend (\$109k) mainly across Graffiti removal (\$54k) and Footpath concrete repairs (\$41k).
 \$0.1m increase in Finance due to (\$92k) increase in credit card fee, (\$20k) increase in legal cost of debt recovery, (\$11k) in external printing and (\$19k) in pensioner rebate. Most of these expense items are full-cost recovery, associated income has increased to reflect the cost increases.
 \$0.4m reduce in the ICT program to reflect the revised work schedule and resources requirement for this financial year.
- 9 Unfavourable change of \$2m to depreciation is due to reflect the forecasted depreciation expenses based on FY2324's asset fair valuation
- 10 Unfavourable change of \$0.15m to legal cost due to the following reason:
 \$0.06m increase for the seven ways project
 \$0.03m increase for council rates debt management
 \$0.04m increase in legal fee recovery for HR matters
 \$0.02m increase across compliance and general legal advice area
- 11 Unfavourable change of \$0.5m to Consultants is due to the following reason:
 \$0.5m increase in consultant & technical assistance to permit plug play grant for strategy and policy development and assets upgrade or construction in according to the strategy.
 \$0.1m increase due to walking strategy grant project
 \$0.1m increase due to Bondi Junction masterplan works
 \$0.2m decrease due to a number of IT operational projects not being programmed

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement

for the period 01/07/24 to 30/09/24

Capital Budget Review Statement

Budget review for the quarter ended 30 September 2024

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2024/25	Approved Changes Carry Forwards	Revised Budget 2024/25	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
Capital Expenditure							
New Assets							
- Plant & Equipment	3,348	199	3,547	61	1	3,608	49
- Land & Buildings	6,552		6,552			6,552	1
- Roads, Bridges, Footpaths				16	2	16	11
- Other	699	20	719	179	3	898	54
Renewal Assets (Replacement)							
- Plant & Equipment							
- Land & Buildings	9,140	4,454	13,594	(755)	4	12,838	5,216
- Roads, Bridges, Footpaths	15,915	1,008	16,923	1,919	5	18,842	4,558
- Other	10,373	893	11,266	(556)	6	10,710	1,851
Loan Repayments (Principal)	486		486			486	117
Total Capital Expenditure	46,513	6,572	53,086	864		53,950	11,857
Capital Funding							
Rates & Other Untied Funding	10,503	(56)	10,447	1,922		12,369	7,684
Capital Grants & Contributions	9,285	231	9,516	(5,087)		4,429	332
Reserves:							
- External Restrictions/Reserves	18,869	1,699	20,568	4,917		25,485	2,324
- Internal Restrictions/Reserves	6,019	4,656	10,675	(892)		9,783	1,517
New Loans							
Receipts from Sale of Assets							
- Plant & Equipment	837	43	880	4		884	
- Land & Buildings	1,000		1,000			1,000	
Total Capital Funding	46,513	6,572	53,086	864		53,950	11,857
Net Capital Funding - Surplus/(Deficit)	-	-	0.0	0.0	0.0	-	0.0

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Plant & Equipment New Assets decreased by \$0.06m mainly due to: \$0.04m increase in Plant replacement program
2	Roads, Bridges & Footpaths New Assets increased by \$0.02m mainly due to: \$0.02m increase in Syd Enfield Drive Bike Parking
3	Other New Assets increased by \$0.18m mainly due to: \$0.18m increase in Capital Purchases for equipment for the Library Operation
4	Land & Buildings Replacement Assets decreased by \$0.8m mainly due to: \$0.6m increase in Tamarama SLSC – Building Upgrade for final contract variation for project completion. The project variation is higher than originally anticipated due to extensive defective works and latent conditions encountered. \$1.1m decrease in Council Chambers Upgrade due to the revised project schedule and the building demolition is not anticipated in FY2024/25.
5	Roads, Bridges, Footpaths Replacement increase by \$1.9m mainly due to: \$1.1m increase in Cliff Walk Remediation to cover for additional costs for completion. Costs increase attributes to the Eastern Reserve Stabilisation works (below George St), balustrading cost increases following updated risk assessment, design changes based on site conditions. \$1.3m increase in Charing Cross Streetscape Upgrade due to the electrical work delivery schedule will be delivered in this financial year. \$0.4m decrease in Curlewis St Streetscape Upgrade to reflect the current scope being delivered in this financial year \$0.3m decrease in 2024/25 - RC – Bourke Street, Birrell street to Queens Park.
6	Other Replacement Assets decreased by \$0.6m mainly due to: \$1.8m increase in Bondi Park Plan of Management stage 2 upgrade for construction variation, works due for completion in December 2024. \$2.1m decrease in Quinn Road Memorialisation Wall deferred to FY2025/26. \$0.5m decrease in Barracluff Sportsfield, reduced funding required for optimised scope. \$0.2m increase in Staff Accommodation to cover for works at Customer Service Centre.

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement

for the period 01/07/24 to 30/09/24

Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2024

Cash & Investments - Council Consolidated

(\$000's)

Externally Restricted⁽¹⁾

	Original Budget 2024/25	Approved Changes Carry Forwards & Other	Revised Budget 2024/25	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
Developer Contributions	23,381	(1,524)	21,857	(7,198)	1	14,658	19,231
Domestic Waste Reserve	20,605		20,605	(39)		20,565	19,946
Unexpended Grant/Subsidy	2,619		2,619	10		2,629	2,522
Stormwater Management Service Reserve	468	(175)	293	(14)		279	1,409
Total Externally Restricted	47,073	(1,699)	45,374	(7,242)		38,132	43,107

(1) Funds that must be spent for a specific purpose

Internally Restricted⁽²⁾

Affordable Housing Program	2,126	(53)	2,073	52		2,125	1,908
Cemetery	2,898	(688)	2,210	233	2	2,443	3,308
Centralised - Other	3,708	(459)	3,249	(88)		3,161	3,246
Deposits & Bonds	27,572		27,572			27,572	27,572
Election							495
Employees Leave Entitlements	5,311		5,311			5,311	5,311
Property Investment Strategy	6,821	(1,909)	4,911	(588)	3	4,324	5,527
IT Information	1,984		1,984	303	4	2,288	3,889
Other Internal Restricted	2,055	(897)	1,158	(21)		1,138	819
Parking - Car Park	3,239		3,239	30		3,269	3,062
Parking - Meter	2,737		2,737			2,737	2,522
Plant & Vehicles Replacement	5,221	(138)	5,084	(97)		4,986	5,548
SAMP Infrastructure	1,622	(407)	1,216	2,102	5	3,318	4,158
Social Housing	627	(106)	521	35		556	554
Total Internally Restricted	65,922	(4,656)	61,266	1,962		63,229	67,918

(2) Funds that Council has earmarked for a specific purpose

Unrestricted (i.e. available after the above Restrictions)	11,108		11,108			11,108	23,670
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Total Cash & Investments	124,103	(6,355)	117,748	(5,280)		112,469	134,695
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Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Cash & Investments Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Decrease in Developer contribution reserve to fund capital works program
2	Increase in Cemetery reserve as project deferral to future years
3	Decrease in Property Investment Strategy to align capital projects timeline
4	Increase in Computer reserve to due to deferral of IT projects
5	Increase in SAMP Infrastructure reserve to align capital projects timeline

Attachment 1 - Q1 QBRS Statement

Waverley Council

Council Meeting 26 November 2024

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Key Performance Indicators Budget Review Statement - Council specific KPI's

Budget review for the quarter ended 30 September 2024

(\$000's)	Current Projection		Original Budget 24/25	Actuals	
	Amounts	Indicator		Prior Periods	
	24/25	24/25		23/24	22/23

The Council monitors the following Key Performance Indicators:

1. Operating Performance Ratio

Total continuing operating revenue (1) excluding capital grants and contributions less operating expenses
Total continuing operating revenue (1) excluding capital grants and contributions

302	0.18%	0.1%	0.3%	1.7%
165,716				

This ratio measures Council’s achievement of containing operating expenditure within operating revenue.

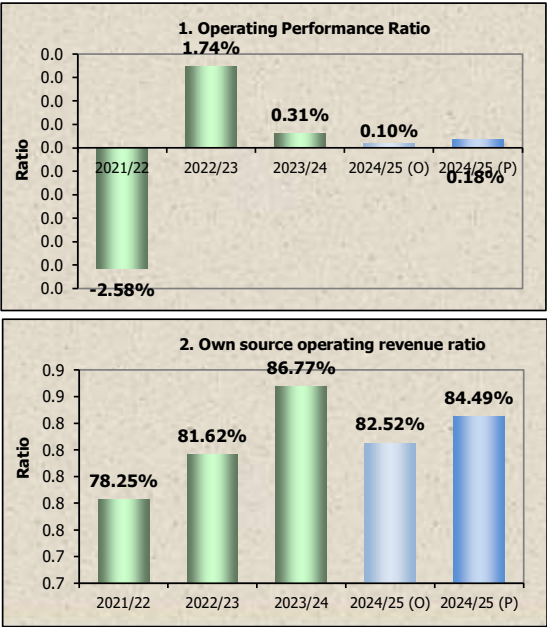
Note: An estimate of \$0.7m non-capitalisable cost has been considered in the Operating Performance Ratio calculaiton

2. Own source operating revenue ratio

Total continuing operating revenue (1) excluding all grants and contributions
Total continuing operating revenue (1)

159,074	84%	83%	87%	82%
188,275				

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.



Attachment 1 - Q1 QBRS Statement

Waverley Council

Council Meeting 26 November 2024

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Key Performance Indicators Budget Review Statement - Council specific KPI's

Budget review for the quarter ended 30 September 2024

(\$000's)	Current Projection		Original Budget 24/25	Actuals Prior Periods	
	Amounts	Indicator		23/24	22/23
	24/25	24/25			

3. Unrestricted current ratio

Current assets less all external restrictions (2)	96,564	3.6	3.6	4.1	5.5
Current liabilities less specific purpose liabilities (3, 4)	26,598				

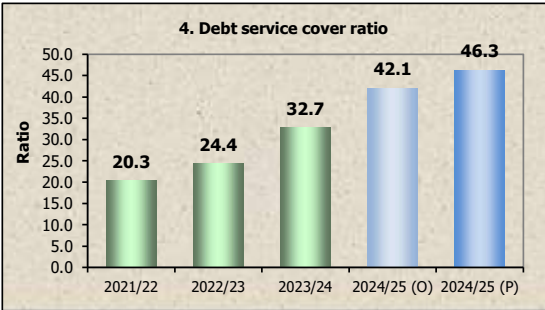
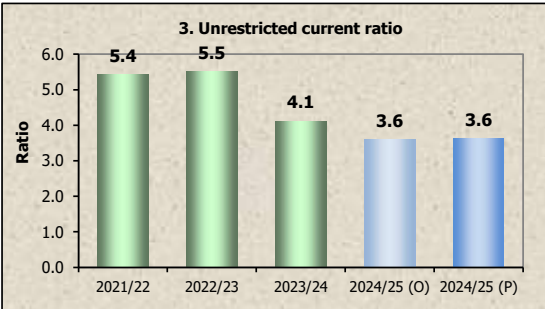
To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

The Council monitors the following Key Performance Indicators:

4. Debt service cover ratio

Operating result (1) before capital excluding interest and depreciation/impairment/amortisation	23,713	46.3	42.1	32.7	24.4
Principal repayments (Statement of Cash Flows)	513				
plus borrowing costs (Income Statement)					

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments



Attachment 1 - Q1 QBRS Statement

Waverley Council

Council Meeting 26 November 2024

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Key Performance Indicators Budget Review Statement - Council specific KPI's

Budget review for the quarter ended 30 September 2024

(\$000's)	Current Projection		Original Budget 24/25	Actuals	
	Amounts	Indicator		Prior Periods	
	24/25	24/25		23/24	22/23

5. Rates, annual charges, interest and extra charges outstanding percentage	
Rates, annual and extra charges outstanding	3,355
Rates, annual and extra charges collectible	74,795

4.5%

4.5%

6.3%

4.4%

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

6. Buildings and Infrastructure renewals ratio	
Asset Renewals	42,390
Depreciation, amortisation and impairment	18,453

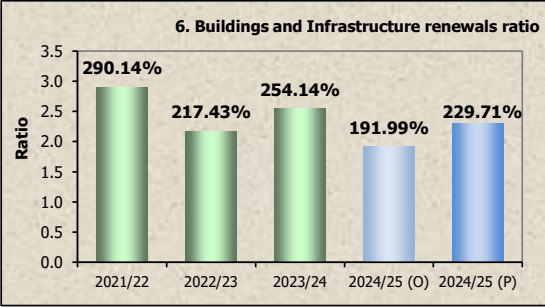
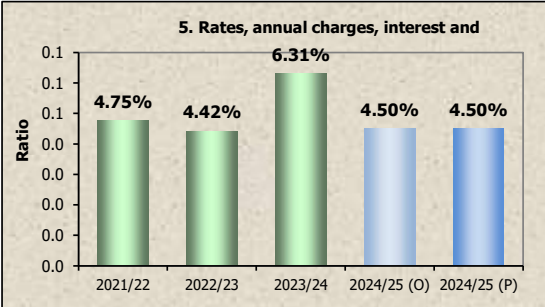
230%

192%

254%

217%

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating



Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24**Contracts Budget Review Statement**

Budget review for the quarter ended 30 September 2024

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)
Sydney Stone Masons Pty Ltd	Waverley Cemetery Contemplation Shelters Restoration - Head Contractor Services	\$1,044,319	26/07/2024	12 Months	Y
CA&I Pty Ltd	Charing Cross Streetscape Upgrade - Civil Works Head Contractor	\$7,902,850	23/07/2024	30 Months	Y
Libero Systems Pty Ltd	Library Management and Resource Discovery Systems	\$317,816	01/07/2024	60 Months	Y
Dragonfly Environmental	Bronte Gully ERAP	\$71,000	01/07/2024	12 Months	Y
USM Events Pty Ltd	Licence Agreement for City to Surf	\$93,500 in 2024 and then \$93,500 plus CPI pa + GST	02/08/2024	54 Months	Y
NSW Building and Civil PTY LTD	Asphalt and Concrete Road Restorations	\$116,811	26/08/2024	1 Month	Y
Central Signs Road & Safety Aust Pty Ltd	Council Banner Network management	Estimated annual Schedule of Rates contract value: \$92,531.45. (The cost will be allocated across various events).	13/08/24	24 Months	Y
oOh! Media Street Furniture Pty Ltd	Bus Shelters and Communication Panels Advertisement Services	Revenue contract - includes fixed annual fees (Commercial in Confidence)	02/09/24	96 Months	Y
JetCharge Pty Ltd	Public Vehicle Charging Stations	Upper Limit of \$3M	03/09/2024	36 Months	Y
Evolve Housing Ltd	Housing Management Agreement	\$321,027	01/10/24	36 months	Y

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Attachment 1 - Q1 QBRS Statement

Council Meeting 26 November 2024

Waverley Council

Quarterly Budget Review Statement
for the period 01/07/24 to 30/09/24

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	1,704,746	Y
a. Operational	955,876	Y
b. Capital	748,870	Y
Legal Fees	104,768	Y
a. Operational	103,694	Y
b. Capital	1,074	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Attachment 2 - Q1 Revised Capital Works Program

Council meeting 26 November 2024



Budget Review Project Expenditure - Capital Works

As at Period 3

Financial Year Ending June 2025

Capital Works Program Q1 Amendments	No. of Projects	Amount \$'000	Capital Works Program Summary Q1 Amendments	
Project Costs Reduction	34	5,326	No. of Projects	155
Project Costs increase	27	(4,306)	Expenditure	(42,878)
Funds Brought Forward (LTFP)	4	(3,974)	Funding Sources:	
Project Costs deferral	3	2,750	Grants and Contributions	4,429
New Project	2	(200)	External Restricted Reserves	18,622
Total	70	(404)	Internal Restricted Reserves	7,592
			General Fund	12,235

Project Number	Project Description	Current Budget \$	Q1 Amendment Request \$	Q1 Increase/ (Decrease) %	Proposed Estimate \$	Actuals \$	Commitments \$	YTD (Actuals & Commitments) \$	YTD %	Report	Commentary
BUILD 01 - Buildings - Buildings											
C0004	Bondi Bathers SLSC	(100,000)	-	-	(100,000)	(1,250)	(28,752)	(30,002)	30.00%		
C0007	Bronte Surf Club & Community Facilities	(4,100,000)	351,523	(8.57%)	(3,748,477)	(167,701)	(1,045,755)	(1,213,456)	32.37%	R	Multiyear project. Funding reduced to cover for FY2324 spend.
C0289	Bronte Pump House Upgrade and Pump Replacement	(521,291)	(168,097)	32.25%	(689,388)	(461,330)	(130,708)	(592,038)	85.88%	I	Funds transferred from C1182 Bronte Pool.
C0547	Council Chambers Upgrade	(1,150,000)	1,100,000	(95.65%)	(50,000)	(1,875)	(36,417)	(38,292)	76.58%	R	Funding reduced to remove demolition costs in FY2425.
C0688	Tamarama SLSC – Building Upgrade	(1,638,520)	(606,926)	37.04%	(2,245,446)	(1,970,627)	(84,467)	(2,055,094)	91.52%	I	Additional costs required for completion. Refer details in report.
C0712	2A Edmund Street (Social Housing) Redevelopment	(60,487)	-	-	(60,487)	(19,859)	(88,750)	(108,609)	179.56%	▲	
C0726	Boot Factory Restoration and Mill Hill Upgrade	(4,389,156)	-	-	(4,389,156)	(2,551,383)	(46,064)	(2,597,447)	59.18%		
C0879	SAMP Tunnel 1 Feasibility Study and design	(75,000)	-	-	(75,000)	(1,875)	-	(1,875)	2.50%		
C0970	AIF Washbay Construction	(52,000)	-	-	(52,000)	(1,300)	(5,856)	(7,156)	13.76%		
C0980	Rowe Street Development	(54,167)	-	-	(54,167)	(1,354)	(179,237)	(180,591)	333.40%	▲	
C1034	Staff Accommodation	(150,000)	(243,070)	162.05%	(393,070)	(217,323)	(139,411)	(356,734)	90.76%	I	Funding increase to cover works to Customer Service Centre for staff accommodation.
C1038	Bondi Diggers/Waverley Sub-Depot	(7,227)	(20,154)	278.87%	(27,381)	(4,181)	(23,200)	(27,381)	100.00%	I	Funding increase to cover building assessment.
C1041	Waverley Cemetery Residence Refurbishment and Sta	-	-	-	-	-	(5,000)	(5,000)	-		
C1082	Grace Child Care Centre/59 Newland St	(98,213)	(284,232)	289.40%	(382,445)	(19,338)	(329,664)	(349,002)	91.26%	I	Funding increase to cover additional scope identified due to significant tree damage.
Total Buildings - Buildings		(12,396,061)	129,044	(1.04%)	(12,267,017)	(5,419,395)	(2,143,281)	(7,562,677)	61.65%		
BUILD 02 - SAMP Amenities											
Total SAMP Amenities		(74,600)	-	-	(74,600)	(19,387)	(25,059)	(44,446)	59.58%		
BUILD 03 - SAMP Carparks											
Total SAMP Carparks		(230,900)	-	-	(230,900)	(33,110)	(4,464)	(37,574)	16.27%		
BUILD 04 - SAMP Cemeteries											
Total SAMP Cemeteries		(102,000)	-	-	(102,000)	(2,450)	-	(2,450)	2.40%		
BUILD 05 - SAMP Childcare Facilities											
Total SAMP Childcare Facilities		(566,600)	250,000	(44.12%)	(316,600)	(114,475)	(79,576)	(194,051)	61.29%		Adjustment across SAMP category based priority scope requirements.
BUILD 06 - SAMP Communit Centres & Halls											
Total SAMP Communit Centres & Halls		(344,900)	-	-	(344,900)	(185,527)	(66,639)	(252,166)	73.11%		
BUILD 07 - SAMP Community Tenants											
Total SAMP Community Tenants		(177,599)	-	-	(177,599)	(4,217)	(8,141)	(12,358)	6.96%		

Attachment 2 - Q1 Revised Capital Works Program

Council meeting 26 November 2024



Budget Review Project Expenditure - Capital Works

As at Period 3

Financial Year Ending June 2025

Capital Works Program Q1 Amendments	No. of Projects	Amount \$'000	Capital Works Program Summary Q1 Amendments	
Project Costs Reduction	34	5,326	No. of Projects	155
Project Costs increase	27	(4,306)	Expenditure	(42,878)
Funds Brought Forward (LTFP)	4	(3,974)	Funding Sources:	
Project Costs deferral	3	2,750	Grants and Contributions	4,429
New Project	2	(200)	External Restricted Reserves	18,622
Total	70	(404)	Internal Restricted Reserves	7,592
			General Fund	12,235

Project Number	Project Description	Current Budget \$	Q1 Amendment Request \$	Q1 Increase/ (Decrease) %	Proposed Estimate \$	Actuals \$	Commitments \$	YTD (Actuals & Commitments) \$	YTD %	Report	Commentary
BUILD 08 - SAMP Council Administration											
	Total SAMP Council Administration	(256,254)	(32,799)	12.80%	(289,053)	(74,390)	(40,364)	(114,754)	39.70%		Adjustment across SAMP category based priority scope requirements.
BUILD 09 - SAMP Residential Lease											
	Total SAMP Residential Lease	(20,000)	(2,381)	11.91%	(22,381)	(7,041)	(15,340)	(22,381)	100.00%		Adjustment across SAMP category based priority scope requirements.
BUILD 10 - Surf Clubs and Ancillary Coastal Facilities											
	Total Surf Clubs and Ancillary Coastal Facilities	(69,700)	-	-	(69,700)	(1,000)	(3,975)	(4,975)	7.14%		
BUILD 11 - SAMP Commercial Buildings											
	Total SAMP Commercial Buildings	(38,200)	-	-	(38,200)	-	-	-	-		
BUILD 12 - SAMP Social & Affordable Housing											
	Total SAMP Social & Affordable Housing	(80,000)	-	-	(80,000)	(35,960)	-	(35,960)	44.95%		
LIV 01 - Living - Corridors											
	Total Living - Corridors	(63,653)	-	-	(63,653)	10,000	(15,628)	(5,628)	8.84%		
LIV 02 - Living - Trees											
C0186	Planting Street Trees (SAMP 11)	(200,000)	100,000	(50.00%)	(100,000)	(48,538)	(3,177)	(51,715)	51.71%	R - Budget reduced to reflect efficiencies due to in house planting.	
	Total Living - Trees	(200,000)	100,000	(50.00%)	(100,000)	(48,538)	(3,177)	(51,715)	51.71%		
LIV 04 - Living - Turf											
	Total Living - Turf	(300,000)	-	-	(300,000)	(9,068)	(42,761)	(51,828)	17.28%		
PUB 01 - Public Domain Infrastructure - Lighting / Electrical Equipment											
C0848	SAMP Lighting & Electrical Infrastructure Renewal	(135,000)	-	-	(135,000)	(53,119)	(44,760)	(97,880)	72.50%		
C0851	Bondi Park Stage 2 Electrical Upgrades	(1,000,000)	(530,422)	53.04%	(1,530,422)	(492,312)	(552,677)	(1,044,990)	68.28%		Funding brought forward from LTFP. Works completion scheduled December B - 2024.
	Total Public Domain Infrastructure - Lighting / Electrical	(1,135,000)	(530,422)	46.73%	(1,665,422)	(545,432)	(597,438)	(1,142,869)	68.62%		
PUB 02 - Public Domain Infrastructure - Water Equipment											
	Total Public Domain Infrastructure - Water Equipment	(100,000)	-	-	(100,000)	-	-	-	-		
PUB 03 - Public Domain Infrastructure - Street Furniture											
C0845	SAMP - Bus Shelters, Seats and Benches, bike furniture	(280,947)	245,107	(87.24%)	(35,840)	(21,671)	(14,169)	(35,840)	100.00%	R - Adjustment across SAMP category based priority scope requirements.	

Attachment 2 - Q1 Revised Capital Works Program

Council meeting 26 November 2024



Budget Review Project Expenditure - Capital Works

As at Period 3

Financial Year Ending June 2025

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			General Fund	12,235

Project Number	Project Description	Current Budget \$	Q1 Amendment Request \$	Q1 Increase/ (Decrease) %	Proposed Estimate \$	Actuals \$	Commitments \$	YTD (Actuals & Commitments) \$	YTD %	Report Commentary
C0850	Waverley signage strategy Implementation	(73,851)	-	-	(73,851)	(20,335)	(43,479)	(63,814)	86.41%	
Total Public Domain Infrastructure - Street Furniture		(354,798)	245,107	(69.08%)	(109,691)	(42,006)	(57,648)	(99,654)	90.85%	
PUB 04 - Public Domain Infrastructure - Structures										
C0429	Waverley Cemetery Contemplation shelters	(150,000)	150,000	(100.00%)	-	-	-	-	-	R - Correction, project doubled up. Funding increase to cover additional costs for completion. Refer to report I - for details.
C0581	Cliff Walk Remediation	(2,000,000)	(1,080,171)	54.01%	(3,080,171)	(1,637,754)	(1,668,473)	(3,306,227)	107.34%	R - Works to be undertaken in future FY. Funding brought forward from LTFP as works due for completion in B - December 2024.
C0811	Safety by design in public places	(400,000)	300,000	(75.00%)	(100,000)	(1,875)	(78,730)	(80,605)	80.60%	
C0847	Campbell Pde to Park Dr Access	(648,270)	(380,363)	58.67%	(1,028,633)	(19,287)	(882,872)	(902,159)	87.70%	
C0865	Coastal Fencing Upgrades	(90,000)	-	-	(90,000)	(2,250)	-	(2,250)	2.50%	
C0883	SAMP - Other: Fences, Stairs, Edging, walls / Retaining	(225,340)	-	-	(225,340)	(5,060)	-	(5,060)	2.25%	
C0944	Rockfall remediation	(155,250)	(35,944)	23.15%	(191,194)	(11,472)	(162,722)	(174,194)	91.11%	I - Funding increase to cover for increased costs at Bronte Park.
C0973	Contemplation Shelter Upgrade	(1,150,000)	100,000	(8.70%)	(1,050,000)	(13,125)	(818,699)	(831,824)	79.22%	R - Project saving based on tendered amount. Project to be undertaken in FY2025/26 on completion of Contemplation D - Shelter Upgrade.
C1040	Quinn Rd Memorialisation Wall	(2,200,000)	2,100,000	(95.45%)	(100,000)	(21,560)	(14,270)	(35,830)	35.83%	
Total Public Domain Infrastructure - Structures		(7,018,860)	1,153,522	(16.43%)	(5,865,338)	(1,712,383)	(3,625,765)	(5,338,148)	91.01%	
ROAD 01 - Road Infrastructure - Kerb and Gutter										
Total Road Infrastructure - Kerb and Gutter		(550,000)	75,000	(13.64%)	(475,000)	(11,875)	-	(11,875)	2.50%	Adjustment across SAMP category based priority scope requirements.
ROAD 02 - Road Infrastructure - Bridges										
Total Road Infrastructure - Bridges		(150,000)	-	-	(150,000)	(1,856)	-	(1,856)	1.24%	
ROAD 03 - Road Infrastructure - Footpaths										
Total Road Infrastructure - Footpaths		(1,100,000)	275,000	(25.00%)	(825,000)	(18,125)	(246,000)	(264,125)	32.02%	Adjustment across SAMP category based priority scope requirements.
ROAD 04 - Road Infrastructure - Stormwater Drainage										
Total Road Infrastructure - Stormwater Drainage		(750,000)	109,254	(14.57%)	(640,746)	(14,177)	(59,933)	(74,110)	11.57%	Adjustment across SAMP category based priority scope requirements.
ROAD 05 - Road Infrastructure - Transport										
C0891	Curlew St Streetscape Upgrade	(5,076,516)	432,043	(8.51%)	(4,644,472)	(1,646,155)	(870,782)	(2,516,937)	54.19%	Funding reduced to reflect the current project scope being delivered for this R - financial year.
C0949	Syd Einfeld Drive Bike Parking	-	(16,371)	-	(16,371)	(11,021)	-	(11,021)	67.32%	I - Funding increase to cover final scope or works required.
C1180	SAMP Traffic Control Devices	(250,000)	-	-	(250,000)	(10,313)	-	(10,313)	4.13%	
NEW	Adelaide and Grafton Street Shared Path	-	(100,000)	-	(100,000)	-	-	-	-	N - New grant funded project.
Total Road Infrastructure - Transport		(5,326,516)	315,672	(5.93%)	(5,010,843)	(1,667,489)	(870,782)	(2,538,272)	50.66%	
ROAD 06 - Road Infrastructure - Streetscape Upgrade										

Attachment 2 - Q1 Revised Capital Works Program

Council meeting 26 November 2024



Budget Review Project Expenditure - Capital Works

As at Period 3

Financial Year Ending June 2025

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Project Costs Reduction	34	5,326	No. of Projects	155
Project Costs increase	27	(4,306)	Expenditure	(42,878)
Funds Brought Forward (LTFP)	4	(3,974)	Funding Sources:	
Project Costs deferral	3	2,750	Grants and Contributions	4,429
New Project	2	(200)	External Restricted Reserves	18,622
Total	70	(404)	Internal Restricted Reserves	7,592
			General Fund	12,235

Project Number	Project Description	Current Budget \$	Q1 Amendment Request \$	Q1 Increase/ (Decrease) %	Proposed Estimate \$	Actuals \$	Commitments \$	YTD (Actuals & Commitments) \$	YTD %	Report	Commentary
C0717	Charing Cross Streetscape Upgrade	(4,000,000)	(1,302,500)	32.56%	(5,302,500)	(924,163)	(7,800,928)	(8,725,090)	164.55%	▲	Funding brought forward from LTFP to align with projected electrical work B - delivery schedule in this financial year.
C1043	Oxford St Mall Refresh	(42,609)	42,609	(100.00%)	-	-	-	-	-	-	R - Project completed.
C1116	North Bondi Bus Terminus	(7,619)	(92,381)	1,212.51%	(100,000)	(2,500)	-	(2,500)	2.50%	I	Funding increase to cover consultant costs to progress concept design.
Total Road Infrastructure - Streetscape Upgrade		(4,050,228)	(1,352,272)	33.39%	(5,402,500)	(926,663)	(7,800,928)	(8,727,590)	161.55%	▲	
ROAD 07 - Road Infrastructure - Traffic Infrastructure											
C0654	SAMP Street Signage and Linemarking	(75,000)	-	-	(75,000)	(1,875)	(6,160)	(8,035)	10.71%		
C0807	SAMP Renewal Roundabouts / Speedhumps Traffic Isl	(28,826)	(96,644)	335.27%	(125,470)	(6,777)	(110,139)	(116,916)	93.18%	I	Funding increase to cover remaining construction and project costs for Farrellys Avenue and MacPherson St works.
C1020	Road Safety and Traffic Calming	(300,000)	-	-	(300,000)	(26,300)	(65,327)	(91,627)	30.54%		
C1029	York Road Slip Lane	(452,290)	(93,922)	20.77%	(546,212)	(134,723)	(320,907)	(455,630)	83.42%	I	Funding increase to cover final construction costs.
Total Road Infrastructure - Traffic Infrastructure		(856,116)	(190,566)	22.26%	(1,046,682)	(169,675)	(502,533)	(672,208)	64.22%		
ROAD 08 - Road Infrastructure - Sealed Roads - Construction											
Total Road Infrastructure - Sealed Roads - Construction		(1,539,795)	422,797	(27.46%)	(1,116,998)	(68,946)	-	(68,946)	6.17%		Adjustment across SAMP category based priority scope requirements.
ROAD 09 - Road Infrastructure - Sealed Roads - R2R construction											
Total Road Infrastructure - Sealed Roads - R2R construc		(510,000)	-	-	(510,000)	(12,750)	-	(12,750)	2.50%		
RP 01 - Recreational & Public Spaces - Recreational											
C0360	Sir Thomas Mitchell	(300,000)	300,000	(100.00%)	-	-	-	-	-	-	D - Grant funding not received, project deferred to FY25/26.
C0711	Barracuff Sportsfield	(750,000)	500,000	(66.67%)	(250,000)	(4,688)	-	(4,688)	1.88%	R	Reduced funding required for optimised scope.
C0714	Public Art Commissions	(250,000)	-	-	(250,000)	(19,010)	(24,696)	(43,706)	17.48%		
C0886	Waverley Park Playground and Fitness Station Upgrad	(464,879)	300,000	(64.53%)	(164,879)	(10,098)	(79,939)	(90,036)	54.61%	R	Grant funding for Stage 3 (Intergenerational Fitness) not received, project deferred until funding available.
C0975	SAMP Park & Playground Planning & Design	(215,000)	(28,661)	13.33%	(243,661)	(109,715)	(40,002)	(149,717)	61.44%	I	Additional funding required to cover actual staff costs.
C1032	Williams Park Walking Track	(46,247)	(444,689)	961.55%	(490,936)	(57,656)	(400,058)	(457,714)	93.23%	I	Scope increases to include golf course fencing.
C1042	SAMP Park & Playground Renewal and Upgrades	(150,000)	100,000	(66.67%)	(50,000)	(1,250)	-	(1,250)	2.50%	R	Funding allocated to Gilgandra Reserve Park & Playground Upgrade. Funding brought forward from LTFP as works due for completion in December 2024.
C1118	Bondi Park Plan of Management	(275,000)	(1,760,400)	640.15%	(2,035,400)	(38,881)	(1,401,895)	(1,440,775)	70.79%	B	
C1119	Bronte, Tamarama, Williams and Waverley Park Plan	(225,000)	-	-	(225,000)	(5,625)	(2,891)	(8,516)	3.78%		
C1124	Gilgandra Reserve Park & Playground Upgrade	(44,392)	(140,633)	316.80%	(185,025)	(129,012)	(38,385)	(167,397)	90.47%	I	Funding increase to cover additional works following Sydney Water asbestos treatment.
C1127	Coastal Safety Infrastructure	(40,000)	-	-	(40,000)	(1,000)	-	(1,000)	2.50%		
C1181	Waverley Field 2	(350,000)	350,000	(100.00%)	-	-	(4,375)	(4,375)	-	D	Project deferred to future FY.
C1182	Bronte Pool	(120,000)	120,000	(100.00%)	-	-	-	-	-	R	Budget transferred to C0289 Bronte Pump House Upgrade and Pump Replacement.

Attachment 2 - Q1 Revised Capital Works Program

Council meeting 26 November 2024



Budget Review Project Expenditure - Capital Works

As at Period 3

Financial Year Ending June 2025

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C1183	Scott Street Reserve	(300,000)	30,000	(10.00%)	(270,000)	(5,063)	-	(5,063)	1.88%	R	Budget reduced to match updated cost estimate.
Total Recreational & Public Spaces - Recreational		(3,530,518)	(674,383)	19.10%	(4,204,901)	(381,997)	(1,992,241)	(2,374,238)	56.46%		
SUS 01 - Sustainability Infrastructure - Renewable Energy											
C0438	Installation of EV charging stations	(220,000)	220,000	(100.00%)	-	(370)	(19,324)	(19,694)	-	R	Funding re-allocated for better reporting under REP (Regional Environmental Program).
C0812	SAMP Renewal of Solar Energy Infrastructure	-	(5,000)	-	(5,000)	-	(30)	(30)	0.59%	I	Funding required for scoped works.
C0978	Facilities Sustainable Energy upgrades (Social Housing)	-	(350)	-	(350)	(350)	-	(350)	100.00%	I	Additional funding required to cover final project costs.
C1120	EV Charging Stations for Council fleet	(169,584)	-	-	(169,584)	(4,240)	(26,069)	(30,309)	17.87%		
Total Sustainability Infrastructure - Renewable Energy		(389,584)	214,650	(55.10%)	(174,934)	(4,960)	(45,423)	(50,383)	28.80%		
SUS 03 - Sustainability Infrastructure - Stormwater & Groundwater											
Total Sustainability Infrastructure - Stormwater & Grou		(175,000)	-	-	(175,000)	(56,623)	(69,933)	(126,556)	72.32%		
UNPLANNED - Unplanned Works											
E0006	2024 April Storm Damage	(16,997)	(76,415)	449.58%	(93,412)	(81,236)	(12,176)	(93,412)	100.00%	I	Funding increase to cover updated works costs.
NEW	Marks Park - Coastal Walk Landslip		(100,000)	-	(100,000)					N	Funding to commence remedial works required.
	Stormwater works at Oceanview Ave and George St		(735,000)	-	(735,000)					I	Funding increase for Stormwater works at Oceanview Ave and George St.
Total Unplanned Works		(16,997)	(911,415)	5,362.21%	(928,412)	(81,236)	(12,176)	(93,412)	10.06%		
Grand Total		(42,473,879)	(404,191)	0.95%	(42,878,070)	(11,660,750)	(18,329,202)	(29,989,952)	69.94%		



Budget Review Project Expenditure Funding Source - Capital Works
As at Period 3
Financial Year Ending June 2025

Project Number	Project Description	Proposed Q1 Estimate	Grant Funding	Transfer from S7.12 Contributions	Transfer from Stormwater Management Service Reserve	Transfer from PA Reserve	Transfer from Carry Over Reserve	Transfer from Infrastructure Footpath Reserve	Transfer from Suplus Land Sale Reserve	Transfer from Infrastructure Park Open Space Reserve	Transfer from Infrastructure Cemetery Reserve	Transfer from Infrastructure Roads Reserve	Transfer from Other Infrastructure Reserve	Transfer from Property Investment Strategy Reserve	Transfer from Car Parking	Transfer from Cemetery Reserve	Transfer from Central Reserve	Transfer from Affordable Housing Program Reserve	Transfer from Social Housing Reserve	Transfer from Plant Reserve	Transfer from Infrastructure Building Reserve	Transfer from Infrastructure Neighbourhood Amenity Fund Reserve	General Fund
BUILD 01 - Buildings - Buildings																							
C0004	Bondi Bathers SLSC	(100,000)	38,871	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	61,129
C0007	Bronte Surf Club & Community Facilities	(3,748,477)	740,000	985,313	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,023,164
C0289	Bronte Pump House Upgrade and Pump Replacemer	(689,388)	120,000	391,291	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	178,097
C0547	Council Chambers Upgrade	(50,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000
C0688	Tamarama SLSC – Building Upgrade	(2,245,446)	19,273	318,127	-	-	-	-	401,998	-	-	-	-	1,400,925	-	-	14,361	-	-	-	90,762	-	0
C0712	2A Edmund Street (Social Housing) Redevelopment	(60,487)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	60,487	-	-	-	0
C0726	Boot Factory Restoration and Mill Hill Upgrade	(4,389,156)	-	462,852	-	2,063,292	194,093	-	424,940	-	-	-	-	1,095,944	-	-	57,159	-	-	-	90,876	-	-
C0879	SAMP Tunnel 1 Feasibility Study and design	(75,000)	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000
C0970	Alf Washbay Construction	(52,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	52,000
C0980	Rowe Street Development	(54,167)	-	-	-	-	54,167	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	393,070
C1034	Staff Accommodation	(393,070)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1038	Bondi Diggers/Waverley Sub-Depot	(27,381)	-	-	-	-	-	-	27,381	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1041	Waverley Cemetery Residence Refurbishment and St	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1082	Grace Child Care Centre/59 Newland St	(382,445)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	382,445	-	-	-	-	-	-
Total Buildings - Buildings																							
BUILD 02 - SAMP Amenities																							
C0815	Marks Park Amenities	(7,310)	-	7,310	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0817	South Bondi Amenities	(7,500)	-	7,500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0818	Tamarama Amenities and Kiosk	(15,351)	-	15,351	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0955	Bronte Park Community Centre	(17,000)	-	17,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1184	Bondi Temporary Amenities	(27,439)	-	27,439	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total SAMP Amenities																							
BUILD 03 - SAMP Carparks																							
C0820	Eastgate Undercover Car Park	(142,100)	-	-	-	-	-	-	-	-	-	-	-	-	142,100	-	-	-	-	-	-	-	-
C0821	Hollywood Ave Undercover Car Park	(76,800)	-	-	-	-	-	-	-	-	-	-	-	-	76,800	-	-	-	-	-	-	-	-
C1085	Ocean Street (Wellington Place) Car Park	(12,000)	-	-	-	-	-	-	-	-	-	-	-	-	12,000	-	-	-	-	-	-	-	-
Total SAMP Carparks																							
BUILD 04 - SAMP Cemeteries																							
C0822	Waverley Cemetery Office	(98,000)	-	-	-	-	-	-	-	-	98,000	-	-	-	-	-	-	-	-	-	-	-	-
C1035	South Head Cemetery	(4,000)	-	-	-	-	-	-	-	-	4,000	-	-	-	-	-	-	-	-	-	-	-	-
Total SAMP Cemeteries																							
BUILD 05 - SAMP Childcare Facilities																							
C0825	Bronte Early Education Centre	(82,400)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	82,400
C0826	Gardiner Early Education Centre	(92,300)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	92,300
C0827	Mill Hill Early Education Centre	(56,300)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	56,300
C0828	The Terraces - The Terraces	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0829	Waverley Early Education Centre	(85,600)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	85,600
Total SAMP Childcare Facilities																							
BUILD 06 - SAMP Communit Centres & Halls																							
C0686	Wairoa Community Centre	(20,923)	-	20,923	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0831	Margaret Whitlam Recreation Centre	(59,099)	-	59,099	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0833	Waverley Library - Waverley Library	(153,598)	-	153,598	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0834	Waverley Woollahra School of Arts	(41,192)	-	41,192	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1036	Hugh Bamford Hall	(42,160)	-	42,160	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1037	42 Brighton Blvd (Bondi Beach Cottage)	(17,928)	-	17,928	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1083	Kimberley Reserve Hall	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1185	Bondi Pavilion	(10,000)	-	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Attachment 3 - Q1 Revised Capital Works Program Funding Source

Council meeting 26 November 2024



Budget Review Project Expenditure Funding Source - Capital Works

As at Period 3

Financial Year Ending June 2025

Project Number	Project Description	Proposed Q1 Estimate	Grant Funding	Transfer from S7.12 Contributions	Transfer from Stormwater Management Service Reserve	Transfer from PA Reserve	Transfer from Carry Over Reserve	Transfer from Infrastructure Footpath Reserve	Transfer from Suppl Land Sale Reserve	Transfer from Infrastructure Park Open Space Reserve	Transfer from Infrastructure Cemetery Reserve	Transfer from Infrastructure Roads Reserve	Transfer from Other Infrastructure Reserve	Transfer from Property Investment Strategy Reserve	Transfer from Car Parking	Transfer from Cemetery Reserve	Transfer from Central Reserve	Transfer from Affordable Housing Program Reserve	Transfer from Social Housing Reserve	Transfer from Plant Reserve	Transfer from Infrastructure Building Reserve	Transfer from Infrastructure Neighbourhood Amenity Fund Reserve	General Fund
Total SAMP Communit Centres & Halls		(344,900)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILD 07 - SAMP Community Tenants			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0875	59 Newland St, Bondi Junction	(3,699)	-	-	-	-	3,699	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0876	63a Wairoa WAYS Youth Centre	(165,000)	-	132,551	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	32,449
C0962	Grace Child Care	(8,900)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8,900
Total SAMP Community Tenants		(177,599)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILD 08 - SAMP Council Administration			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0868	Alexandria Integrated Facility	(190,200)	95,100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	95,100
C0869	Council Chambers	(18,108)	-	-	-	-	9,054	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9,054
C0870	Customer Service Centre	(40,745)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	40,745
C0956	SES Depot Syd Einfield Drive	(40,000)	40,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total SAMP Council Administration		(289,053)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILD 09 - SAMP Residential Lease			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0839	Bronte House - Bronte House	(22,381)	-	22,381	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total SAMP Residential Lease		(22,381)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILD 10 - Surf Clubs and Ancillary Coastal Facilities			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0867	Bondi Beach Lifeguard Tower / Tunnel 2	(4,700)	-	4,700	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0965	Bondi Surf Life Saving Club	(25,000)	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1125	Bronte Bus Terminus	(30,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	30,000
C1126	North Bondi Bus Terminus	(10,000)	-	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Surf Clubs and Ancillary Coastal Facilities		(69,700)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILD 11 - SAMP Commercial Buildings			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0873	1 Bondi Road, Bondi Junction	(8,200)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8,200
C0963	14-26 Ebley Street, Bondi Junction	(30,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	30,000
Total SAMP Commercial Buildings		(38,200)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BUILD 12 - SAMP Social & Affordable Housing			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0959	141 Bronte Rd, Bonte	(20,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	-	-	-	-
C0960	17-23 Victoria Rd	(20,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	-	-	-	-
C0964	Affordable Housing unit portfolio	(20,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	-	-	-	-	-
C0968	158 Carrington Rd, Charing Cross	(20,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	-	-	-	-
Total SAMP Social & Affordable Housing		(80,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LIV 01 - Living - Corridors			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0882	Greening Steep Slopes	(63,653)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	63,653
Total Living - Corridors		(63,653)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LIV 02 - Living - Trees			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0186	Planting Street Trees (SAMP 11)	(100,000)	-	65,244	-	29,452	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,304
Total Living - Trees		(100,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LIV 04 - Living - Turf			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0263	Turf improvement program	(300,000)	-	96,168	-	96,619	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15,914
Total Living - Turf		(300,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PUB 01 - Public Domain Infrastructure - Lighting / Electrical Equipme			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0848	SAMP Lighting & Electrical Infrastructure Renewal	(135,000)	-	59,132	-	75,868	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0851	Bondi Park Stage 2 Electrical Upgrades	(1,530,422)	-	200,000	-	200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,072,003
Total Public Domain Infrastructure - Lighting / Electrical		(1,665,422)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Budget Review Project Expenditure Funding Source - Capital Works
As at Period 3
Financial Year Ending June 2025

Project Number	Project Description	Proposed Q1 Estimate	Grant Funding	Transfer from S7.12 Contributions	Transfer from Stormwater Management Service Reserve	Transfer from PA Reserve	Transfer from Carry Over Reserve	Transfer from Infrastructure Footpath Reserve	Transfer from Supplus Land Sale Reserve	Transfer from Infrastructure Park Open Space Reserve	Transfer from Infrastructure Cemetery Reserve	Transfer from Infrastructure Roads Reserve	Transfer from Other Infrastructure Reserve	Transfer from Property Investment Strategy Reserve	Transfer from Car Parking	Transfer from Cemetery Reserve	Transfer from Central Reserve	Transfer from Affordable Housing Program Reserve	Transfer from Social Housing Reserve	Transfer from Plant Reserve	Transfer from Infrastructure Building Reserve	Transfer from Infrastructure Neighbourhood Amenity Fund Reserve	General Fund
PUB 02 - Public Domain Infrastructure - Water Equipment																							
C0849	SAMP Water Equipment Renewal	(100,000)	-	93,318	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6,682
Total Public Domain Infrastructure - Water Equipment																							
PUB 03 - Public Domain Infrastructure - Street Furniture																							
C0845	SAMP - Bus Shelters, Seats and Benches, bike furnitu	(35,840)	-	5,253	-	-	30,587	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0850	Waverley signage strategy Implementation	(73,851)	-	33,949	-	23,288	8,851	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7,763
Total Public Domain Infrastructure - Street Furniture																							
PUB 04 - Public Domain Infrastructure - Structures																							
C0429	Waverley Cemetery Contemplation shelters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0581	Cliff Walk Remediation	(3,815,171)	3,700	350,000	-	615,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,111,471
C0811	Safety by design in public places	(100,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100,000
C0847	Campbell Pde to Park Dr Access	(1,028,633)	-	165,226	-	863,407	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0865	Coastal Fencing Upgrades	(90,000)	-	15,320	-	49,680	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000
C0883	SAMP - Other: Fences, Stairs, Edging, walls / Retainir	(225,340)	-	-	-	55,340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000	120,000
C0944	Rockfall remediation	(191,194)	-	-	-	155,250	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	35,944
C0973	Contemplation Shelter Upgrade	(1,050,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	1,050,000	-	-	-	-	-	-	-
C1040	Quinn Rd Memorialisation Wall	(100,000)	-	-	-	-	-	-	-	47,561	-	-	-	-	-	52,439	-	-	-	-	-	-	-
Total Public Domain Infrastructure - Structures																							
ROAD 01 - Road Infrastructure - Kerb and Gutter																							
C1014	2021/22 - KGC - Young Street - Clarke St to OSH Rd (I	(23,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	23,000
C1114	2022/23 - KGC - Gould Street, Corner of Hastings Par	(35,000)	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000	10,000
C1167	2024/25 - KGC - Kerb and Gutter Ancillary Works for	(125,000)	-	45,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000	70,000
C1168	2024/25 - KGC - Kerb and Gutter Minor Works	(50,000)	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000	25,000
C1169	2024/25 - KGC - BIRRELL STREET, RAWSON LANE to #	(22,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	22,000
C1170	2024/25 - KGC - DELLVIEW STREET, CARLISLE STREET	(26,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13,813	12,187
C1171	2024/25 - KGC - HEWLETT STREET, MIRIMAR AVENU	(19,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	19,000
C1172	2024/25 - KGC - MILITARY ROAD, ARTHUR STREET to	(40,000)	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000	10,000
C1173	2024/25 - KGC - MITCHELL STREET, HASTINGS PARAI	(25,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000
C1174	2024/25 - KGC - MITCHELL STREET, O'DONNELL STRE	(18,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18,000
C1175	2024/25 - KGC - OXFORD STREET, NEWLAND STREET	(32,000)	-	-	-	32,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1176	2024/25 - KGC - SALISBURY STREET, HENRIETTA STRE	(46,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	46,000
C1178	2024/25 - KGC - WILGA STREET, DEAD END to SANDR	(14,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14,000
Total Road Infrastructure - Kerb and Gutter																							
ROAD 02 - Road Infrastructure - Bridges																							
C1179	SAMP Pedestrian Bridges	(150,000)	-	-	-	-	-	-	-	150,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Road Infrastructure - Bridges																							
ROAD 03 - Road Infrastructure - Footpaths																							
C0999	2023/24 - FC - MILITARY ROAD, O'DONNELL STREET t	(20,000)	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,000	-
C1001	2021/22 - FC - Chris Bang Crescent (NEW - Park Side)	(20,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	-
C1005	2021/22 - FC - Gould Street - Hastings Pde to Ramsgr	(100,000)	-	100,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1103	2022/23 - FC - Hall Street at Old South Head Road	(300,000)	-	180,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	49,705	70,295
C1107	2023/24 - FC - Bondi Road at Park Parade	(75,000)	-	9,264	-	-	55,736	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000	-
C1163	2024/25 - FC - Footpath Ancillary Works for Road Re	(100,000)	-	85,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15,000	-
C1164	2024/25 - FC - BOURKE STREET, BIRRELL STREET to Q	(60,000)	-	60,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1165	2024/25 - FC - Grinding Program	(100,000)	-	100,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1166	2024/25 - FC - KING STREET, OCEAN STREET to BENN	(50,000)	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000	-
Total Road Infrastructure - Footpaths																							
ROAD 04 - Road Infrastructure - Stormwater Drainage																							
C0771	Raingarden repair/construction	(40,000)	-	-	40,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Budget Review Project Expenditure Funding Source - Capital Works
As at Period 3
Financial Year Ending June 2025

Project Number	Project Description	Proposed Q1 Estimate	Grant Funding	Transfer from S7.12 Contributions	Transfer from Stormwater Management Service Reserve	Transfer from PA Reserve	Transfer from Carry Over Reserve	Transfer from Infrastructure Footpath Reserve	Transfer from Suppl Land Sale Reserve	Transfer from Infrastructure Park Open Space Reserve	Transfer from Infrastructure Cemetery Reserve	Transfer from Infrastructure Roads Reserve	Transfer from Other Infrastructure Reserve	Transfer from Property Investment Strategy Reserve	Transfer from Car Parking	Transfer from Cemetery Reserve	Transfer from Central Reserve	Transfer from Affordable Housing Program Reserve	Transfer from Social Housing Reserve	Transfer from Plant Reserve	Transfer from Infrastructure Building Reserve	Transfer from Infrastructure Neighbourhood Amenity Fund Reserve	General Fund
C0996	2021/22 - SWC - Pits/Pipes Various Locations	(18,473)	-	-	18,473	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1144	2024/25 - SWC - NEW STORMWATER ENTRY PITS	(62,273)	-	-	62,273	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1145	2024/25 - SWC - REPAIR/REPLACE STORMWATER PIT	(70,000)	-	-	70,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1146	2024/25 - SWC - RELINING PROGRAMS	(70,000)	-	-	70,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1147	2024/25 - SWC - Stormwater Ancillary Works for Res	(70,000)	-	-	70,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1148	2024/25 - SWC - REAR OF #8 ROBERT STREET DRAIN	(25,000)	-	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1149	2024/25 - SWC - GIBSON STREET DRAINAGE IMPROV	(25,000)	-	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1150	2024/25 - SWC - LOOMBAH AVENUE DRAINAGE IMP	(25,000)	-	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1151	2024/25 - SWC - LYNCH AVENUE QUEENS PARK DRAI	(20,000)	-	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1152	2024/25 - SWC - WARNERS AVENUE DRAINAGE IMP	(20,000)	-	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1153	2024/25 - SWC - MACDONALD STREET VAUCLUSE DR	(20,000)	-	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1154	2024/25 - SWC - SEVEN WAYS DRAINAGE IMPROV	(15,000)	-	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1155	2024/25 - SWC - 10 NEW STREET DRAINAGE IMPROV	(20,000)	-	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1156	2024/25 - SWC - YENDA AVENUE DRAINAGE IMPROV	(20,000)	-	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1157	2024/25 - SWC - GAERLOCH AVE DRAINAGE IMPROV	(20,000)	-	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1158	2024/25 - SWC - STANLEY STREET DRAINAGE IMPROV	(25,000)	-	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1159	2024/25 - SWC - 126 NEWLAND STREET DRAINAGE II	(15,000)	-	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1160	2024/25 - SWC - DIAMOND BAY RESERVE DRAINAGE	(15,000)	-	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1161	2024/25 - SWC - 51 SIMPSON STREET DRAINAGE IM	(15,000)	-	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1162	2024/25 - SWC - ROSCOE STREET MALL DRAINAGE IA	(20,000)	-	-	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1177	2024/25 - SWC - EWELL LANE AT OCEAN STREET DRA	(10,000)	-	-	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Road Infrastructure - Stormwater Drainage		(640,746)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROAD 05 - Road Infrastructure - Transport			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0891	Curlewis St Streetscape Upgrade	(4,644,472)	1,472,422	500,000	500,000	786,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28,000	1,358,050
C0949	Syd Einfeld Drive Bike Parking	(16,371)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16,371
C1180	SAMP Traffic Control Devices	(250,000)	250,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NEW	Adelaide and Grafton Street Shared Path	(100,000)	100,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Road Infrastructure - Transport		(5,010,843)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROAD 06 - Road Infrastructure - Streetscape Upgrade			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0717	Charing Cross Streetscape Upgrade	(5,302,500)	-	-	4,142,098	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,160,402
C1043	Oxford St Mall Refresh	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1116	North Bondi Bus Terminus	(100,000)	-	-	100,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Road Infrastructure - Streetscape Upgrade		(5,402,500)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROAD 07 - Road Infrastructure - Traffic Infrastructure			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0654	SAMP Street Signage and Linemarking	(75,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75,000	-
C0807	SAMP Renewal Roundabouts / Speedhumps Traffic I	(125,470)	-	118,619	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6,851	-
C1020	Road Safety and Traffic Calming	(300,000)	200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100,000
C1029	York Road Slip Lane	(546,212)	108,190	172,870	-	-	-	-	-	-	265,152	-	-	-	-	-	-	-	-	-	-	-	0
Total Road Infrastructure - Traffic Infrastructure		(1,046,682)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROAD 08 - Road Infrastructure - Sealed Roads - Construction			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1128	2024/25 - RC - Heavy Patching Program	(349,795)	159,410	49,551	-	76,038	-	-	64,796	-	-	-	-	-	-	-	-	-	-	-	-	-	0
C1129	2024/25 - RC - ALEXANDER STREET, FLETCHER STREE	(100,000)	35,441	30,209	-	-	-	-	14,406	-	-	-	-	-	-	-	-	-	-	-	-	19,944	-
C1130	2024/25 - RC - BOURKE STREET, BIRRELL STREET to Q	(177,203)	177,203	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1131	2024/25 - RC - FLETCHER STREET, MARKS LANE to SA	(20,000)	7,088	6,042	-	-	-	-	2,881	-	-	-	-	-	-	-	-	-	-	-	-	3,989	-
C1132	2024/25 - RC - HENRY STREET, VICTORIA STREET to JI	(120,000)	42,530	36,250	-	-	-	-	25,987	-	-	-	-	-	-	-	-	-	-	-	-	15,233	-
C1133	2024/25 - RC - JOHN STREET, EDMUND STREET to HE	(60,000)	21,264	18,125	-	-	-	-	14,245	-	-	-	-	-	-	-	-	-	-	-	-	6,366	-
C1134	2024/25 - RC - MARROO STREET, BUSBY LANE I to BL	(40,000)	14,176	12,083	-	-	-	-	9,497	-	-	-	-	-	-	-	-	-	-	-	-	4,244	-
C1135	2024/25 - RC - SALISBURY STREET, HENRIETTA STREE	(90,000)	31,897	27,188	-	-	-	-	19,365	-	-	-	-	-	-	-	-	-	-	-	-	11,550	-
C1136	2024/25 - RC - VIRGIL LANE, YANKO AVENUE to ST TI	(30,000)	10,632	9,063	-	-	-	-	7,122	-	-	-	-	-	-	-	-	-	-	-	-	3,183	-
C1137	2024/25 - RC - WAIROA AVENUE, BLAIR STREET to W	(20,000)	7,088	6,042	-	-	-	-	4,748	-	-	-	-	-	-	-	-	-	-	-	-	2,122	-



Budget Review Project Expenditure Funding Source - Capital Works
As at Period 3
Financial Year Ending June 2025

Project Number	Project Description	Proposed Q1 Estimate	Grant Funding	Transfer from S7.12 Contributions	Transfer from Stormwater Management Service Reserve	Transfer from PA Reserve	Transfer from Carry Over Reserve	Transfer from Infrastructure Footpath Reserve	Transfer from Suppl Land Sale Reserve	Transfer from Infrastructure Park Open Space Reserve	Transfer from Infrastructure Cemetery Reserve	Transfer from Infrastructure Roads Reserve	Transfer from Other Infrastructure Reserve	Transfer from Property Investment Strategy Reserve	Transfer from Car Parking	Transfer from Cemetery Reserve	Transfer from Central Reserve	Transfer from Affordable Housing Program Reserve	Transfer from Social Housing Reserve	Transfer from Plant Reserve	Transfer from Infrastructure Building Reserve	Transfer from Infrastructure Neighbourhood Amenity Fund Reserve	General Fund
C1138	2024/25 - RC - MARTINS AVENUE, SIMPSON STREET	(110,000)	38,985	33,229	-	-	-	23,114	-	-	-	-	-	-	-	-	-	-	-	-	-	14,672	-
Total Road Infrastructure - Sealed Roads - Construction		(1,116,998)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROAD 09 - Road Infrastructure - Sealed Roads - R2R construction																							
C1139	2024/25 - RC - GRAFTON STREET, GROSVENOR STREET	(110,000)	110,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1140	2024/25 - RC - LOLA ROAD, RALEIGH STREET - Resheet	(120,000)	120,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1141	2024/25 - RC - MILITARY ROAD, DOUGLAS PARADE to	(200,000)	111,163	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,043	87,794
C1142	2024/25 - RC - PINDARI ROAD, RALEIGH STREET to M	(20,000)	10,000	-	-	-	-	-	-	10,000	-	-	-	-	-	-	-	-	-	-	-	-	10,000
C1143	2024/25 - RC - RALEIGH STREET, LOLA ROAD to PIND	(60,000)	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000
Total Road Infrastructure - Sealed Roads - R2R construct		(510,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RP 01 - Recreational & Public Spaces - Recreational																							
C0360	Sir Thomas Mitchell	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0711	Barracuff Sportsfield	(250,000)	-	250,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0714	Public Art Commissions	(250,000)	-	-	-	250,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0886	Waverley Park Playground and Fitness Station Upgrade	(164,879)	-	33,315	-	126,635	4,174	-	-	755	-	-	-	-	-	-	-	-	-	-	-	-	-
C0975	SAMP Park & Playground Planning & Design	(243,661)	-	81,094	-	47,845	74,100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	40,622	-
C1032	Williams Park Walking Track	(490,936)	166,247	-	-	324,689	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1042	SAMP Park & Playground Renewal and Upgrades	(50,000)	-	1,875	-	35,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13,125	-
C1118	Bondi Park Plan of Management	(2,035,400)	-	109,687	-	308,021	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,313	1,607,379
C1119	Bronte, Tamarama, Williams and Waverley Park Plan	(225,000)	-	-	-	225,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1124	Gilgandra Reserve Park & Playground Upgrade	(185,025)	16,135	44,392	-	124,498	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
C1127	Coastal Safety Infrastructure	(40,000)	-	-	-	-	40,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1181	Waverley Field 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1182	Bronte Pool	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C1183	Scott Street Reserve	(270,000)	120,000	45,000	-	35,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13,125	56,875
Total Recreational & Public Spaces - Recreational		(4,204,901)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SUS 01 - Sustainability Infrastructure - Renewable Energy																							
C0438	Installation of EV charging stations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C0812	SAMP Renewal of Solar Energy Infrastructure	(5,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,000
C0978	Facilities Sustainable Energy upgrades (Social Housing)	(350)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	350
C1120	EV Charging Stations for Council fleet	(169,584)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	19,584	-	-	-	150,000
Total Sustainability Infrastructure - Renewable Energy		(174,934)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SUS 03 - Sustainability Infrastructure - Stormwater & Groundwater																							
C1117	Water Saving & Quality Improvement Program (Sout	(175,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	175,000
Total Sustainability Infrastructure - Stormwater & Groundwater		(175,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UNPLANNED - Unplanned Works																							
E0006	2024 April Storm Damage	(93,412)	32,070	-	-	-	16,997	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	44,345
NEW	Marks Park - Coastal Walk Landslip	(100,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100,000
NEW	Stormwater works at Oceanview Ave and George St	(735,000)	-	-	-	735,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Unplanned Works		(193,412)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grand Total		(42,878,070)	4,428,885	6,134,223	1,140,746	11,347,193	777,704	186,161	854,319	755	149,561	150,000	265,152	2,496,869	230,900	1,102,439	453,965	20,000	120,487	19,584	181,638	582,771	12,234,718

Attachment 4 - 2024/25 Q1 Budget Statement by Directorate

Council meeting 26 November 2024

WAVERLEY COUNCIL Q1 FY2024-25 Budget Statement							
	Original Budget	Current Budget	Q1 Proposed Budget	Change in Q1 budget		FY2024-25 ACTUAL YTD SEP (incl. commitments)	% to Q1 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges	74,654,227	74,654,227	74,606,327	(47,900)	(0.1%)	74,581,208	100.0%
Investment Income	4,127,190	4,127,190	4,819,168	691,978	16.8%	1,412,038	29.3%
User Charges	51,426,511	51,426,511	54,319,833	2,893,322	5.6%	14,312,492	26.3%
Other Revenues	24,602,035	24,602,035	24,710,801	108,766	0.4%	5,030,593	20.4%
Grants Subsidies & Contributions - Operational	6,159,863	6,321,295	8,526,147	2,204,852	34.9%	2,065,134	24.2%
Subtotal - Operating Income	160,969,826	161,131,258	166,982,276	5,851,018	3.6%	97,401,466	58.3%
Grants Subsidies & Contributions - Capital	27,013,461	27,244,414	20,675,773	(6,568,641)	(24.1%)	7,565,760	36.6%
Net gains from the disposal of assets	1,836,996	1,879,606	1,884,048	4,442	0.2%		
Subtotal - Capital Income	28,850,457	29,124,020	22,559,821	(6,564,199)	(22.5%)	7,565,760	33.5%
Total Income	189,820,283	190,255,278	189,542,096	(713,181)	(0.4%)	104,967,225	55.4%
Expense and Loans Repayment							
Employee Costs	(86,383,649)	(86,407,617)	(86,598,402)	(190,785)	(0.2%)	(20,649,747)	23.8%
Borrowing Expenses	(26,991)	(26,991)	(26,991)			(260)	1.0%
Materials & Contracts	(27,337,796)	(27,486,907)	(31,005,426)	(3,518,519)	(12.8%)	(13,751,399)	44.4%
Other Operating Expenses	(27,512,276)	(27,556,707)	(27,549,791)	6,916	0.0%	(15,017,289)	54.5%
Subtotal - Operating Expense	(141,260,712)	(141,478,222)	(145,180,611)	(3,702,389)	(2.6%)	(49,418,694)	34.0%
Other Capital Purchases	(9,927,478)	(10,126,203)	(10,586,052)	(459,849)	(4.5%)	(566,320)	5.3%
Capital Works Program	(36,100,255)	(42,473,879)	(42,878,070)	(404,191)	(1.0%)	(29,989,952)	69.9%
External Loans Principal Repayment	(485,622)	(485,622)	(485,622)			(117,447)	24.2%
Subtotal - Capital Expense & Loan Repayment	(46,513,355)	(53,085,704)	(53,949,744)	(864,040)	(1.6%)	(30,673,720)	56.9%
Total Expense	(187,774,067)	(194,563,926)	(199,130,355)	(4,566,429)	(2.3%)	(80,092,414)	40.2%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	19,709,114	19,653,036	21,801,665	2,148,629	10.9%	47,982,771	220.1%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	2,046,216	(4,308,648)	(9,588,259)	(5,279,610)	(122.5%)	24,874,811	(259.4%)
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(31,201,287)	(31,201,287)	(29,879,766)	1,321,521	4.2%	(21,915,417)	73.3%
Transfer from Reserves	29,155,071	35,509,932	39,468,021	3,958,089	11.1%	3,968,085	10.1%
Total new loan and reserves	(2,046,216)	4,308,645	9,588,255	5,279,610	122.5%	(17,947,332)	(187.2%)
Budget Result - Surplus/(Deficit)	0	0	(0)	(0)		6,927,479	

Attachment 4 - 2024/25 Q1 Budget Statement by Directorate

Council meeting 26 November 2024

Community, Culture and Customer Experience Q1 FY2024-25 Budget Statement							
	Original Budget	Current Budget	Q1 Proposed Budget	Change in Q1 budget		FY2024-25 ACTUAL YTD SEP (incl. commitments)	% to Q1 Proposed Budget
				\$	%		
Income							
User Charges	13,858,337	13,858,337	13,947,062	88,725	0.6%	3,863,582	27.7%
Other Revenues	3,433,740	3,433,740	3,453,379	19,639	0.6%	791,083	22.9%
Grants Subsidies & Contributions - Operational	1,329,706	1,329,706	1,782,892	453,186	34.1%	797,863	44.8%
Subtotal - Operating Income	18,621,783	18,621,783	19,183,333	561,550	3.0%	5,452,527	28.4%
Total Income	18,621,783	18,621,783	19,183,333	561,550	3.0%	5,452,527	28.4%
Expense and Loans Repayment							
Employee Costs	(21,301,878)	(21,301,878)	(21,393,109)	(91,231)	(0.4%)	(4,825,930)	22.6%
Materials & Contracts	(4,867,618)	(4,867,618)	(5,272,336)	(404,718)	(8.3%)	(2,672,067)	50.7%
Other Operating Expenses	(6,431,616)	(6,431,616)	(6,517,990)	(86,374)	(1.3%)	(1,873,837)	28.7%
Subtotal - Operating Expense	(32,601,112)	(32,601,112)	(33,183,435)	(582,323)	(1.8%)	(9,371,834)	28.2%
Other Capital Purchases	(299,350)	(299,350)	(478,361)	(179,011)	(59.8%)	(81,243)	17.0%
Subtotal - Capital Expense & Loan Repayment	(299,350)	(299,350)	(478,361)	(179,011)	(59.8%)	(81,243)	17.0%
Total Expense	(32,900,462)	(32,900,462)	(33,661,796)	(761,334)	(2.3%)	(9,453,077)	28.1%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	(13,979,329)	(13,979,329)	(14,000,102)	(20,773)	(0.1%)	(3,919,306)	28.0%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	(14,278,679)	(14,278,679)	(14,478,463)	(199,784)	(1.4%)	(4,000,549)	27.6%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(283,802)	(283,802)	(282,151)	1,651	0.6%	54,276	(19.2%)
Transfer from Reserves	22,000	22,000	22,000				
Total new loan and reserves	(261,802)	(261,802)	(260,151)	1,651	0.6%	54,276	(20.9%)
Budget Result - Surplus/(Deficit)	(14,540,481)	(14,540,481)	(14,738,614)	(198,133)		(3,946,273)	

Attachment 4 - 2024/25 Q1 Budget Statement by Directorate

Council meeting 26 November 2024

Planning, Sustainability and Compliance Q1 FY2024-25 Budget Statement							
	Original Budget	Current Budget	Q1 Proposed Budget	Change in Q1 budget		FY2024-25 ACTUAL YTD SEP (incl. commitments)	% to Q1 Proposed Budget
				\$	%		
Income							
User Charges	18,459,750	18,459,750	19,179,974	720,224	3.9%	5,094,631	26.6%
Other Revenues	15,203,000	15,203,000	15,203,000			2,277,950	15.0%
Grants Subsidies & Contributions - Operational	365,000	434,426	1,696,487	1,262,061	290.5%	1,036,710	61.1%
Subtotal - Operating Income	34,490,190	34,559,616	36,541,901	1,982,285	5.7%	8,409,291	23.0%
Grants Subsidies & Contributions - Capital	18,872,044	18,872,044	17,267,464	(1,604,580)	(8.5%)	7,376,548	42.7%
Subtotal - Capital Income	18,872,044	18,872,044	17,267,464	(1,604,580)	(8.5%)	7,376,548	42.7%
Total Income	53,362,234	53,431,660	53,809,365	377,705	0.7%	15,785,839	29.3%
Expense and Loans Repayment							
Employee Costs	(17,073,568)	(17,097,533)	(17,290,530)	(192,997)	(1.1%)	(3,875,607)	22.4%
Materials & Contracts	(5,244,638)	(5,290,099)	(6,622,585)	(1,332,486)	(25.2%)	(1,972,935)	29.8%
Other Operating Expenses	(10,001,217)	(10,001,217)	(10,045,601)	(44,384)	(0.4%)	(2,166,839)	21.6%
Subtotal - Operating Expense	(32,319,423)	(32,388,849)	(33,958,716)	(1,569,867)	(4.8%)	(8,015,380)	23.6%
Capital Works Program	(545,000)	(564,584)	(564,584)			(61,583)	10.9%
Subtotal - Capital Expense & Loan Repayment	(545,000)	(564,584)	(805,309)	(240,725)	(42.6%)	(61,583)	7.6%
Total Expense	(32,864,423)	(32,953,433)	(34,764,025)	(1,810,592)	(5.5%)	(8,076,963)	23.2%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	2,170,767	2,170,767	2,583,185	412,418	19.0%	393,911	15.2%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	20,497,811	20,478,227	19,045,340	(1,432,887)	(7.0%)	7,708,876	40.5%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(19,636,313)	(19,636,313)	(17,921,733)	1,714,580	8.7%	(516,535)	2.9%
Transfer from Reserves	36,000	55,584	55,584				
Total new loan and reserves	(19,600,313)	(19,580,729)	(17,866,149)	1,714,580	8.8%	(516,535)	2.9%
Budget Result - Surplus/(Deficit)	897,498	897,498	1,179,191	281,693		7,192,340	

Attachment 4 - 2024/25 Q1 Budget Statement by Directorate

Council meeting 26 November 2024

Corporate Services Q1 FY2024-25 Budget Statement							
	Original Budget	Current Budget	Q1 Proposed Budget	Change in Q1 budget		FY2024-25 ACTUAL YTD SEP (incl. commitments)	% to Q1 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges	53,838,049	53,838,049	53,701,879	(136,170)	(0.3%)	53,676,760	100.0%
Investment Income	2,800,000	2,800,000	3,394,601	594,601	21.2%	1,411,695	41.6%
User Charges	576,547	576,547	668,849	92,302	16.0%	189,961	28.4%
Other Revenues	191,212	191,212	234,432	43,220	22.6%	36,354	15.5%
Grants Subsidies & Contributions - Operational	1,960,045	1,960,045	1,956,192	(3,853)	(0.2%)	92,490	4.7%
Subtotal - Operating Income	59,365,853	59,365,853	59,955,953	590,100	1.0%	55,407,260	92.4%
Total Income	59,365,853	59,365,853	59,955,953	590,100	1.0%	55,407,260	92.4%
Expense and Loans Repayment							
Employee Costs	(6,815,489)	(6,815,489)	(6,555,052)	260,437	3.8%	(1,417,773)	21.6%
Borrowing Expenses	(26,991)	(26,991)	(26,991)			(260)	1.0%
Materials & Contracts	(7,651,556)	(7,651,556)	(7,671,649)	(20,093)	(0.3%)	(3,299,518)	43.0%
Other Operating Expenses	7,267,177	7,222,745	7,364,064	141,319	2.0%	849,850	11.5%
Subtotal - Operating Expense	(7,226,859)	(7,271,291)	(6,889,628)	381,663	5.2%	(3,867,702)	56.1%
Other Capital Purchases							
External Loans Principal Repayment	(485,622)	(485,622)	(485,622)			(117,447)	24.2%
Subtotal - Capital Expense & Loan Repayment	(485,622)	(485,622)	(485,622)			(117,447)	24.2%
Total Expense	(7,712,481)	(7,756,913)	(7,375,250)	381,663	4.9%	(3,985,149)	54.0%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	52,138,994	52,094,562	53,066,325	971,763	1.9%	51,539,558	97.1%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	51,653,372	51,608,940	52,580,703	971,763	1.9%	51,422,111	97.8%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(3,845,888)	(3,845,888)	(3,962,443)	(116,555)	(3.0%)	(1,483,251)	37.4%
Transfer from Reserves	2,731,752	2,776,183	2,375,412	(400,771)	(14.4%)		
Total new loan and reserves	(1,114,136)	(1,069,705)	(1,587,031)	(517,326)	(48.4%)	(1,483,251)	93.5%
Budget Result - Surplus/(Deficit)	50,539,236	50,539,236	50,993,672	454,437		49,938,860	

Attachment 4 - 2024/25 Q1 Budget Statement by Directorate

Council meeting 26 November 2024

Assets and Operations Q1 FY2024-25 Budget Statement							
	Original Budget	Current Budget	Q1 Proposed Budget	Change in Q1 budget		FY2024-25 ACTUAL YTD SEP (incl. commitments)	% to Q1 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges	20,816,178	20,816,178	20,904,448	88,270	0.4%	20,904,448	100.0%
Investment Income	864,750	864,750	962,127	97,377	11.3%	342	0.0%
User Charges	18,531,877	18,531,877	20,504,895	1,973,018	10.6%	5,160,760	25.2%
Other Revenues	5,544,083	5,544,083	5,589,990	45,907	0.8%	1,907,187	34.1%
Grants Subsidies & Contributions - Operational	2,505,112	2,597,118	3,090,576	493,458	19.0%	138,071	4.5%
Subtotal - Operating Income	48,262,000	48,354,006	51,052,036	2,698,030	5.6%	28,110,809	55.1%
Grants Subsidies & Contributions - Capital	8,141,417	8,372,370	3,408,309	(4,964,061)	(59.3%)	189,212	5.6%
Net gains from the disposal of assets	1,836,996	1,879,606	1,884,048	4,442	0.2%		
Subtotal - Capital Income	9,978,413	10,251,976	5,292,357	(4,959,619)	(48.4%)	189,212	3.6%
Total Income	58,240,413	58,605,982	56,344,392	(2,261,589)	(3.9%)	28,300,020	50.2%
Expense and Loans Repayment							
Employee Costs	(31,392,334)	(31,392,334)	(32,262,393)	(870,059)	(2.8%)	(7,273,080)	22.5%
Materials & Contracts	(8,899,684)	(9,003,334)	(10,464,086)	(1,460,752)	(16.2%)	(5,241,458)	50.1%
Other Operating Expenses	(24,666,248)	(24,666,248)	(25,210,199)	(543,951)	(2.2%)	(13,448,129)	53.3%
Subtotal - Operating Expense	(64,958,266)	(65,061,916)	(67,936,678)	(2,874,762)	(4.4%)	(25,962,668)	38.2%
Other Capital Purchases	(9,628,128)	(9,826,853)	(9,866,966)	(40,113)	(0.4%)	(485,077)	4.9%
Capital Works Program	(35,555,255)	(41,909,295)	(42,313,486)	(404,191)	(1.0%)	(29,928,370)	70.7%
Subtotal - Capital Expense & Loan Repayment	(45,183,383)	(51,736,148)	(52,180,452)	(444,304)	(0.9%)	(30,413,447)	58.3%
Total Expense	(110,141,649)	(116,798,064)	(120,117,131)	(3,319,066)	(2.8%)	(56,376,115)	46.9%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	(16,696,266)	(16,707,910)	(16,884,643)	(176,732)	(1.1%)	2,148,141	(12.7%)
Performance Result after capital items and loan repayment- (Surplus)/Deficit	(51,901,236)	(58,192,083)	(63,772,738)	(5,580,656)	(9.6%)	(28,076,094)	44.0%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(7,410,244)	(7,410,244)	(7,712,007)	(301,763)	(4.1%)	(19,963,646)	258.9%
Transfer from Reserves	26,296,605	32,587,451	36,946,311	4,358,860	13.4%	3,968,085	10.7%
Total new loan and reserves	18,886,361	25,177,207	29,234,304	4,057,097	16.1%	(15,995,561)	(54.7%)
Budget Result - Surplus/(Deficit)	(33,014,876)	(33,014,876)	(34,538,434)	(1,523,559)		(44,071,655)	

Attachment 4 - 2024/25 Q1 Budget Statement by Directorate

Council meeting 26 November 2024

General Manager Unit Q1 FY2024-25 Budget Statement							
	Original Budget	Current Budget	Q1 Proposed Budget	Change in Q1 budget		FY2024-25 ACTUAL YTD SEP (incl. commitments)	% to Q1 Proposed Budget
				\$	%		
Income							
User Charges			19,053	19,053		3,559	18.7%
Subtotal - Operating Income	230,000	230,000	249,053	19,053	8.3%	21,578	8.7%
Total Income	230,000	230,000	249,053	19,053	8.3%	21,578	8.7%
Expense and Loans Repayment							
Employee Costs	(9,800,380)	(9,800,380)	(9,097,315)	703,065	7.2%	(3,257,357)	35.8%
Materials & Contracts	(674,300)	(674,300)	(974,770)	(300,470)	(44.6%)	(565,420)	58.0%
Other Operating Expenses	6,319,629	6,319,629	6,859,934	540,305	8.5%	1,621,666	23.6%
Subtotal - Operating Expense	(4,155,051)	(4,155,051)	(3,212,151)	942,900	22.7%	(2,201,111)	68.5%
Total Expense	(4,155,051)	(4,155,051)	(3,212,151)	942,900	22.7%	(2,201,111)	68.5%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	(3,925,051)	(3,925,051)	(2,963,098)	961,953	24.5%	(2,179,532)	73.6%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	(3,925,051)	(3,925,051)	(2,963,098)	961,953	24.5%	(2,179,532)	73.6%
Other Funding Sources from:							
Transfers to Reserves	(25,040)	(25,040)	(1,432)	23,608	94.3%	(6,261)	437.2%
Total new loan and reserves	43,674	43,674	67,282	23,608	54.1%	(6,261)	(9.3%)
Budget Result - Surplus/(Deficit)	(3,881,377)	(3,881,377)	(2,895,816)	985,561		(2,185,793)	

REPORT CM/7.3/24.11



Subject: Audited Financial Statements 2023-24

TRIM No: A24/0111

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council:

1. In accordance with section 419 of the *Local Government Act*, notes:
 - (a) The audited 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report.
 - (b) The auditor's report on the 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) included in the attachment to the report.
2. In accordance section 420 of the *Local Government Act*, refers any public submissions on the audited 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to the auditor.

1. Executive Summary

Council's Annual Financial Statements for the year ended 30 June 2024, comprising the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules, have been completed and audited. The Financial Statements and auditor's report (attached to the report) are formally presented to the public through this report.

The financial statements show a net operating result of a \$12.6m surplus. Council's net assets are valued at \$1.6b and a cash and cash investment balance of \$122.1m for year ended 30 June 2024.

2. Introduction/Background

The draft Financial Statements 2023-24 were completed and presented to Council at its meeting on 29 October 2024 for referral to Council's auditor, the NSW Auditor General. The audit has now been completed.

The 2023-24 Financial Statements have been prepared in accordance with the applicable Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board, the *Local Government Act 1993* ('the Act') and Regulation, and the Local Government Code of Accounting Practice and Financial Reporting 2023-24 (the Code). Attached to this report are the audited Annual Financial Statements, incorporating the following:

- General Purpose Income Statement.
- General Purpose Statement of Comprehensive Income.

- General Purpose Statement of Financial Position.
- General Purpose Statement of Changes in Equity.
- General Purpose Statement of Cash Flows.
- Special Purpose Income Statement for Council's Other Business Activities.
- Special Purpose Statement of Financial Position for Council's Other Business Activities.
- Special Schedules.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.1/24.10	<p>That:</p> <ol style="list-style-type: none"> 1. Council, in relation to the financial statements required by section 413(2)(c) of the <i>Local Government Act 1993</i>, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ending 30 June 2023 attached to the report: <ol style="list-style-type: none"> (a) Have been properly drawn up in accordance with the <i>Local Government Act 1993</i>, the <i>Local Government (General) Regulation 2021</i>, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting. (b) To the best of Council's knowledge and belief, present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records. 2. Council is unaware of any matter that would render the financial statements false or misleading in anyway. 3. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign: <ol style="list-style-type: none"> (a) The Statement by Councillors and management for the General Purpose Financial Statements and Special Purpose Financial Statements on page 6 of the Annual Financial Statements attached to the report. (b) The Statement by Councillors and management for the Special Purpose Financial Statements on page 3 of the Special Purpose Financial Statements attached to the report. (c) The financial statements attached to the report. 4. Council sends the signed financial statements to Council's auditor for final clearance.

		<p>5. Council forwards a copy of the audited financial statements to the Office of Local Government.</p> <p>6. Council gives public notice of the audited financial statements and presents them at a Council meeting, in accordance with sections 418 and 419 of the <i>Local Government Act 1993</i>.</p>
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4. Discussion

Following the Council meeting on 29 October 2024, the auditor completed the audit of the 2023-24 Financial Statements and has now provided its report, which is contained in the audited Financial Statements attached to this report. The draft Financial Statements presented at the October 2024 Council meeting did not require any amendment during the final audit process.

Council's financial year 2023-24 performance achieved nine out of the ten Office of Local Government's (OLG) benchmarks for financial sustainability, as illustrated in Table 1 below.

Table 1. Industry benchmark measures.

Indicator Statement Performance Measures	Quantitative Measures	Waverley		Industry	Waverley
		2023-24		Benchmark	2022-23
Operating Performance Ratio	Measures a Council's ability to contain operating expenditure within operating revenue.	0.31%	P	> 0.00%	1.74%
Own Source Operating Revenue Ratio	Measures the level of a Council's fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.	86.77%	P	> 60%	81.62%
Unrestricted current ratio	The Unrestricted Current Ratio is specific to local government and is designed to represent a Council's ability to meet debt repayments as they fall due.	4.11x	P	> 1.50x	5.51x
Debt Service Cover ratio	This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.	32.74x	P	> 2x	24.41x
Rates and Annual Charges outstanding percentage	This ratio assesses the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.	6.31%	O	< 5.00%	4.42%
Cash expense cover ratio	This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.	8.35 mths	P	> 3 mths	9.64 mths
Infrastructure asset performance indicators		2023-24		Benchmark	2022-23

Indicator	Quantitative Measures	Waverley		Industry	Waverley
Building and infrastructure renewals ratio	This ratio compares the proportion spent on infrastructure asset renewals and the asset's deterioration measured by its accounting depreciation. Asset renewal represents the replacement or refurbishment of existing assets to an equivalent capacity or performance as opposed to the acquisition of new assets or the refurbishment of old assets that increase capacity or performance.	254.14%	P	>= 100%	217.43%
Infrastructure backlog ratio	This ratio shows what proportion the backlog is against total value of a Council's infrastructure.	1.07%	P	< 2%	1.09%
Asset maintenance ratio	Compares actual vs required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.	100.85%	P	> 100%	102.90%
Cost to bring assets to agreed service level	This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.	0.39%		N/A	0.33%

The following table contains a summary of the income statement, balance sheet, cash and cash investments balance.

Table 2. Summary of the income statement, balance sheet, cash and cash investments balance.

Income statement - \$million	2023-24	2022-23
• Total income from continuing operations	\$172.3m	\$162.4m
• Total expenses from continuing operations	\$159.7m	\$145.5m
• Operating surplus/(deficit) from continuing operations	\$12.6m	\$17.0m
Balance sheet - \$million	2023-24	2022-23
• Total assets	\$1,585.0m	\$1,548.3m
• Total liabilities	\$63.9m	\$56.2m
• Net assets	\$1,521.1m	\$1,492.1m
Cashflow statements - \$million	2023-24	2022-23
• Net operating cash flow	\$37.7m	\$39.6m
• Net Investment cash flow	(\$41.2m)	(\$32.2m)
• Net financial cash flow	(\$0.6m)	(\$0.7m)
• Net cash movements	(\$4.1m)	\$6.7m
• Total Cash, Cash Investments	\$122.1m	\$130.0m

The auditors attended the ARIC meeting on 21 November 2024 and presented their audit report. The auditor's report (on page 77 of the attachment) provides detailed comments in relation to Council's financial position.

5. Financial impact statement/Time frame/Consultation

Council reported a net operating result of a \$12.6m surplus.

A public notice of the date of the Council meeting for presentation of the audited Financial Statements was placed in the *Wentworth Courier*, with the notice also advising that the Financial Statements and the auditor's report available for viewing on Council's website.

Submissions on the auditor's report and the audited Financial Statements close on 6 December 2024, seven days after this Council meeting in accordance with the *Local Government Act 1993*. Any submissions will be referred to the auditor in accordance with the Act.

6. Conclusion

The attached Financial Statements have been completed. A copy of the Audited Financial Statements was sent to the Office of Local Government on 31 October 2024, and they were published on Council's website on 4 November 2024.

7. Attachments

1. Audited Annual Financial Statements 2023-24 (under separate cover)

REPORT CM/7.4/24.11



Subject: Investment Portfolio Report - October 2024

TRIM No: SF24/3676

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

RECOMMENDATION:

That Council notes:

1. The Investment Summary Report for October 2024 attached to the report.
2. 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 October 2024, Council's investment portfolio generated \$437,122 in interest.

The interest income for year to date achieved 38.37% (\$1,849,159) of the Q1 proposed budget forecast of \$4,819,168. Council is on track to achieve interest income budgeted for the financial year 2024-25.

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 2024-25 financial year was adopted by Council at this meeting on 18 June 2024 and was set at \$4,127,190. The Q1 Budget Review revised the interest on investment to \$4,819,168 for the 2024-25 financial year.

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	Original Budget	Q1 Proposed Budget	Actual Monthly (\$)	Actual YTD (\$)	Tracking YTD Q1 Proposed Budget %
July	4,127,190	4,819,168	402,607	402,607	8.35%
August	4,127,190	4,819,168	383,202	785,869	16.31%

September	4,127,190	4,819,168	626,228	1,412,037	29.30%
October	4,127,190	4,819,168	437,122	1,849,159	38.37%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.3/24.10	<p>That Council:</p> <ol style="list-style-type: none"> Notes the Investment Summary Report for September 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 October 2024, Council's cash investment portfolio for the financial year, generated interest earnings of \$1,849,159 representing 38.37% of the proposed Q1 budget of \$4,819,168.

Council's investment portfolio posted a return of 4.45% pa (0.37% 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 5.96%, versus the bank bill index benchmark's 4.41%.

The rise in domestic and overseas bond yields and modest falls in shares impacted the performance of the NSW TCorp Long Term Growth Fund (-0.41% actual) during the month.

Without marked-to-market influences, Council's investment portfolio yielded 4.96% 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 October, Council had a 12-month \$3m Westpac term deposit mature, which had been yielding 5.24% pa. Council reinvested the \$3m maturity into another 12-month Westpac green term deposit yielding 4.79% pa, reflecting the drop in rates over the past year.

A \$1m five-year Great Southern Bank FRN also matured, which had been paying Council a quarterly interest rate of three-month BBSW +1.12% pa. The final quarterly interest rate was 5.59% 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
2 October	3,000,000	12	4.79%	4.85%

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

Asset group	Face value	Current value
Cash	\$15,764,514	\$15,764,514
Floating Rate Note	\$22,900,000	\$23,062,820
Managed Funds	\$8,360,069	\$8,360,069
Term Deposit	\$79,300,000	\$80,634,422
Total	\$126,324,583	\$127,821,826

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

Reserves	Value
External Restriction Reserves	\$43,602,698
Internal Restriction Reserves	\$67,918,109
Unrestricted fund	\$14,803,777
Total	\$ 126,324,583

Analysis

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

Table 4. Portfolio return.

Month	Portfolio return %	Ausbond BB index %	Variance %
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
Jun-24	5.60	4.34	2.70
July-24	7.08	4.49	2.59
Aug-24	4.85	4.54	0.31
Sep-24	5.17	4.45	0.72
Oct-24	4.45	4.50	-0.05
Average % return over the last 12 months	5.96	4.45	1.51

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 October 2024, 77% 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 17% of the portfolio. The remaining 6% is invested with TCorp.

From June 2018 to October 2024, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 17%, as shown in Figure 1 below.

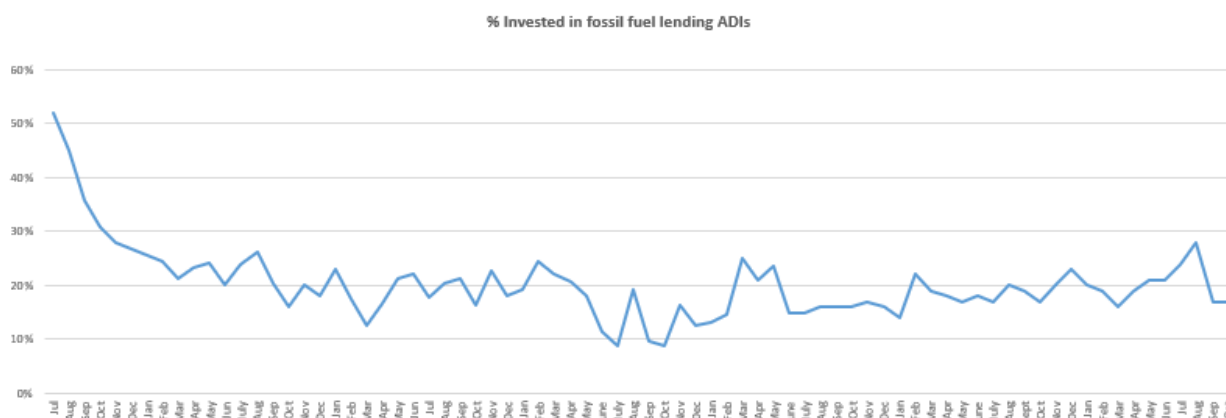


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the Commonwealth Bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 92.44% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 0.00% of the portfolio. The remaining 7.56% is invested with TCorp as displayed in Figure 2 below.

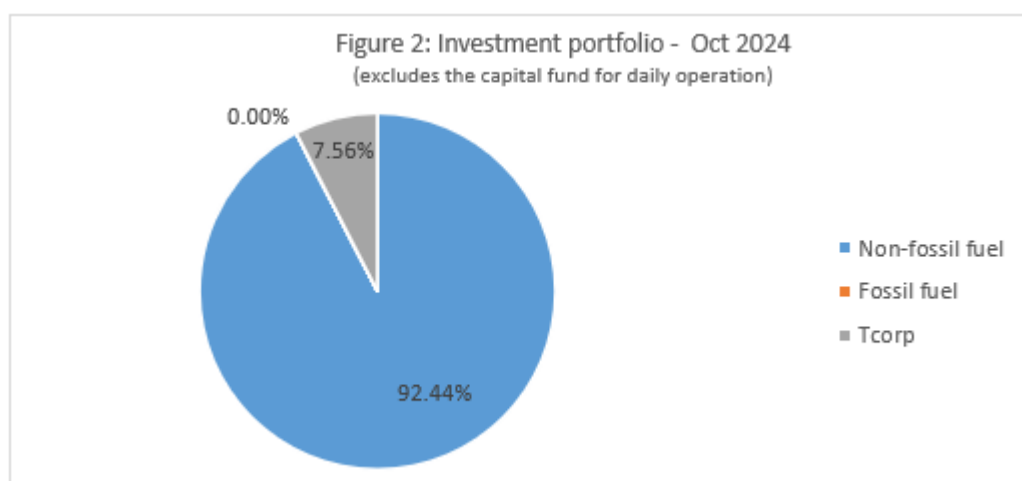


Figure 2. Investment portfolio.

5. Financial impact statement/Time frame/Consultation

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

6. Conclusion

Council's investment portfolio has achieved interest earning of \$1,849,159 for the year-to-date to 30 October 2024, representing 38.37% of the Q1 proposed budget of \$4,819,168.

7. Attachments

1. Investment Summary report - October 2024 [↓](#)



Investment Summary Report October 2024

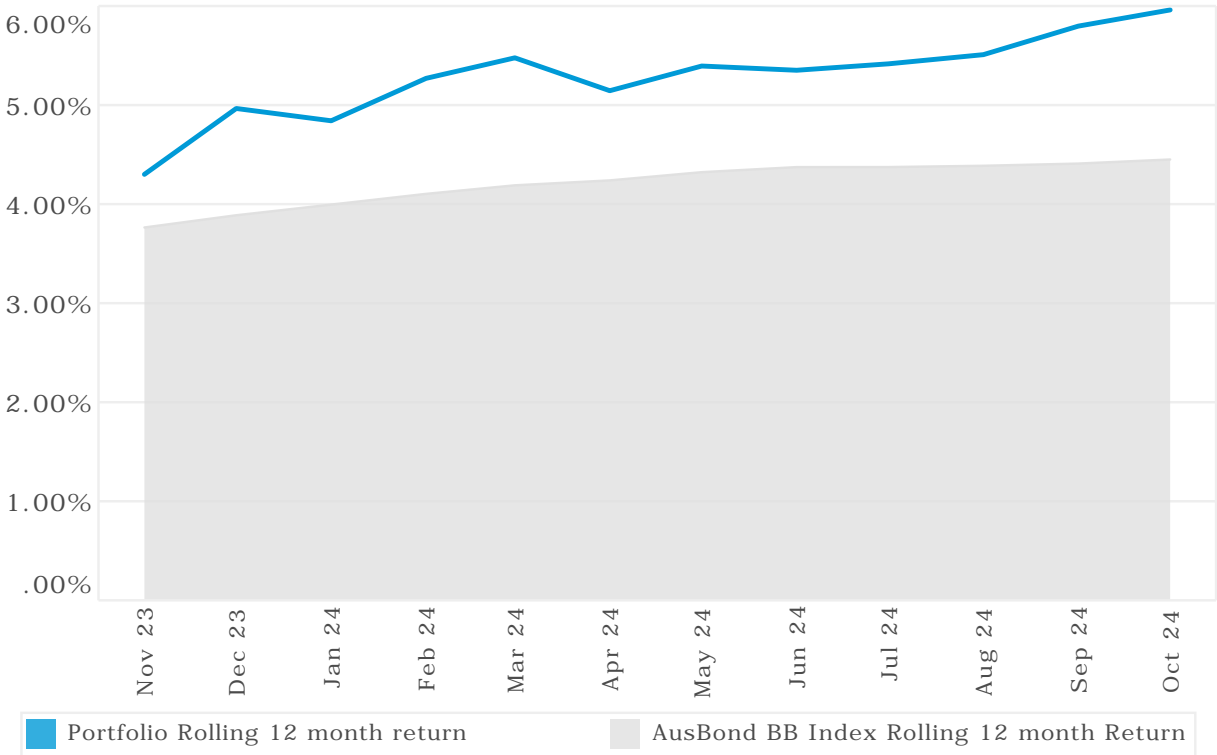
Waverley Council
Executive Summary - October 2024



Investment Holdings

Investment Performance

	Face Value (\$)	Current Value (\$)
Cash	15,764,514	15,764,514
Floating Rate Note	22,900,000	23,062,820
Managed Funds	8,360,069	8,360,069
Term Deposit	79,300,000	80,634,422
	126,324,583	127,821,826

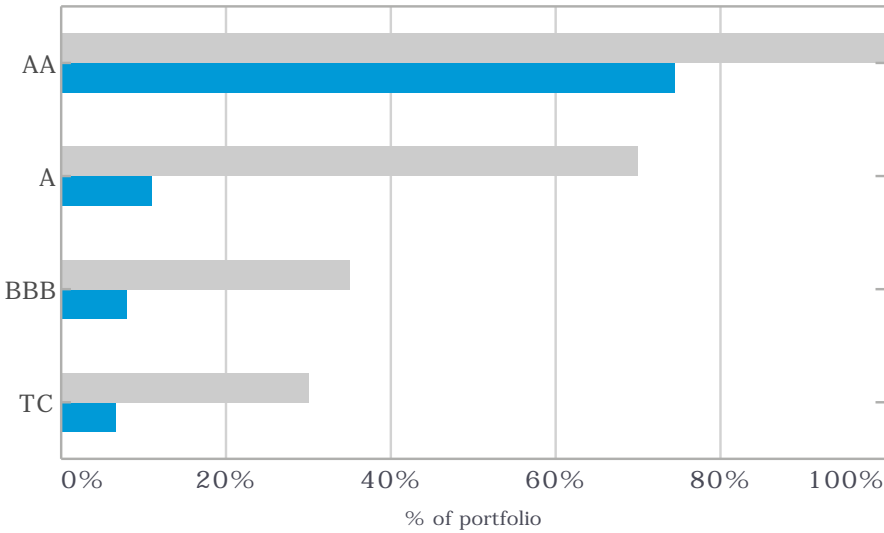


Investment Policy Compliance

Total Credit Exposure

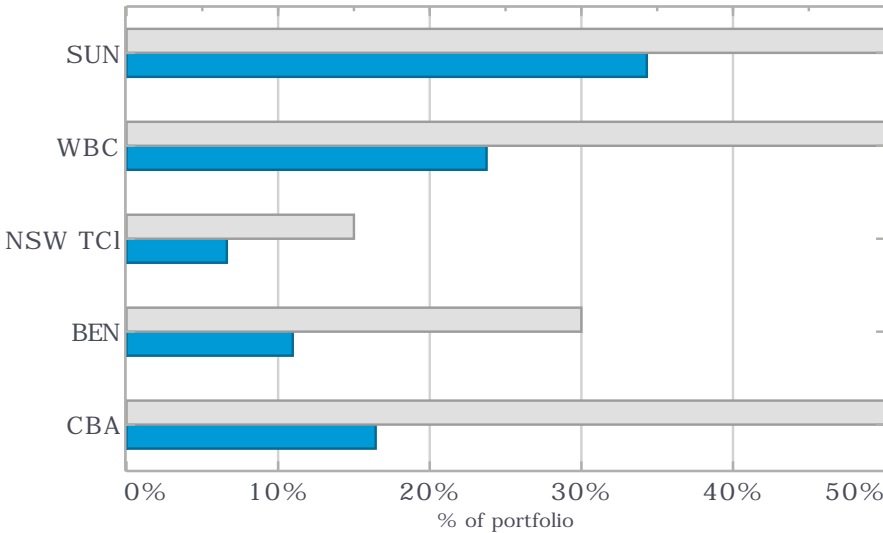
Individual Institutional Exposures

Term to Maturities



Portfolio Exposure

Investment Policy Limit



	Face Value (\$)	Policy Max
Between 0 and 1 years	95,424,583	76% 100% a
Between 1 and 10 year:	30,900,000	24% 70% a
	126,324,583	

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 - October 2024



Cash Accounts										
	Face Value (\$)	Current Rate (%)	Institution	Credit Rating			Current Value (\$)	Deal No.		Reference
	4,858.70	0.0000%	Commonwealth Bank of Australia	AA-			4,858.70	120799		Library CP
	7,468.19	0.0000%	Commonwealth Bank of Australia	AA-			7,468.19	120800		Eastgate CP
	7,881.85	0.0000%	Commonwealth Bank of Australia	AA-			7,881.85	120796		Cemetery Funds
	8,749.11	0.0000%	Commonwealth Bank of Australia	AA-			8,749.11	120801		Hollywood Av CP
	52,359.06	0.0000%	Commonwealth Bank of Australia	AA-			52,359.06	370151		Library Gift
	86,051.26	0.0000%	Commonwealth Bank of Australia	AA-			86,051.26	120795		Trust Funds
	216,974.18	0.0000%	Commonwealth Bank of Australia	AA-			216,974.18	120797		Depositor Funds
	807,726.36	0.0000%	Commonwealth Bank of Australia	AA-			807,726.36	120794		General Funds
	14,572,445.08	4.3500%	Commonwealth Bank of Australia	AA-			14,572,445.08	120789		24hr Call
	15,764,513.79	4.0211%					15,764,513.79			

Managed Funds										
	Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name		Current Value (\$)	Deal No.		Reference
	8,360,069.15	-0.4083%	NSW T-Corp (LT)	TCl	Long Term Growth Fund		8,360,069.15	538089		
	8,360,069.15	-0.4083%					8,360,069.15			

Term Deposits											
Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
5-Nov-24	3,000,000.00	5.1700%	Suncorp Bank	AA-	3,000,000.00	4-Jan-24	3,128,329.32	544763	128,329.32	At Maturity	
12-Nov-24	2,000,000.00	5.4800%	Suncorp Bank	AA-	2,000,000.00	14-Nov-23	2,105,996.71	544722	105,996.71	At Maturity	
4-Dec-24	1,300,000.00	5.2000%	Suncorp Bank	AA-	1,300,000.00	6-Mar-24	1,344,449.32	544919	44,449.32	At Maturity	
19-Dec-24	3,000,000.00	5.0200%	Bendigo and Adelaide Bank	A-	3,000,000.00	26-Mar-24	3,090,772.60	544960	90,772.60	At Maturity	
14-Jan-25	2,000,000.00	5.0600%	Bendigo and Adelaide Bank	A-	2,000,000.00	9-Apr-24	2,057,115.62	544994	57,115.62	At Maturity	
26-Feb-25	3,000,000.00	5.0500%	Suncorp Bank	AA-	3,000,000.00	28-Feb-24	3,102,521.92	544863	102,521.92	At Maturity	
26-Feb-25	3,000,000.00	5.0800%	Suncorp Bank	AA-	3,000,000.00	28-Aug-24	3,027,139.73	545414	27,139.73	At Maturity	
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,009,297.53	542329	9,297.53	Quarterly	Green



Waverley Council
Investment Holdings Report - October 2024



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
4-Mar-25	2,000,000.00	5.0800%	Suncorp Bank	AA-	2,000,000.00	2-Apr-24	2,059,289.86	544974	59,289.86	At Maturity	
4-Mar-25	3,000,000.00	5.0800%	Suncorp Bank	AA-	3,000,000.00	4-Sep-24	3,024,216.99	545448	24,216.99	At Maturity	
4-Mar-25	3,000,000.00	5.1000%	Suncorp Bank	AA-	3,000,000.00	3-Sep-24	3,024,731.51	545440	24,731.51	At Maturity	
5-Mar-25	4,000,000.00	5.0800%	Westpac Group	AA-	4,000,000.00	5-Mar-24	4,134,167.67	544912	134,167.67	At Maturity	Green
12-Mar-25	3,000,000.00	4.9500%	Westpac Group	AA-	3,000,000.00	12-Mar-24	3,020,342.47	544931	20,342.47	Quarterly	Green
18-Mar-25	3,000,000.00	4.9800%	Suncorp Bank	AA-	3,000,000.00	18-Sep-24	3,018,009.86	545500	18,009.86	At Maturity	
25-Mar-25	3,000,000.00	5.0800%	Suncorp Bank	AA-	3,000,000.00	26-Sep-24	3,015,031.23	545521	15,031.23	At Maturity	
25-Mar-25	3,000,000.00	5.0900%	Suncorp Bank	AA-	3,000,000.00	23-Sep-24	3,016,315.89	545508	16,315.89	At Maturity	
2-Apr-25	3,000,000.00	5.0000%	Suncorp Bank	AA-	3,000,000.00	5-Sep-24	3,023,424.66	545455	23,424.66	At Maturity	
22-Apr-25	3,000,000.00	5.0700%	Suncorp Bank	AA-	3,000,000.00	25-Sep-24	3,015,418.36	545518	15,418.36	At Maturity	
1-May-25	3,000,000.00	5.2700%	Westpac Group	AA-	3,000,000.00	1-May-24	3,079,699.73	545052	79,699.73	At Maturity	Green
20-Jun-25	3,000,000.00	5.0200%	AMP Bank	BBB+	3,000,000.00	29-Aug-24	3,026,406.58	545419	26,406.58	At Maturity	
25-Jun-25	3,000,000.00	5.0200%	AMP Bank	BBB+	3,000,000.00	28-Aug-24	3,026,819.18	545407	26,819.18	At Maturity	
20-Aug-25	3,000,000.00	4.8600%	Westpac Group	AA-	3,000,000.00	20-Aug-24	3,029,160.00	545371	29,160.00	At Maturity	Green
20-Aug-25	3,000,000.00	4.8600%	Westpac Group	AA-	3,000,000.00	23-Aug-24	3,027,961.64	545380	27,961.64	At Maturity	Green
2-Sep-25	2,000,000.00	4.8100%	Westpac Group	AA-	2,000,000.00	5-Sep-24	2,015,023.01	545456	15,023.01	At Maturity	Green
23-Sep-25	2,000,000.00	4.7700%	Westpac Group	AA-	2,000,000.00	26-Sep-24	2,009,409.32	545520	9,409.32	At Maturity	Green
1-Oct-25	3,000,000.00	4.7900%	Westpac Group	AA-	3,000,000.00	2-Oct-24	3,011,810.96	545539	11,810.96	At Maturity	Green
20-Feb-26	2,000,000.00	4.8500%	Westpac Group	AA-	2,000,000.00	20-Feb-24	2,019,400.00	544856	19,400.00	Quarterly	Green
17-Mar-26	3,000,000.00	4.8400%	Suncorp Bank	AA-	3,000,000.00	19-Mar-24	3,090,302.47	544951	90,302.47	Annually	
17-Apr-26	3,000,000.00	5.0300%	Westpac Group	AA-	3,000,000.00	17-Apr-24	3,081,858.08	545017	81,858.08	Annually	Green
79,300,000.00		4.9470%			79,300,000.00			80,634,422.22	1,334,422.22		

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
2-Dec-25	2,250,000.00	4.9166%	BEN Snr FRN (Dec25) BBSW+0.52%	A-	2,250,000.00	2-Dec-20	2,268,792.18	540603	18,184.68	2-Dec-24	
24-Feb-26	1,300,000.00	4.8011%	SUN Snr FRN (Feb26) BBSW+0.45%	AA-	1,300,000.00	24-Feb-21	1,311,339.87	540958	11,456.87	25-Nov-24	



Waverley Council
Investment Holdings Report - October 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	5.0394%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB+	4,000,000.00	4-Mar-21	4,025,151.25	540983	32,031.25	4-Dec-24	
15-May-26	1,000,000.00	5.5892%	BEN Snr FRN (May26) BBSW+ 1.25%	A-	1,000,000.00	15-May-23	1,021,504.04	544084	11,944.04	15-Nov-24	
18-Jun-26	4,000,000.00	5.0731%	BEN Snr FRN (Jun26) BBSW+0.65%	A-	4,000,000.00	18-Jun-21	4,027,862.07	541523	24,462.07	18-Dec-24	
15-Sep-26	3,750,000.00	4.8961%	SUN Snr FRN (Sep26) BBSW+0.48%	AA-	3,750,000.00	15-Sep-21	3,767,851.60	541877	23,139.10	16-Dec-24	
23-Dec-26	5,000,000.00	4.8383%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	23-Sep-21	5,012,698.45	541916	25,848.45	23-Dec-24	
14-May-27	1,600,000.00	5.3563%	BEN Snr FRN (May27) BBSW+ 1.00%	A-	1,600,000.00	14-May-24	1,627,620.94	545080	18,548.94	14-Nov-24	
22,900,000.00		4.9985%			22,900,000.00		23,062,820.40		165,615.40		



Waverley Council
Accrued Interest Report - October 2024



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Floating Rate Note									
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	14,089.86	23	3,522.46	5.59%
BEN Snr FRN (Dec25) BBSW+0.52%	540603		2,250,000.00	2-Dec-20	2-Dec-25	0.00	31	9,395.42	4.92%
SUN Snr FRN (Feb26) BBSW+0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26	0.00	31	5,300.94	4.80%
NPBS Snr FRN (Mar26) BBSW+0.63%	540983		4,000,000.00	4-Mar-21	4-Mar-26	0.00	31	17,120.15	5.04%
BEN Snr FRN (May26) BBSW+ 1.25%	544084		1,000,000.00	15-May-23	15-May-26	0.00	31	4,746.99	5.59%
BEN Snr FRN (Jun26) BBSW+0.65%	541523		4,000,000.00	18-Jun-21	18-Jun-26	0.00	31	17,234.64	5.07%
SUN Snr FRN (Sep26) BBSW+0.48%	541877		3,750,000.00	15-Sep-21	15-Sep-26	0.00	31	15,593.74	4.90%
CBA Green Snr FRN (Dec26) BBSW+0.41%	541916		5,000,000.00	23-Sep-21	23-Dec-26	0.00	31	20,546.20	4.84%
BEN Snr FRN (May27) BBSW+ 1.00%	545080		1,600,000.00	14-May-24	14-May-27	0.00	31	7,278.70	5.36%
						14,089.86		100,739.24	5.02%
Managed Funds									
NSW T-Corp Defensive Cash Funds	411310				1-Aug-24	0.00	0	0.00	
						0.00		0.00	
Term Deposits									
Westpac Group	544556		3,000,000.00	3-Oct-23	2-Oct-24	157,200.00	1	430.68	5.24%
Suncorp Bank	544763		3,000,000.00	4-Jan-24	5-Nov-24	0.00	31	13,172.88	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	8,595.07	5.06%
Suncorp Bank	544863		3,000,000.00	28-Feb-24	26-Feb-25	0.00	31	12,867.13	5.05%
Suncorp Bank	545414		3,000,000.00	28-Aug-24	26-Feb-25	0.00	31	12,943.57	5.08%
Suncorp Bank	544974		2,000,000.00	2-Apr-24	4-Mar-25	0.00	31	8,629.04	5.08%
Suncorp Bank	545440		3,000,000.00	3-Sep-24	4-Mar-25	0.00	31	12,994.52	5.10%
Suncorp Bank	545448		3,000,000.00	4-Sep-24	4-Mar-25	0.00	31	12,943.57	5.08%
Westpac Group	542329		2,000,000.00	9-Feb-22	4-Mar-25	0.00	31	3,431.23	2.02%



Waverley Council
Accrued Interest Report - October 2024

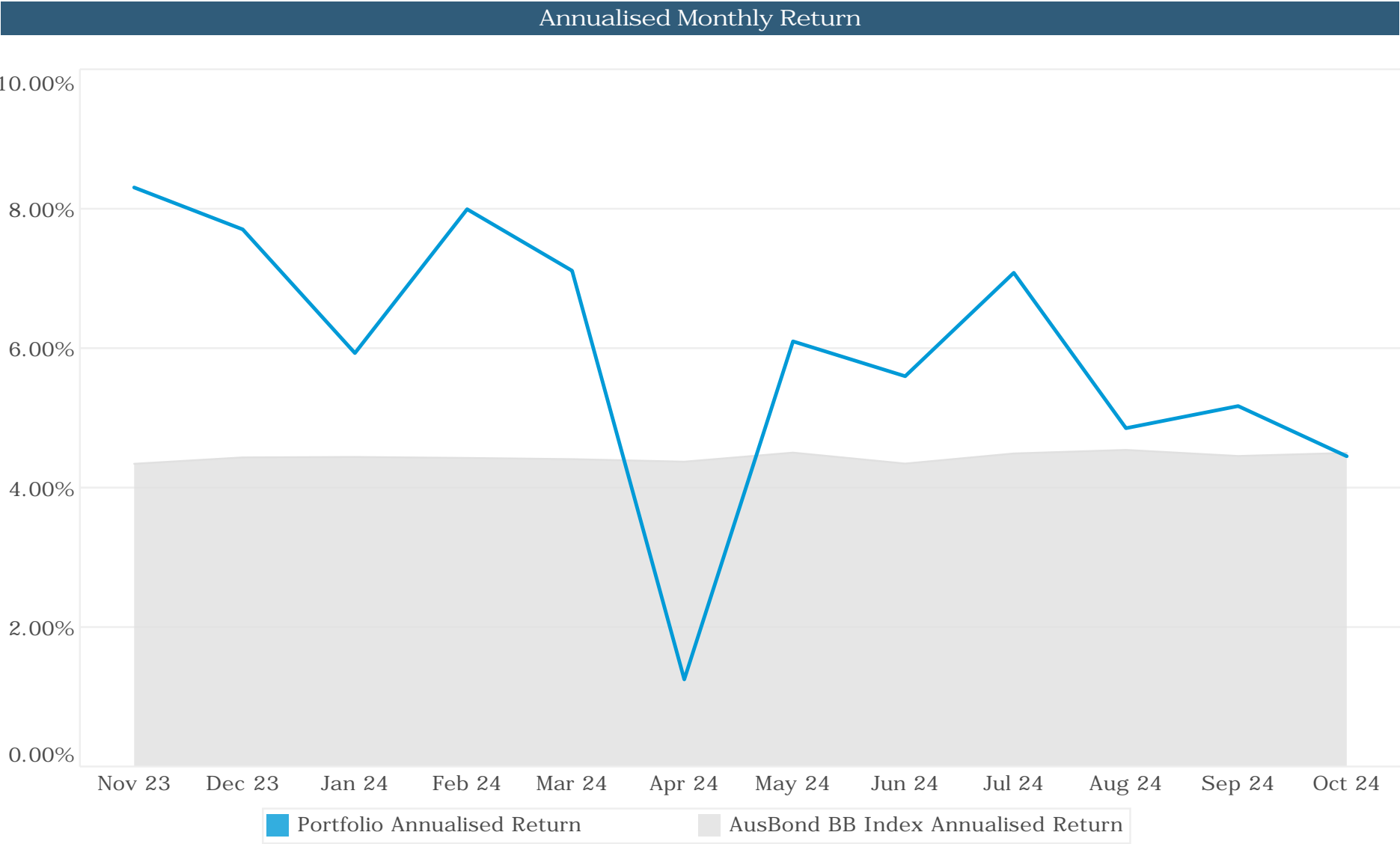


Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Westpac Group	544912		4,000,000.00	5-Mar-24	5-Mar-25	0.00	31	17,258.08	5.08%
Westpac Group	544931		3,000,000.00	12-Mar-24	12-Mar-25	0.00	31	12,612.33	4.95%
Suncorp Bank	545500		3,000,000.00	18-Sep-24	18-Mar-25	0.00	31	12,688.76	4.98%
Suncorp Bank	545508		3,000,000.00	23-Sep-24	25-Mar-25	0.00	31	12,969.04	5.09%
Suncorp Bank	545521		3,000,000.00	26-Sep-24	25-Mar-25	0.00	31	12,943.56	5.08%
Suncorp Bank	545455		3,000,000.00	5-Sep-24	2-Apr-25	0.00	31	12,739.73	5.00%
Suncorp Bank	545518		3,000,000.00	25-Sep-24	22-Apr-25	0.00	31	12,918.09	5.07%
Westpac Group	545052		3,000,000.00	1-May-24	1-May-25	0.00	31	13,427.68	5.27%
AMP Bank	545419		3,000,000.00	29-Aug-24	20-Jun-25	0.00	31	12,790.69	5.02%
AMP Bank	545407		3,000,000.00	28-Aug-24	25-Jun-25	0.00	31	12,790.69	5.02%
Westpac Group	545371		3,000,000.00	20-Aug-24	20-Aug-25	0.00	31	12,383.01	4.86%
Westpac Group	545380		3,000,000.00	23-Aug-24	20-Aug-25	0.00	31	12,383.01	4.86%
Westpac Group	545456		2,000,000.00	5-Sep-24	2-Sep-25	0.00	31	8,170.41	4.81%
Westpac Group	545520		2,000,000.00	26-Sep-24	23-Sep-25	0.00	31	8,102.47	4.77%
Westpac Group	545539		3,000,000.00	2-Oct-24	1-Oct-25	0.00	30	11,810.96	4.79%
Westpac Group	544856		2,000,000.00	20-Feb-24	20-Feb-26	0.00	31	8,238.36	4.85%
Suncorp Bank	544951		3,000,000.00	19-Mar-24	17-Mar-26	0.00	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%
						157,200.00		333,223.32	4.95%
<u>Grand Totals</u>						<u>171,289.86</u>		<u>433,962.56</u>	<u>4.96%</u>



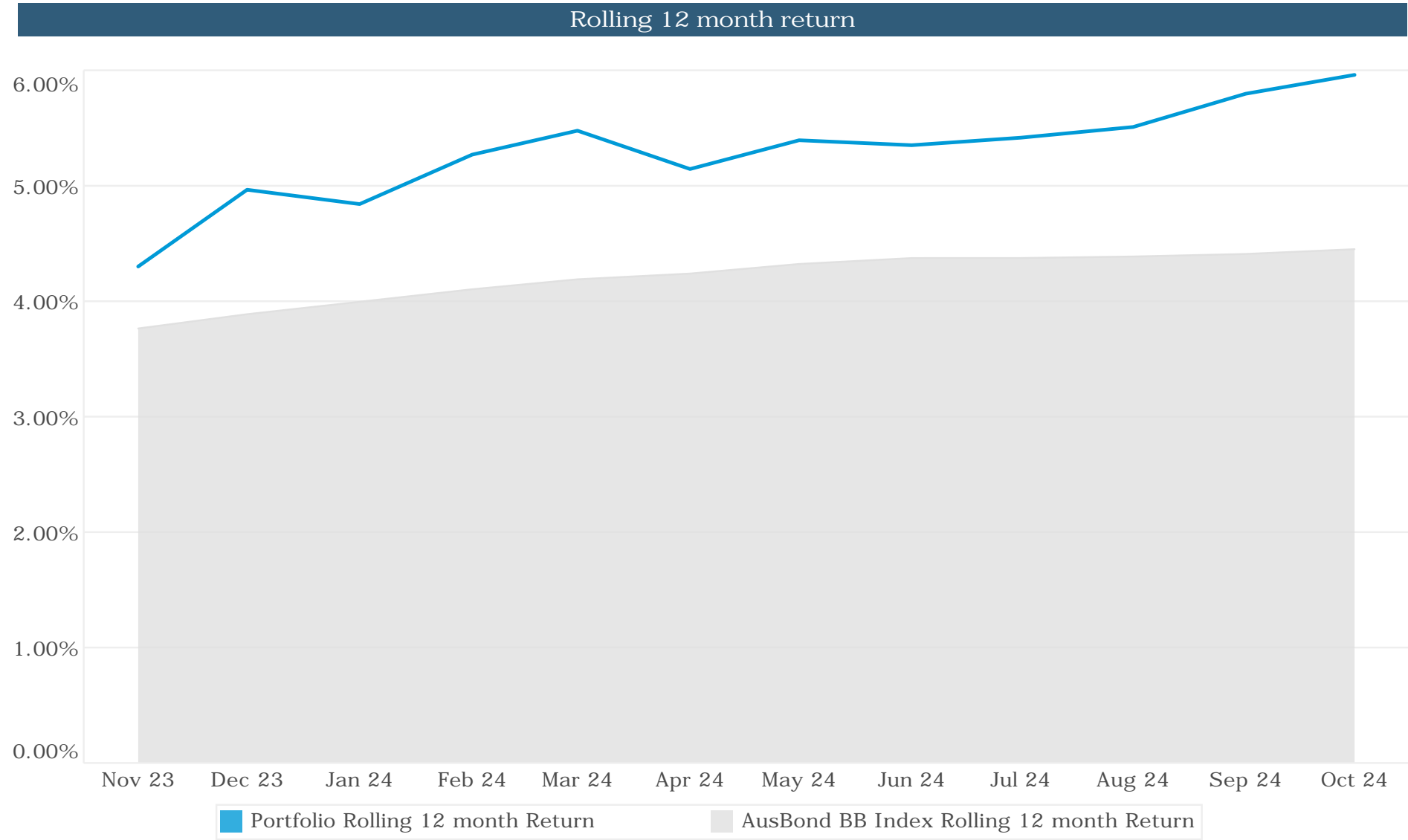
Waverley Council

Investment Performance Report - October 2024



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Oct 2024	4.45%	4.50%	-0.05%
Last 3 months	4.82%	4.50%	0.32%
Last 6 months	5.54%	4.47%	1.07%
Financial Year to Date	5.39%	4.50%	0.89%
Last 12 months	5.96%	4.45%	1.51%

Waverley Council
Investment Performance Report - October 2024



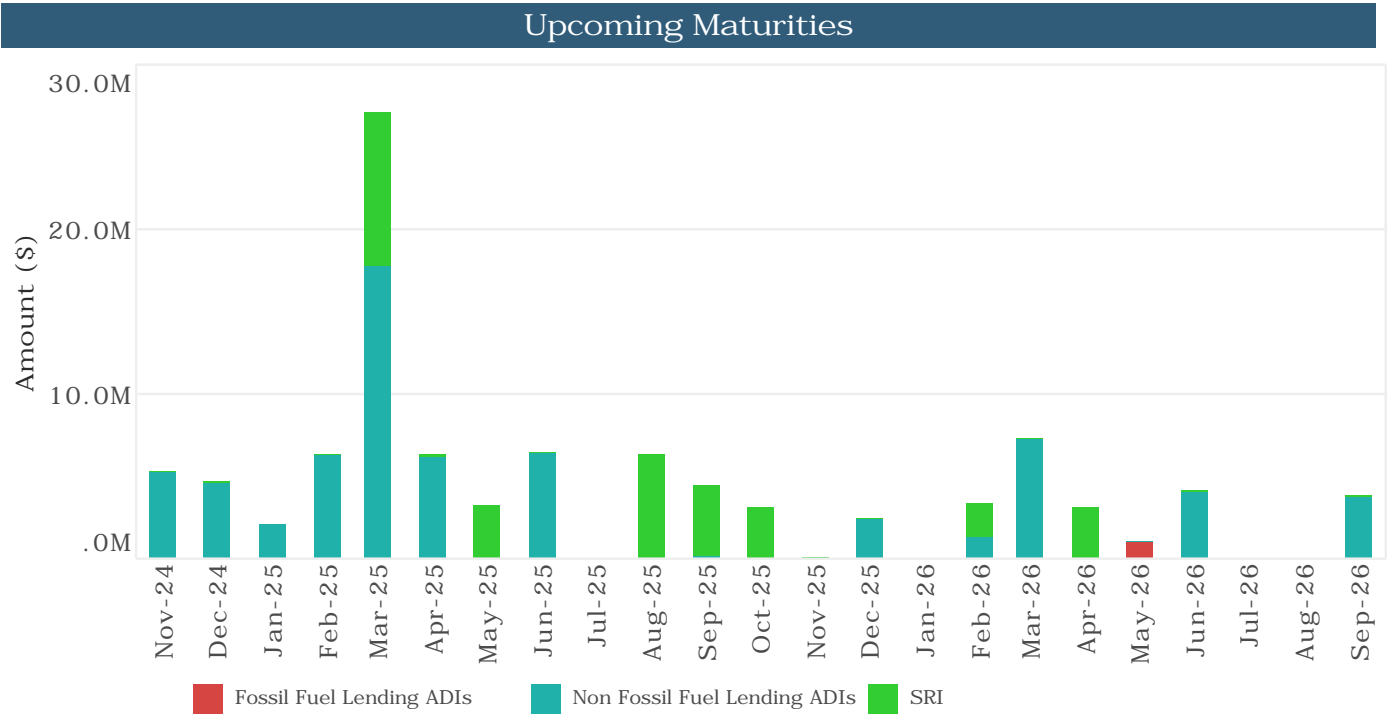
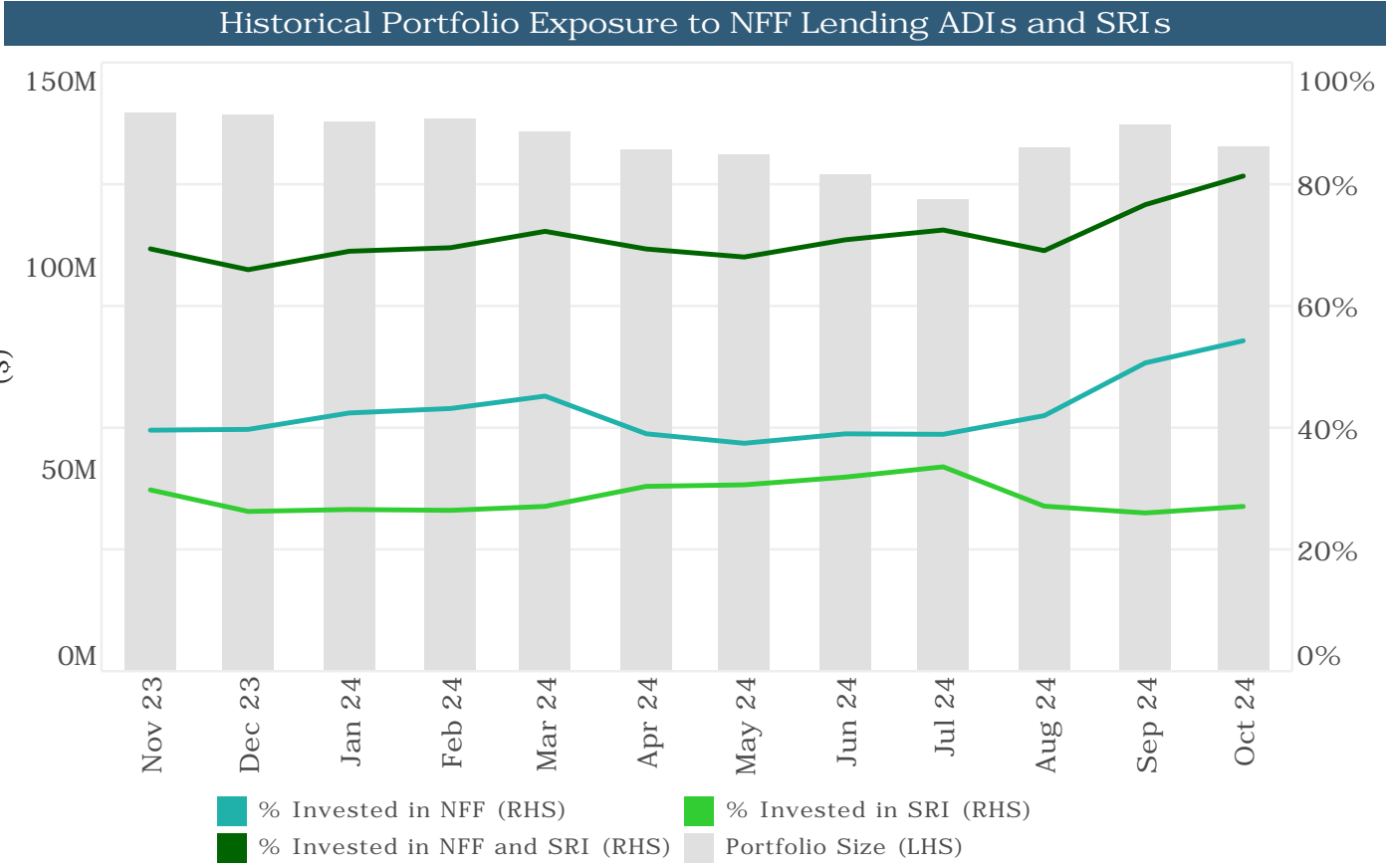
Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Oct 2024	0.37%	0.37%	0.00%
Last 3 months	1.19%	1.12%	0.07%
Last 6 months	2.76%	2.23%	0.53%
Financial Year to Date	1.78%	1.49%	0.29%
Last 12 months	5.96%	4.45%	1.51%

Waverley Council
Environmental Commitments Report - October 2024

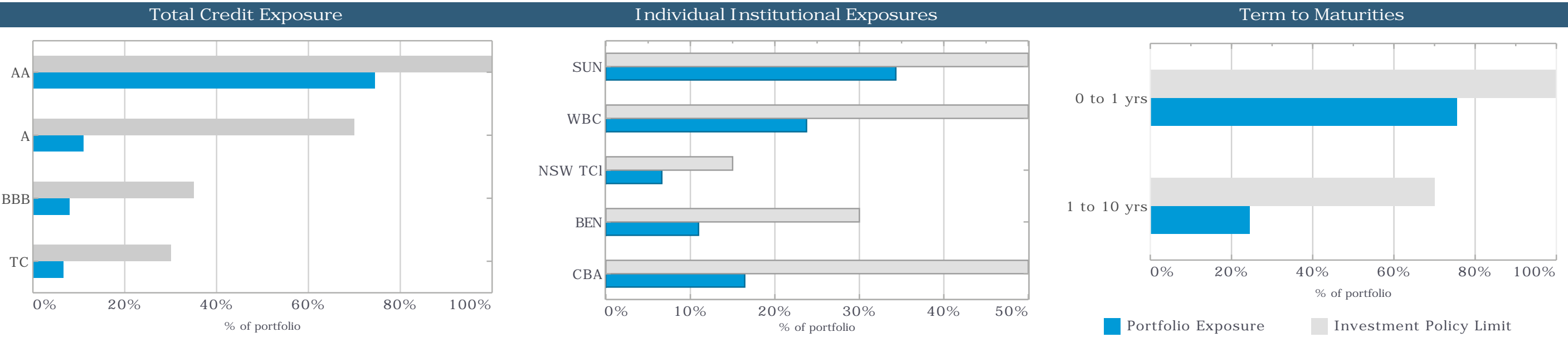


Current Breakdown				
ADI Lending Status *	Current Month (\$)		Previous Month (\$)	
Fossil Fuel Lending ADIs				
Commonwealth Bank of Australia	15,764,514		23,052,366	
	15,764,514	12%	23,052,366	17%
Non Fossil Fuel Lending ADIs				
AMP Bank	6,000,000		6,000,000	
Bendigo and Adelaide Bank	13,850,000		13,850,000	
Great Southern Bank	0		1,000,000	
Newcastle Greater Mutual Group	4,000,000		4,000,000	
Suncorp Bank	43,350,000		43,350,000	
	67,200,000	53%	68,200,000	51%
Other				
NSW T-Corp (LT)	8,360,069		8,394,339	
	8,360,069	7%	8,394,339	6%
Socially Responsible Investment				
CBA (Green)	5,000,000		5,000,000	
Westpac Group (Green TD)	30,000,000		30,000,000	
	35,000,000	28%	35,000,000	26%
	126,324,583		134,646,705	

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



Waverley Council
Investment Policy Compliance Report - October 2024



Credit Rating Group	Face Value (\$)	Policy Max
AA	94,114,514	75% 100% a
A	13,850,000	11% 70% a
BBB	10,000,000	8% 35% a
TC	8,360,069	7% 30% a
	126,324,583	

Institution	% of portfolio	Investment Policy Limit
Suncorp Bank (AA-)	34%	50% a
Westpac Group (AA-)	24%	50% a
NSW T-Corp (TCL)	7%	15% a
Bendigo and Adelaide Bank (A-)	11%	30% a
Commonwealth Bank of Australia (AA-)	16%	50% a
AMP Bank (BBB+)	5%	15% a
Newcastle Greater Mutual Group (BBB+)	3%	15% a

	Face Value (\$)	Policy Max
Between 0 and 1 years	95,424,583	76% 100% a
Between 1 and 10 years	30,900,000	24% 70% a
	126,324,583	

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

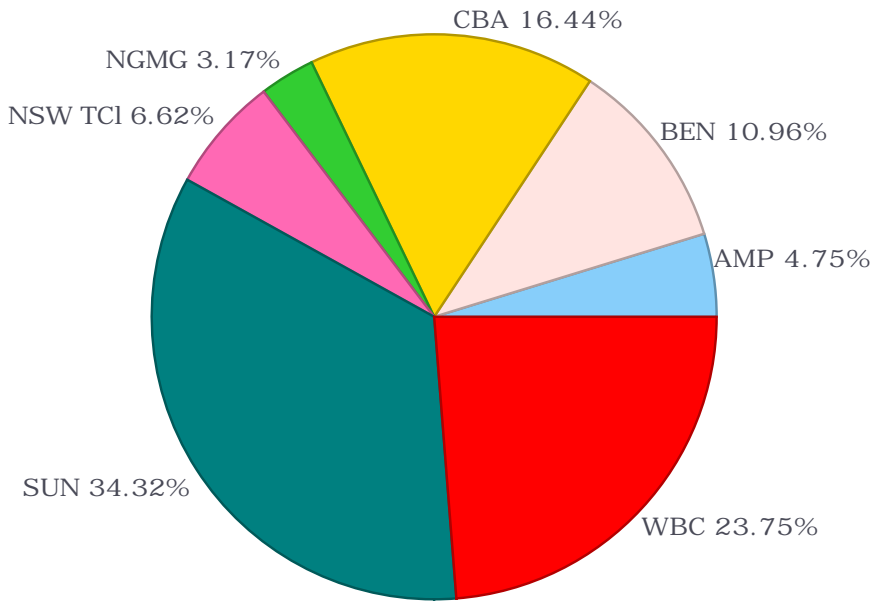
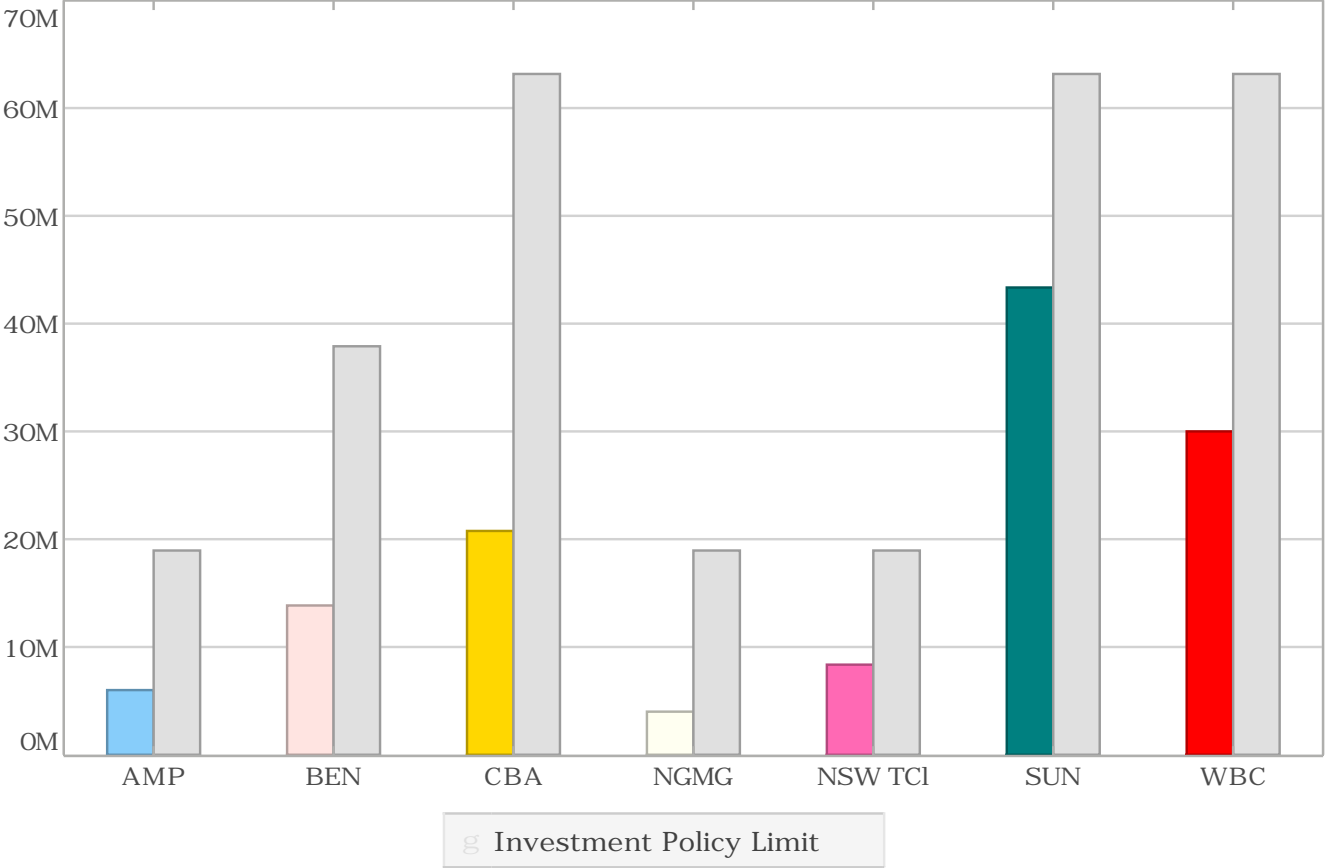
Waverley Council
Individual Institutional Exposures Report - October 2024



Individual Institutional Exposures

Individual Institutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB+)	6,000,000	5%	18,948,687	15%	12,948,687
Bendigo and Adelaide Bank (A-)	13,850,000	11%	37,897,375	30%	24,047,375
Commonwealth Bank of Australia (AA-)	20,764,514	16%	63,162,291	50%	42,397,777
Newcastle Greater Mutual Group (BBB+)	4,000,000	3%	18,948,687	15%	14,948,687
NSW T-Corp (TCl)	8,360,069	7%	18,948,687	15%	10,588,618
Suncorp Bank (AA-)	43,350,000	34%	63,162,291	50%	19,812,291
Westpac Group (AA-)	30,000,000	24%	63,162,291	50%	33,162,291
	126,324,583				



Waverley Council
Cashflows Report - October 2024



Actual Cashflows for October 2024						
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount	
2-Oct-24	544556	Westpac Group	Term Deposit	Maturity: Face Value	3,000,000.00	
		Westpac Group	Term Deposit	Maturity: Interest Received/Paid	157,200.00	
		Deal Total				3,157,200.00
2-Oct-24	545539	Westpac Group	Term Deposit	Settlement: Face Value	-3,000,000.00	
				Deal Total	-3,000,000.00	
Day Total					157,200.00	
24-Oct-24	538604	GSB Snr FRN (Oct24) BBSW+ 1.12%	Floating Rate Note	Coupon Date	14,089.86	
		GSB Snr FRN (Oct24) BBSW+ 1.12%	Floating Rate Note	Maturity	1,000,000.00	
		Deal Total				1,014,089.86
Day Total					1,014,089.86	
Total for Month					1,171,289.86	

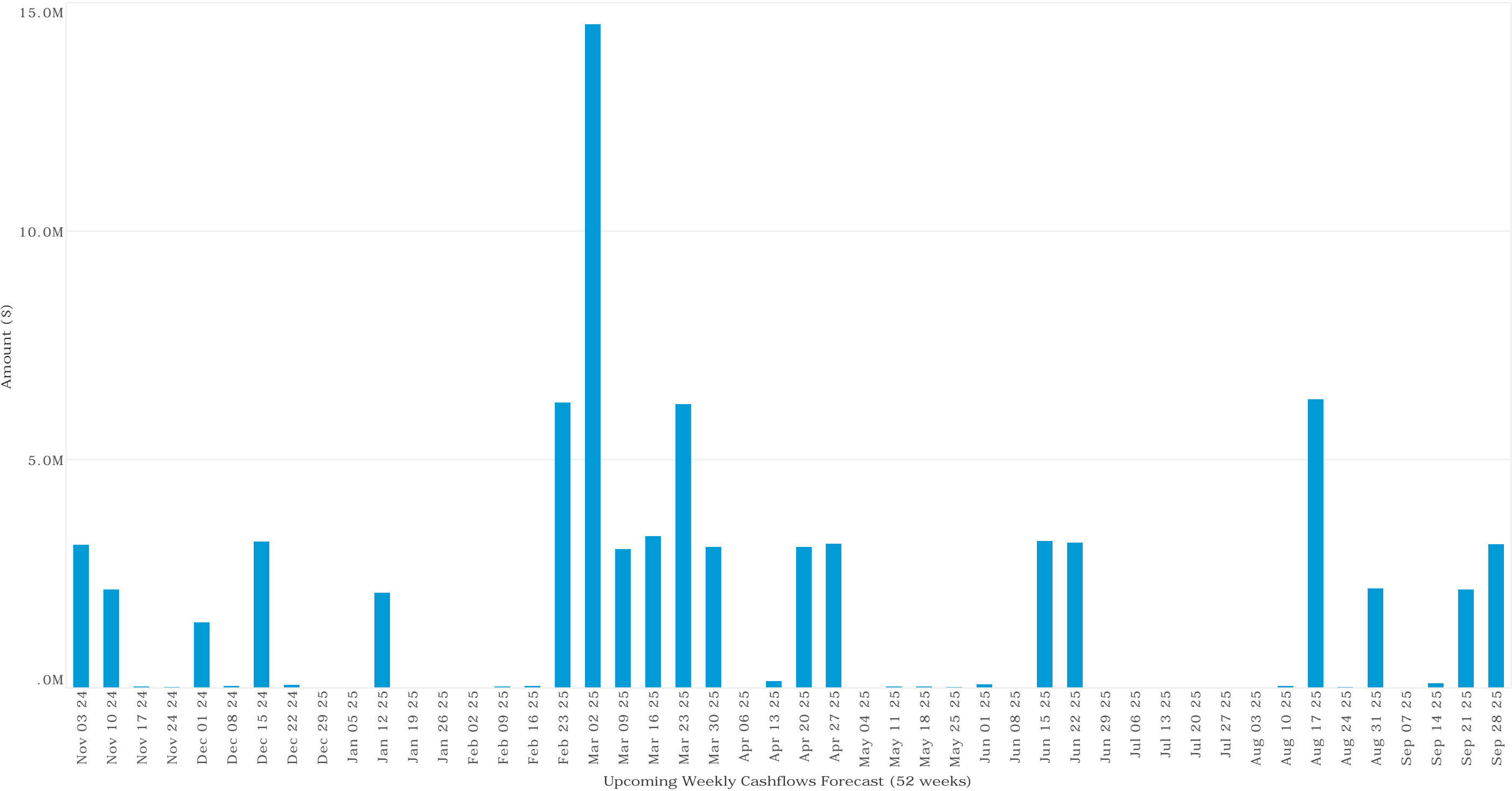
Forecast Cashflows for November 2024						
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount	
5-Nov-24	544763	Suncorp Bank	Term Deposit	Maturity: Face Value	3,000,000.00	
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	130,029.04	
		<u>Deal Total</u>			<u>3,130,029.04</u>	
Day Total					3,130,029.04	
11-Nov-24	542329	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	10,404.38	
		<u>Deal Total</u>			<u>10,404.38</u>	
		Day Total				
12-Nov-24	544722	Suncorp Bank	Term Deposit	Maturity: Face Value	2,000,000.00	
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	109,299.73	
		<u>Deal Total</u>			<u>2,109,299.73</u>	
Day Total					2,109,299.73	
14-Nov-24	545080	BEN Snr FRN (May27) BBSW+ 1.00%	Floating Rate Note	Coupon Date	21,601.30	

Waverley Council
Cashflows Report - October 2024

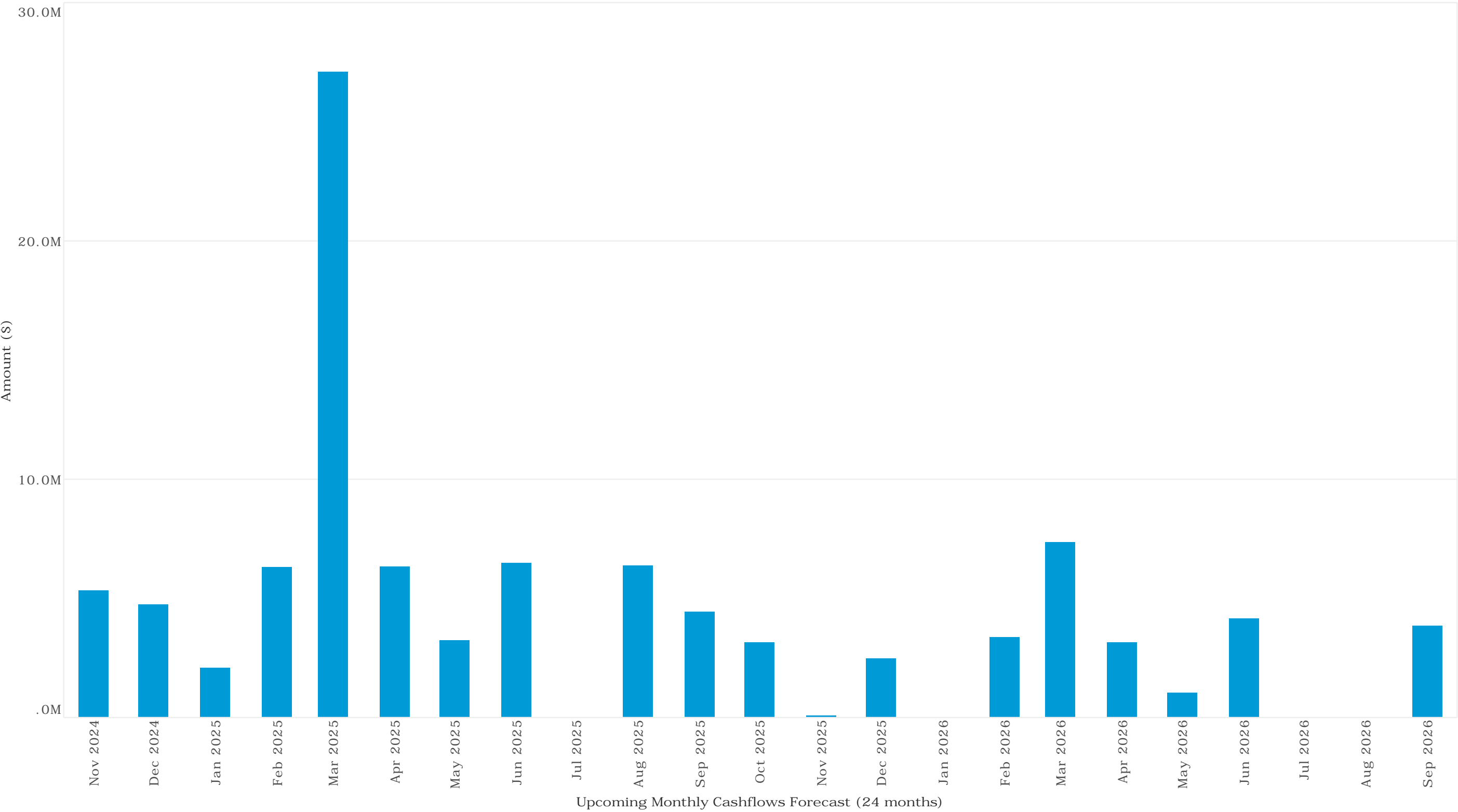


Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
<u>Deal Total</u>					<u>21,601.30</u>
Day Total					21,601.30
15-Nov-24	544084	BEN Snr FRN (May26) BBSW+ 1.25%	Floating Rate Note	Coupon Date	14,087.85
<u>Deal Total</u>					<u>14,087.85</u>
Day Total					14,087.85
20-Nov-24	544856	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	24,449.31
<u>Deal Total</u>					<u>24,449.31</u>
Day Total					24,449.31
25-Nov-24	540958	SUN Snr FRN (Feb26) BBSW+ 0.45%	Floating Rate Note	Coupon Date	15,560.83
<u>Deal Total</u>					<u>15,560.83</u>
Day Total					15,560.83
<u>Total for Month</u>					<u>5,325,432.43</u>

Waverley Council
Cashflows Report - October 2024



Waverley Council
Cashflows Report - October 2024



REPORT
CM/7.5/24.11

Subject: Annual Code of Conduct Complaints Statistics

TRIM No: SF17/2821

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czimmer, Director, Corporate Services

RECOMMENDATION:

That Council notes the statistics on code of conduct complaints about Councillors and the General Manager for 2023–24 attached to the report.

1. Executive Summary

This report addresses the requirement of Council’s complaints coordinator to report annually to Council on statistics regarding code of conduct complaints made about Councillors and the General Manager.

2. Introduction/Background

Clause 11.1 of the Procedures for the Administration of the Code of Conduct (‘Procedures’) requires the complaints coordinator to report annually to Council on code of conduct complaints made about Councillors and the General Manager. This must be done within three months of the end of September of each year; that is, by 31 December. The report also has to be provided to the Office of Local Government (OLG) within the same time frame (clause 11.2).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 November 2024	CM/7.5/23.11	That Council notes the statistics on code of conduct complaints about Councillors and the General Manager for 2022–23 attached to the report.

4. Discussion

The reporting period is 1 September 2023 to 31 August 2024. The statistics are attached to the report, using the collection form provided by OLG.

Within the reporting period, the following five complaints were received:

- Two complaints were referred to a conduct reviewer for preliminary assessment. The conduct reviewer decided to investigate both matters, in accordance with 6.13(e) of the Procedures. For procedural reasons, officers are unable to report on the outcome of the investigations.
- Three complaints were referred to OLG, in accordance with 5.20 of the Procedures.

All complaints have been finalised as of November 2024.

5. Financial impact statement/Time frame/Consultation**Financial impact statement**

The cost of dealing with the code of conduct complaints received in the reporting period was \$33,541 (including GST). This figure only represents invoices received from the external conduct reviewer. It does not include staff costs. While staff costs should be included, it is not possible to give an accurate figure. The cost of managing code of conduct complaints is funded from an operational budget.

Time frame

The reporting period is 1 September 2023 to 31 August 2024. The statistics must be reported to Council and OLG by 31 December 2024. They will be sent to OLG after being noted by Council.

Consultation

N/A.

6. Conclusion

This report satisfies the complaints coordinator's obligation to report to Council on code of conduct statistics.

7. Attachments

1. Annual Code of Conduct complaints statistics - 1 September 2023-31 August 2024 [↓](#)

Office of Local Government

Model Code of Conduct
Complaints Statistics

Reporting Period: 1 September 2023 - 31 August 2024

Date Due: 31 December 2024

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Waverley Council
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Contact Name:	Richard Coelho
Contact Phone:	9083 8193
Contact Position:	Executive Manager, Governance
Contact Email:	richard.coelho@waverley.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics 2023-24

Waverley Council

Number of Complaints

- | | | |
|-----|---|---|
| 1 | The total number of complaints received in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources: | |
| i | Community | 0 |
| ii | Other Councillors | 5 |
| iii | General Manager | 0 |
| iv | Other Council Staff | 0 |
| 2 | The total number of complaints finalised about councillors and the GM under the code of conduct in the following periods: | |
| i | 3 Months | 0 |
| ii | 6 Months | 1 |
| iii | 9 Months | 4 |
| iv | 12 Months | 0 |
| v | Over 12 months | 0 |

Overview of Complaints and Cost

- | | | | |
|---|-----|--|--------|
| 3 | a | The number of complaints finalised at the outset by alternative means by the GM or Mayor | 0 |
| | b | The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement | 0 |
| | c | The number of code of conduct complaints referred to a conduct reviewer | 2 |
| | d | The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer | 0 |
| | e | The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer | 0 |
| | f | The number of finalised code of conduct complaints investigated by a conduct reviewer | 2 |
| | g | Cost of dealing with code of conduct complaints via preliminary assesment | 12,496 |
| | h | Progressed to full investigation by a conduct reviewer | 2 |
| | i | The number of finalised complaints investigated where there was found to be no breach | 0 |
| | j | The number of finalised complaints investigated where there was found to be a breach | 0 |
| | k | The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police | |
| | i | ICAC | 0 |
| | ii | NSW Ombudsman | 0 |
| | iii | OLG | 3 |
| | iv | Police | 0 |

v	Other Agency (please specify)	0
l	The number of complaints being investigated that are not yet finalised	0
m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	33,541

Preliminary Assessment Statistics

4 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

a	To take no action (clause 6.13(a) of the 2020 Procedures)	0
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	2
f	Other action (please specify)	0

Investigation Statistics

5 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	0

6 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0

7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0
---	---	---

Categories of misconduct		
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	<input type="text" value="0"/>
b	Non-pecuniary conflict of interest (Part 5)	<input type="text" value="0"/>
c	Personal benefit (Part 6)	<input type="text" value="0"/>
d	Relationship between council officials (Part 7)	<input type="text" value="0"/>
e	Access to information and resources (Part 8)	<input type="text" value="0"/>
Outcome of determinations		
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:	
a	Adopted the independent conduct reviewers recommendation	<input type="text" value="0"/>
b	Failed to adopt the independent conduct reviewers recommendation	<input type="text" value="0"/>
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	<input type="text" value="0"/>
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	<input type="text" value="0"/>
11	Date Code of Conduct data was presented to council	<input type="text" value="26-Nov-24"/>

REPORT

CM/7.6/24.11



Subject: Capital Works Review Committee - Terms of Reference and Councillor Appointments

TRIM No: A24/0993

Manager: Robert Sabato, Executive Manager, Major Projects

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Adopts the terms of reference for the Capital Works Review Committee attached to the report.
2. Appoints Cr Nemesh (Mayor), Cr [INSERT NAME], Cr [INSERT NAME], Cr [INSERT NAME] and Cr [INSERT NAME] to the Committee until the next mayoral election on 15 September 2026.

1. Executive Summary

The purpose of this report is to present the terms of reference for the Capital Works Review Committee for adoption and to appoint Councillors to the Committee, in accordance with the draft terms of reference.

2. Introduction/Background

At its meeting on 29 October 2024, Council established a Capital Works Review Committee. The objective of the Capital Works Review Committee is to provide strategic advice and oversight of Council's Capital Works Program for civil infrastructure projects and major information and communication technology (ICT) expenditures.

The Capital Works Review Committee previously operated as the Capital Works Project Review Group between 2013 and 2018. The aim of the previous committee was to provide oversight on the review and monitoring of the project performance, risk and financial tracking of Council's capital works projects.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.4/24.10	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Establishes a Capital Works Review Committee that includes the ICT Modernisation Program within its scope. 2. Establishes a Strategic Property Review Committee that includes the responsibilities of the Housing Advisory Committee within its scope.

		<ol style="list-style-type: none"> 3. Disestablishes the Housing Advisory Committee. 4. Re-establishes the Surf Life Saving Committee. 5. Changes the name of the Sustainability Expert Advisory Panel to the Sustainability and Transport Expert Advisory Panel and amends its scope to include the responsibilities of the Cycling Advisory Committee. 6. Disestablishes the Cycling Advisory Committee. 7. Re-establishes the Waverley Business Forum, to replace the Innovation Forum, noting there are no appointed members to the forum. 8. Officers prepare reports to Council as soon as possible recommending terms of reference for each of the following committees and appoints Councillor members once the terms of reference are adopted: <ol style="list-style-type: none"> (a) Capital Works Review Committee. (b) Strategic Property Review Committee. (c) Surf Life Saving Committee. (d) Sustainability and Transport Expert Advisory Panel. (e) Waverley Business Forum. 9. Appoints Councillors to the committees and organisations listed below until the next mayoral election on 15 September 2026, subject to the rules of the organisations: <p>...</p>
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4. Discussion

The proposed terms of reference for the Capital Works Review Committee attached to this report. The objectives and roles of the previous Capital Works Project Review Group are reflected in the updated terms of reference. The Capital Works Review Committee will provide strategic advice and oversight of Council's Capital Works Management Plan for civil infrastructure and building projects and Information and Communication Technology (ICT) Modernisation Program implementation expenditures. However, as per previous committees, the Capital Works Review Committee will have no delegations or decision-making powers.

The membership of the Capital Works Review Committee will comprise the Mayor and four Councillors. Council's General Manager, the Directors of Assets and Operations and Corporate Services, and relevant Council officers will also members of the Committee. There are no community representatives.

5. Financial impact statement/Time frame/Consultation

The coordination and function of the Capital Works Review Committee will be implemented within Council's existing operational budget.

It is expected that following the adoption of the terms of reference, meetings will commence in February 2025. The Capital Works Review Committee will meet four times per year with meeting dates to align with quarterly review reporting timetables in February, April, July and October.

6. Conclusion

The draft terms of reference attached to the report have been developed to support the establishment of the Capital Works Review Committee. It is recommended that Council adopts the terms of reference and appoints the Mayor and four Councillors as members.

7. Attachments

1. Capital Works Review Committee - Terms of Reference [↓](#)



Capital Works Review Committee Terms of Reference



Department	Major Projects
Approved by	Council
Date approved	<xx November 2024>
File reference	A24/0993
Next revision date	<xx November 2028>
Relevant legislation	Council’s Code of Conduct
Related policies/ procedures/guidelines	Code of Meeting Practice, Waverley Live Streaming of Council Meetings Policy; Hybrid Meetings Etiquette Guide; Waverley Code of Conduct for Staff.
Related forms	

DRAFT

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1. Acknowledgement

Waverley Council acknowledges the Bidiagal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast. We pay our respects to Elders past and present.

2. Objective

The objective of the Capital Works Review Committee is to provide strategic advice and oversight of Council's Capital Works Management Plan for civil infrastructure and building projects and Information and Communication Technology (ICT) Modernisation Program implementation expenditures.

3. Authority

The Committee is an advisory body that assists the Council to fulfil its functions.

The Committee does not have the authority to act on behalf of Council.

The advisory status of the Committee means that it may provide advice to Council officers and make recommendations to Council or a Council Committee.

The Committee is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

4. Membership

Committee membership will comprise:

- The Mayor.
- Four Councillors nominated by Council.
- General Manager.
- Director Assets & Operations.
- Director Corporate Services.
- Executive Manager Major Projects.
- Executive Manager Infrastructure Services.
- Executive Manager Finance.

If the Mayor does not wish to be a member of the Committee, they may nominate a Councillor to be appointed by Council to the Committee.

4.1 Appointment of councillor members

Councillor members will be appointed to the Committee by resolution of Council, generally made every two years in September or October.

Councillor members can only be appointed to the Committee by resolution of Council.

Council may resolve to appoint an alternate Councillor member to attend Committee meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

4.2 Non-voting invitees

The Committee will issue a standing invitation to the following people to attend meetings of the Committee as non-voting invitees:

- All non-member Councillors
- The general manager
- All directors

The Chair of the Committee may invite other Council staff to attend meetings as observers, advisors or to provide information and presentations as required.

The Committee may also invite other external parties to provide expert advice, information or presentations as the Committee deems necessary.

Non-member Councillors are not entitled to:

- Give notice of business for inclusion on the agenda;
- Move a motion at the meeting; or
- Vote at the meeting.

4.3 Vacancies

A Councillor member vacancy can only be filled by resolution of Council.

5. Chair of the Committee

The Mayor is the Chair of the Committee.

Should the Mayor not wish to be Chair of the Committee, they may nominate a Councillor to be appointed by Council as Chair of the Committee.

The Chair is to have precedence over the control and management of the meetings, and in relation to any procedural matter, the ruling of the Chair is final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

One of the other councillor members must be appointed by Council as Deputy Chair of the Committee. Should the Chair be unable to chair a meeting, or part of a meeting, the Deputy Chair appointed by Council will chair the meeting, or that part of the meeting.

Should both the Chair and Deputy Chair be unable to chair a meeting, or part of a meeting, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting.

6. Term of Office

Councillor members of the Committee will hold office for the term determined by Council.

An individual member will cease to be a member of the Committee if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

7. Role of the Committee

The role of the Committee is to:

- Provide strategic advice and oversight of Council's Capital Works Management Plan.
- Provide advice to the Capital Works SteerCo and Information and Technology SteerCo (ITSC) of Council as appropriate on such matters as the following:
 - the development of the Infrastructure and Strategic Asset Management Plans that will support the overall Council Strategy
 - the planning and strategic development of ICT services across Council, excepting ITSC governed projects; and
 - the proposed ten-year Long Term Financial Plan (LTFP) and progress against the Plan.
- Provide oversight of capital expenditure in the Assets & Operations Directorate and Corporate Services Directorate against the responsibility and role of the Executive Leadership Team (ELT) and the respective Directors for those Directorates to provide leadership, advice and drive in the strategic allocation and management of these funds.

8. Member Responsibilities

It is the responsibility of Committee members to:

- Participate in and contribute to meetings.

- Understand the relevant legislation and regulatory requirements appropriate to the Committee.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Committee.
- Perform tasks agreed by the Committee that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Committee e.g. site visits.

8.1 Code of Conduct

Members of the Committee must comply with Council's *Code of Conduct* in carrying out their functions as Committee members.

It is the personal responsibility of each Committee member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

8.2 Conflicts of Interest

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Committee members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Committee are not 'designated persons'.

8.3 Confidential and Personal information

In the course of their work on the Committee, Committee members will be entrusted with sensitive or confidential information about Council's operations.

Committee members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct*.

Should a Committee member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

8.4 Media Protocol

Committee members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

8.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors

All non-voting invitees, observers and non-member Councillors must comply with sections 8.1-8.4 of this Terms of Reference.

9. Working Groups and Workshops

Working groups and workshops may be established and held at the direction of the Chair to address specific issues or work out the detail of specific initiatives. The Committee may develop briefs for working groups and request people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Committee about action taken, progress made, and recommendations to Council where relevant.

10. Review of the Terms of Reference

The Committee will review its Terms of Reference at least once every four years to ensure it remains current, relevant, and accurately reflects the Committee's composition, role, and responsibilities.

The Committee may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

11. Administrative Arrangements

11.1 Administrative Support

The Committee and its Working Groups will be supported by a Council officer assigned by the Director of the responsible department.

11.2 Meetings

The Committee will meet a minimum of four times per year with meeting dates to align with quarterly review reporting timetables.

Meetings may be held in person or by video conference.

Meetings of the Committee are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Committee at the discretion of the Chair.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Committee will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases

where consensus cannot be reached recommendations will be made by majority vote (see section 11.6 of this Terms of Reference).

Meetings may be audio recorded for the purpose of preparing meeting minutes. Recordings must be stored and disposed of in accordance with the *State Records Act 1998*.

11.3 Agendas and Minutes

Council officers will provide agenda items and reports for Committee meetings in consultation with the Chair of the Committee.

Members may raise other matters within the parameters of the Terms of Reference for Committee consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Committee of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda.

Agenda items put forward must be aligned with the Council's Capital Works Management Plan and Waverley Community Strategic Plan.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Committee members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that accurate minutes of the proceedings of Committee meetings are kept. At a minimum, the minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The noting of the confirmation of the minutes from previous the meeting.
- The Committee's recommendation on each item.
- Whether or not the Chair used their casting vote.
- The time the meeting closed.

Draft minutes must be approved by the Chair of the Committee and circulated within two weeks of the meeting to each Committee member for their confirmation that the minutes are a true record of the proceedings of the meeting. The draft minutes will also be circulated to all non-member Councillors and relevant officers.

Once confirmed by Committee members, the minutes must be reported to the next available Council meeting for noting and published on Council's website.

A copy of the confirmed minutes must also be reported to the next Committee meeting for noting.

If the Committee wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Committee's recommendation for the Council's consideration.

11.4 Action Tracking Report

An Action Tracking Report is to be maintained by the assigned support officer. The report will be a standing item on the Committee's agendas.

11.5 Quorum

A quorum for a meeting of the Committee will be a majority of Committee members, at least two of whom must be a Councillor.

11.6 Voting

In cases where consensus cannot be reached recommendations will be made by majority vote.

A motion supported by the majority of Committee members, by means of a vote, at a meeting of the Committee at which a quorum is present is a recommendation of the Committee.

Voting at a Committee meeting is to be by a show of hands or by voices.

A member of the Committee is entitled to one vote only on each matter. In the case of an equality of votes, 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.

11.7 Induction

New members will receive information packs and briefings upon their appointment to assist them to meet their Committee responsibilities.

REPORT
CM/7.7/24.11

Subject: Sustainability and Transport Expert Advisory Panel -
Terms of Reference and Councillor Appointments

TRIM No: A24/0996

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability
Nikolaos Zervos, Executive Manager, Infrastructure Services

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

RECOMMENDATION:

That Council:

1. Adopts the terms of reference for the Sustainability and Transport Expert Advisory Panel attached to the report.
2. Appoints Cr Nemesh (Mayor), Cr [INSERT NAME], Cr [INSERT NAME] and Cr [INSERT NAME] to the Committee until the next mayoral election on 15 September 2026.
3. Invites expressions of interest for 28 days for up to six community experts in sustainability and/or transport to be appointed to the Committee.

1. Executive Summary

This report proposes terms of reference (TOR) for the Sustainability and Transport Expert Advisory Panel (STEAP) for adoption and invites expressions of interest for community sustainability and/or transport experts.

2. Introduction/Background

The Sustainability and Transport Expert Advisory Panel objectives, as outlined in the TOR, are to provide advice and assist Council to implement its strategic vision and targets related to environmental sustainability and transport as outlined in the Waverley Community Strategic Plan, Council's Environmental Action Plan (EAP), and the Peoples, Places & Movement Strategy in an efficient and effective manner.

The role of the Panel as outlined in the TOR is broad and will include but is not limited to:

- Providing input into actions to achieve and implement the targets and aims of the Environmental Action Plan and the Community Strategic Plan relating to emissions, water, canopy and greening, waste and circular economy and transport.
- Providing input and advice to facilitate and improve the uptake and support of walking and bike riding, micro mobility and other transport options which reduce emissions in Waverley
- Provide input to assist Council to facilitate the reduction of community greenhouse gas emissions and improve the climate resilience of the Waverley local government area (LGA).
- Provide input to Council on how to identify barriers to people's full participation in community life.
- Provide input into helping Council engage with the broader community on environmental sustainability and transport.

Committee membership will comprise:

- The Mayor and three Councillors.
- Up to six local community members who have professional and direct experience of sustainability or transport.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.4/24.10	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Establishes a Capital Works Review Committee that includes the ICT Modernisation Program within its scope. 2. Establishes a Strategic Property Review Committee that includes the responsibilities of the Housing Advisory Committee within its scope. 3. Disestablishes the Housing Advisory Committee. 4. Re-establishes the Surf Life Saving Committee. 5. Changes the name of the Sustainability Expert Advisory Panel to the Sustainability and Transport Expert Advisory Panel and amends its scope to include the responsibilities of the Cycling Advisory Committee. 6. Disestablishes the Cycling Advisory Committee. 7. Re-establishes the Waverley Business Forum, to replace the Innovation Forum, noting there are no appointed members to the forum. 8. Officers prepare reports to Council as soon as possible recommending terms of reference for each of the following committees and appoints Councillor members once the terms of reference are adopted: <ol style="list-style-type: none"> (a) Capital Works Review Committee. (b) Strategic Property Review Committee. (c) Surf Life Saving Committee. (d) Sustainability and Transport Expert Advisory Panel. (e) Waverley Business Forum. 9. Appoints Councillors to the committees and organisations listed below until the next mayoral

		election on 15 September 2026, subject to the rules of the organisations: ...
--	--	--

4. Discussion

Council has ambitious environmental targets and transport goals that are both for Council's own operations but also for the whole LGA. To realise improvements in sustainability and transport is complex and involves multiple stakeholders. The Panel aims to assist and advise Council on practical and effective ways to achieve these targets and goals.

This newly created Panel combines the objectives of the Sustainability Expert Advisory Panel and the Cycling Advisory Committee. Both of these groups have been most effective when they operate in a collaborative and open manner where programs and ideas can be workshopped constructively.

This report proposes that expressions of interest be invited to find and evaluate prospective community members. This will occur via Council's Have Your Say webpage and be promoted through Council communication channels. The Waverley LGA is fortunate to have a significant number of community members who have detailed professional expertise in the areas of sustainability and transport that focuses on promoting low emissions modes and active travel.

5. Financial impact statement/Time frame/Consultation

There are no financial implications in adopting the proposed STEAP terms of reference. Officers' involvement in facilitating and supporting meetings as described in the document will be covered within operational budgets.

An expression of interest process will commence following the possible adoption of the TOR and this report. After the community nominations have been evaluated in accordance with the TOR, a report back to Council will be prepared.

6. Conclusion

This report recommends that the updated TOR for the Sustainability and Transport Expert Advisory Panel is adopted and that Council authorises the recruitment of community sustainability and transport experts to take place.

7. Attachments

1. Sustainability and Transport Expert Advisory Panel - Terms of Reference [↓](#)



Sustainability and Transport Expert Advisory Panel Terms of Reference



Department	Planning, Sustainability & Compliance and Assets & Operations
Approved by	Council
Date approved	XX November 2024
File reference	A24/0996
Next revision date	Four years from approval date
Relevant legislation	Council’s Code of Conduct
Related policies/ procedures/guidelines	Community Strategic Plan Environmental Action Plan People, Movement & Places
Related forms	

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1. Acknowledgement

Waverley Council acknowledges the Bidiagal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast. We pay our respects to Elders past and present.

2. Objective

The objective of the Sustainability & Transport Expert Advisory Panel is to provide advice and assist Council to implement its strategic vision and targets related to environmental sustainability and transport as outlined in the Waverley Community Strategic Plan, Council's Environmental Action Plan (EAP), Peoples, Places & Movement in an efficient and effective manner.

Key objectives that may be the focus of the Panel include:

- 2.1 Facilitate, enable and support the community to rapidly reduce their greenhouse gas emissions
- 2.2 Rapidly reduce Council's greenhouse gas emissions
- 2.3 Prepare and adapt to the impacts of climate change
- 2.4 Protect and increase our local bushland, parks, urban canopy cover and habitat areas)
- 2.5 Conserve water use and improve water quality
- 2.6 Improved active infrastructure and cycling participation rates throughout the local government area
- 2.7 Increase transport choices and accessibility for residents and visitors and reduce car travel overall.
- 2.8 Move towards a sustainable waste community and a circular economy

3. Authority

The Panel is an advisory body that assists the Council to fulfil its functions.

The Panel does not have the authority to act on behalf of Council.

The advisory status of the Panel means that it may provide advice to Council officers and make recommendations to Council or a Council Committee.

The Panel is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

4. Membership

Committee membership will comprise:

- The Mayor and three Councillors.
- Up to six local community members who have professional and direct experience of sustainability or transport.

If the Mayor does not wish to be a member of the Committee, they may nominate a Councillor to be appointed by Council to the Committee.

A community member is to be appointed as an individual member of the community and not as a representative of an organisation, business, advocacy body, or stakeholder group.

4.1 Appointment of councillor members

Councillor members will be appointed to the Committee by resolution of Council, generally made every two years in September or October.

Councillor members can only be appointed to the Panel by resolution of Council.

Council may resolve to appoint an alternate Councillor member to attend Panel meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

4.2 Appointment of community members

The community members may only be appointed to the Panel by resolution of Council.

The six community members will be sought by way of public advertisement inviting expressions of interest for assessment by a selection Committee comprising the Mayor (or the Mayor's delegate), the three councillor members and the Director Planning, Sustainability & Compliance or officer assigned by the General Manager.

The selection Committee will evaluate the candidates against the following criteria:

The selection panel will evaluate the candidates against the following criteria:

- Live or work in the Waverley local government area
- Have the capacity to contribute views and perspectives that represent, as far as is possible, a diverse range of environmental issues.
- Have significant professional experience in environmental sustainability or transport.
- Have specific expertise relevant to Waverley Council such as in the areas of climate resilience, sustainable transport, water, biodiversity or circular economy.
- Be available to attend meetings out of business hours.

The selection Committee will recommend the community membership to Council for its determination.

4.3 Non-voting invitees

The Panel will issue a standing invitation to the following people to attend meetings of the Committee as non-voting invitees:

- All non-member Councillors
- The General Manager
- All directors

The Chair of the Panel may invite other Council staff to attend meetings as observers, advisors or to provide information and presentations as required.

The Panel may also invite other external parties to provide expert advice, information or presentations as the Committee deems necessary.

Non-member Councillors are not entitled to:

- Give notice of business for inclusion on the agenda;
- Move a motion at the meeting; or
- Vote at the meeting.

4.4 Vacancies

A vacancy for a community member of the Panel will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 6 of this Terms of Reference, failure to attend without cause for two consecutive meetings, or removal of the member by resolution of the Council.

Following an expression of interest process for community membership of the Panel, Council may establish a pool of suitable candidates to fill vacancies on the Panel.

5. Chair of the Panel

The Mayor is the Chair of the Panel.

Should the Mayor not wish to be Chair of the Panel, they may nominate a Councillor to be appointed by Council as Chair of the Panel.

The Chair is to have precedence over the control and management of the meetings, and in relation to any procedural matter, the ruling of the Chair is final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

One of the other councillor members must be appointed by Council as Deputy Chair of the Panel. Should the Chair be unable to chair a meeting, or part of a meeting, the Deputy Chair appointed by Council will chair the meeting, or that part of the meeting.

Should both the Chair and Deputy Chair be unable to chair a meeting, or part of a meeting, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting.

6. Term of Office

Councillor members of the Panel will hold office for the term determined by Council.

Community members will hold office for a term that coincides with the Council term where possible, or when reviewed by Council.

An individual member will cease to be a member of the Panel if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

7. Role of the Panel

The role of the Panel is broad and will include but is not limited to:

- Providing input into actions to achieve and implement the targets and aims of the *Environmental Action Plan* and the *Community Strategic Plan* relating to emissions, water, canopy & greening, waste & circular economy and transport.
- Providing input and advice to facilitate and improve the uptake and support of walking and bike riding, micro mobility and other transport options which reduce emissions in Waverley
- Provide input to assist Council to facilitate the reduction of community greenhouse gas emissions and improve the climate resilience of the Waverley LGA.
- Provide input to Council on how to identify barriers to people's full participation in community life.
- Provide input into helping Council engage with the broader community on environmental sustainability and transport.

8. Member Responsibilities

It is the responsibility of Panel members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Panel.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Panel.

- Perform tasks agreed by the Panel that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Panel e.g. site visits.

8.1 Code of Conduct

Members of the Panel must comply with Council's *Code of Conduct* in carrying out their functions as Panel members.

It is the personal responsibility of each Committee member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

8.2 Conflicts of Interest

Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Committee members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Panel deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Panel are not 'designated persons'.

8.3 Confidential and Personal information

In the course of their work on the Panel, Panel members will be entrusted with sensitive or confidential information about Council's operations.

Panel members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct*.

Should a Panel member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

8.4 Media Protocol

Panel members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

8.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors

All non-voting invitees, observers and non-member Councillors must comply with sections 8.1-8.4 of this Terms of Reference.

9. Working Groups and Workshops

Working groups and workshops may be established and held at the direction of the Chair to address specific issues or work out the detail of specific initiatives. The Panel may develop briefs for working groups and request people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Panel about action taken, progress made, and recommendations to Council where relevant.

10. Review of the Terms of Reference

The Panel will review its Terms of Reference at least once every four years to ensure it remains current, relevant, and accurately reflects the Panel's composition, role, and responsibilities.

The Panel may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

11. Administrative Arrangements

11.1 Administrative Support

The Panel and its Working Groups will be supported by a Council officer assigned by the Director of the responsible department.

11.2 Meetings

The Panel will meet three times per year in March, June, and September or a date near to this.

Meetings may be held in person, by video conference, or as a hybrid meeting with attendance both in-person and by video conference, where available.

Meetings of the Panel are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Panel at the discretion of the Chair.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Panel will take place without strict adherence to the rules of debate and other procedural requirements. The Panel is to function more as a collaborative workshop so as to explore and investigate sustainability and transport issues, problems and solutions. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 11.6 of this Terms of Reference).

Meetings may be audio recorded for the purpose of preparing meeting minutes. Recordings must be stored and disposed of in accordance with the *State Records Act 1998*.

11.3 Agendas and Minutes

Council officers will provide agenda items and reports for Panel meetings in consultation with the Chair of the Panel.

Members may raise other matters within the parameters of the Terms of Reference for Panel consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Panel of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda.

Agenda items put forward must be broadly aligned with the Environmental Action Plan, Waverley Community Strategic Plan and/or People, Movement & Places.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Panel members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that accurate minutes of the proceedings of Panel meetings are kept. At a minimum, the minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The noting of the confirmation of the minutes from previous the meeting.
- The Panel's recommendation on each item.
- The time the meeting closed.

Draft minutes must be approved by the Chair of the Panel and circulated within two weeks of the meeting to each Panel member for their confirmation that the minutes are a true record of the proceedings of the meeting. The draft minutes will also be circulated to relevant officers.

Once confirmed by Panel members, the minutes must be reported to the next available Council meeting for noting and published on Council's website.

A copy of the confirmed minutes must also be reported to the next Panel meeting for noting.

11.4 Action Tracking Report

An Action Tracking Report is to be maintained by the assigned support officer. The report will be a standing item on the Panel's agendas.

11.5 Quorum

A quorum for a meeting of the Panel will be a majority of Committee members, at least two of whom must be a Councillor.

11.6 Voting

In cases where consensus cannot be reached recommendations will be made by majority vote.

A motion supported by the majority of Panel members, by means of a vote, at a meeting of the Panel at which a quorum is present is a recommendation of the Panel.

Voting at a Panel meeting is to be by a show of hands or by voices.

A member of the Panel is entitled to one vote only on each matter. In the case of an equality of votes, the Chair of the Panel 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.

11.7 Induction

New members will receive information packs and briefings upon their appointment to assist them to meet their Panel responsibilities.

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**REPORT
CM/7.8/24.11**

Subject: Resident Parking Scheme Review Committee - Terms of Reference

TRIM No: A02/0750

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council adopts the terms of reference for the Resident Parking Scheme Review Committee attached to this report.

1. Executive Summary

This report recommends that Councils adopts final terms of reference for the Resident Parking Scheme Review Committee, at which point Council officers can proceed with planning next steps to support the Committee. There is no unbudgeted financial implication to Council in adopting the terms of reference.

2. Introduction/Background

In March 2024, Council resolved to undertake a resident parking scheme (RPS) review to address key issues and consider improvements. The resolution noted draft terms of reference and specified the need to establish a review committee consisting of the Mayor, two Councillors and local residents to steer the process.

In June 2024, following an expression of interest process, Council appointed three residents and two Precinct representatives to the Review Committee. In late October, Council appointed new Councillors to the Committee.

With the Review Committee membership fully established, there is a need to finalise the terms of reference.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.4/24.10	EXTRACT That Council: ... 9. Appoints Councillors to the committees and organisations listed below until the next mayoral election on 15 September 2026, subject to the rules of the organisations. Committee name: Resident Parking Scheme Review

		<p>Committee.</p> <p>Councillors to be appointed: Chair, Deputy Chair and one other Councillor.</p> <p>Chair of Committee: The Mayor unless they decline, in which case the Mayor will nominate one Councillor to chair the Committee.</p> <p>Appointees: Crs Stephenson (Chair), Frazer (Deputy Chair) and Merten.</p>
<p>Council 18 June 2024</p>	<p>CM/7.16/24.06</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats the attachment to the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The attachment 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: <ol style="list-style-type: none"> (a) Sylvia Hrovatin. (b) Garret O'Connor. (c) James Organ. 3. Appoints the following individuals to the Committee as Precinct representatives: <ol style="list-style-type: none"> (a) Di Robinson. (b) Bill Stavrinis.
<p>Council 19 March 2024</p>	<p>CM/7.5/24.03</p>	<p>That Council:</p> <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.
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4. Discussion

The RPS Review Committee are attached to this report.

The terms of reference follow typical Council advisory committee guidelines. As such, they have been developed assuming the engagement of the committee will extend beyond the technical review process. The review process is currently anticipated to conclude in 2025. The committee may choose to continue its engagement to support ongoing implementation of review outcomes.

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council in establishing the terms of reference for the RPS Review Committee.

6. Conclusion

It is recommended that Council adopts the terms of reference for the Resident Parking Scheme Review Committee, at which point officers can proceed with planning next steps to support the Committee.

7. Attachments

1. Resident Parking Scheme Review Committee - Terms of Reference [↓](#)



Resident Parking Scheme Review Committee - Terms of Reference



Department	Infrastructure Services, Assets & Operations
Approved by	Council
Date approved	26 November 2024
File reference	A24/1034
Next revision date	Four years from approval date, or as otherwise resolved.
Relevant legislation	Council’s Code of Conduct
Related policies/ procedures/guidelines	Community Strategic Plan Environmental Action Plan People, Movement & Places
Related forms	

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1. Acknowledgement

Waverley Council acknowledges the Bidiagal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast. We pay our respects to Elders past and present.

2. Objective

The purpose of the RPS Review Committee is to oversee the resident parking scheme review, administered and operated by Council.

The objectives of the RPS review are to:

- Enhance the existing RPS scheme such that it reflects the needs of all community stakeholders efficiently and equitably.
- Reduce resources required to implement, administer and manage the RPS scheme.
- Consider complementary kerbside and parking strategies that can contribute toward effective management of a Council asset with numerous competing demands.
- Support Council strategic objectives, including outcomes for all road users.
- Ensure prudent financial stewardship of a valuable Council asset in the short- and long-term.

3. Authority

The Committee is an advisory body that assists the Council to fulfil its functions.

The Committee does not have the authority to act on behalf of Council.

The advisory status of the Committee means that it may provide advice to Council officers and make recommendations to Council or a Council Committee.

The Committee is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

4. Membership

Committee membership will comprise the following roles:

- The Mayor and two councillors



- Up to five community members who have successfully been selected through an expression of interest process.

If the Mayor does not wish to be a member of the Committee, they may nominate a Councillor to be appointed to the Committee.

The membership of the Resident Parking Scheme Review Committee has been established through prior Council reports. It will include:

Councillors:

- Crs Stephenson (Chair), Frazer (Deputy Chair) and Merten

Community Members - Residents:

- Sylvia Hrovatin, Garret O'Connor, James Organ.

Community Members - Precinct representatives:

- Di Robinson, Bill Stavrinou.

4.1 Appointment of councillor members

Councillor members will be appointed to the Committee by resolution of Council, generally made every two years in September or October.

Councillor members can only be appointed to the Committee by resolution of Council.

Council may resolve to appoint an alternate Councillor member to attend Committee meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

4.2 Appointment of community members

The community members may only be appointed to the Committee by resolution of Council.

The five community members are sought by way of public advertisement inviting expressions of interest for assessment by a selection Committee comprising appropriate Council officers.

Applicants may request assistance to submit their expression of interest to become a Committee member.

The selection Committee evaluates the candidates against the following criteria:

- Live, work or have a connection to Waverley or the surrounding area.
- Have capacity to contribute views and perspectives that represent, as far as is possible, a diverse range of community needs.

- Have interest in and the capacity to provide advice on the multifaceted complexities of urban transport and parking matters.
- Be available to attend meetings out of business hours.

The selection Committee recommends the community membership to Council for its determination.

4.3 Non-voting invitees

The Committee will issue a standing invitation to the following people to attend meetings of the Committee as non-voting invitees:

- All non-member Councillors
- The general manager
- All directors

The Chair of the Committee may invite other Council staff to attend meetings as observers, advisors or to provide information and presentations as required.

The Committee may also invite other external parties to provide expert advice, information or presentations as the Committee deems necessary.

Non-member Councillors are not entitled to:

- Give notice of business for inclusion on the agenda;
- Move a motion at the meeting; or
- Vote at the meeting.

4.4 Vacancies

A vacancy for a community member of the Committee will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 6 of this Terms of Reference, failure to attend without cause for two consecutive meetings, or removal of the member by resolution of the Council.

Council may draw from a pool of suitable candidates from previous expression of interest processes to fill vacancies on the Committee.

Where no pool of suitable candidates is established, vacant community member positions on the Committee must be filled by way of public advertisement inviting expressions of interest for assessment by the selection Committee, who will recommend a new member to Council. This will occur as soon as practical within the period of two Committee meetings.

5. Chair of the Committee

The Mayor is the Chair of the Committee.

Should the Mayor not wish to be on the Committee or Chair of the Committee, they may nominate a Councillor to be appointed by Council as Chair of the Committee.

As per Section 4 above, the Chair of the Committee is Cr Stephenson

The Chair is to have precedence over the control and management of the meetings, and in relation to any procedural matter, the ruling of the Chair is final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

One of the other councillor members must be appointed by Council as Deputy Chair of the Committee. Should the Chair be unable to chair a meeting, or part of a meeting, the Deputy Chair appointed by Council will chair the meeting, or that part of the meeting.

As per Section 4 above, the Deputy Chair of the Committee is Cr Frazer.

Should both the Chair and Deputy Chair be unable to chair a meeting, or part of a meeting, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting.

6. Term of Office

Councillor members of the Committee will hold office for the term determined by Council.

Community members will hold office for a two-year term (or such other period of appointment) or when reviewed by Council. Where possible the term is to coincide with the Council term.

The review process is currently anticipated to conclude in 2025. The committee may choose to continue its engagement to support ongoing implementation of review outcomes. Community members may reapply for a second two-year term through the expression of interest process outlined in section 4.2 of this Terms of Reference, provided the total time served on the Committee does not exceed four years.

Representatives of community organisations are members of the Committee while they are assigned by their organisation and hold their position with the organisation.

An individual member will cease to be a member of the Committee if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

The above terms are further subject to the ongoing engagement of the Committee. The Committee has been conceived as part of the Resident Parking Scheme Review. At the conclusion of the Review, the Committee may resolve to conclude activities.

7. Role of the Committee

The role of the Committee is to employ intentional strategies and principles:

Strategies

The strategies that are to be employed by the Review Committee and review process to meet the objectives noted in Section 2 are:

- Review past, current, and future on-street parking utilisation and demand, to develop a detailed understanding of the history, challenges, and aspects of the existing RPS, as well as ancillary parking related challenges.
- Define objectives and principles for an efficient and equitable resident parking scheme, including refining those objectives outlined above.
- Engage with residents, businesses, and other stakeholders in an intentional manner, and in relation to the defined objectives of the RPS review.
- Explore technologies that may enhance the existing RPS scheme and/or support parking management more generally.
- Utilize a structured decision-making process to develop criteria to assess changes to the scheme in line with the objectives, explore options for adjustments, and assess and rank options based on criteria.
- Develop recommendations based on the highest performing options, phasing strategies, and other enabling actions.
- Engage external consultant support if deemed necessary and in line with Council budgets.

Principles

This Committee will operate under the following guiding principles:

- The Committee will operate in the spirit of a working group and enable collaborative discussion while working within the bounds of the above objectives and the roles and responsibilities and code of conduct referred to below.
- The Committee will work in partnership with Council and other community and government organisations while working within the bounds of the above objectives and the roles and responsibilities referred to below.
- The Committee will represent broader community needs throughout the process and will seek to discuss issues at a strategic level, using specific parking areas or streets as examples or reference cases only.
- The Committee and its members will actively liaise with the local community and Council and will regularly communicate its activities and decisions to Council.
- The Committee will form a view on matters before it and shall respond in a timely manner. In those instances where requests for comment are made by Council, the Committee can request the Council to incorporate such views into Council reports being prepared on the subject.
- The Committee will endeavour to make itself aware of local and metropolitan parking challenges, contemporary approaches to managing parking, and short and long-term impacts to formulate evidence-based views.
- The Committee and its members will seek to reach a consensus position on key issues and matters dealt with by the Committee, while retaining the spirit of operating as a working group.
- The Committee and its members will continuously identify opportunities for the improvement of the operation of the Committee and may, as a result, recommend an update to these Terms of Reference.

8. Member Responsibilities

It is the responsibility of Committee members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Committee.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Committee.
- Perform tasks agreed by the Committee that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Committee e.g. site visits.

8.1 Code of Conduct

Members of the Committee must comply with Council's *Code of Conduct* in carrying out their functions as Committee members.

It is the personal responsibility of each Committee member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

8.2 Conflicts of Interest

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Committee members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Committee are not 'designated persons'.

8.3 Confidential and Personal information

In the course of their work on the Committee, Committee members will be entrusted with sensitive or confidential information about Council's operations.

Committee members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct*.

Should a Committee member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

8.4 Media Protocol

Committee members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

8.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors

All non-voting invitees, observers and non-member Councillors must comply with sections 8.1-8.4 of this Terms of Reference.

9. Working Groups and Workshops

Working groups and workshops may be established and held at the direction of the Chair to address specific issues or work out the detail of specific initiatives. The Committee may develop briefs for working groups and request people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Committee about action taken, progress made, and recommendations to Council where relevant.

10. Review of the Terms of Reference

The Committee will review its Terms of Reference when the Committee resolves to do so by consensus to ensure it remains current, relevant, and accurately reflects the Committee's composition, role, and responsibilities. At minimum, a review must occur once every four years. This is subject to the ongoing engagement of the Committee.

The Committee may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

11. Administrative Arrangements

11.1 Administrative Support

The Committee and its Working Groups will be supported by a Council officer assigned by the Director of the responsible department.

11.2 Meetings

The Committee will meet at key milestone points of the Resident Parking Scheme Review process, anticipated to be approximately once every three months.

Meetings may be held in person, by video conference, or as a hybrid meeting with attendance both in-person and by video conference, where available.

Meetings of the Committee are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Committee at the discretion of the Chair.

Meetings may be held outside normal business hours.

Meetings of the Committee will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 11.6 of this Terms of Reference).

Meetings may be audio recorded for the purpose of preparing meeting minutes. Recordings must be stored and disposed of in accordance with the *State Records Act 1998*.

11.3 Agendas and Minutes

Council officers will provide agenda items and reports or presentations for Committee meetings in consultation with the Chair of the Committee.

Members may raise other matters within the parameters of the Terms of Reference for Committee consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Committee of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda.

Agenda items put forward must be aligned with the objectives of the Resident Parking Scheme Review and these Terms of Reference.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Committee members, all councillors, and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that accurate minutes of the proceedings of Committee meetings are kept. At a minimum, the minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The noting of the confirmation of the minutes from previous the meeting.
- The Committee's recommendation on each item.
- Whether or not the Chair used their casting vote.
- The time the meeting closed.

Draft minutes must be approved by the Chair of the Committee and circulated within two weeks of the meeting to each Committee member for their confirmation that the minutes are a true record of the proceedings of the meeting. The draft minutes will also be circulated to all non-member Councillors and relevant officers.



Once confirmed by Committee members, the minutes must be reported to the next available Council meeting for noting and published on Council's website.

A copy of the confirmed minutes must also be reported to the next Committee meeting for noting.

If the Committee wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Committee's recommendation for the Council's consideration.

11.4 Action Tracking Report

An Action Tracking Report is to be maintained by the assigned support officer. The report will be a standing item on the Committee's agendas.

11.5 Quorum

A quorum for a meeting of the Committee will be a majority of Committee members, at least two of whom must be a Councillor.

11.6 Voting

In cases where consensus cannot be reached recommendations will be made by majority vote if deemed necessary.

A motion supported by the majority of Committee members, by means of a vote, at a meeting of the Committee at which a quorum is present is a recommendation of the Committee.

Voting at a Committee meeting is to be by a show of hands or by voices.

A member of the Committee is entitled to one vote only on each matter. In the case of an equality of votes, 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.

11.7 Induction

New members will receive information packs and briefings upon their appointment to assist them to meet their Committee responsibilities.

REPORT
CM/7.9/24.11

Subject: Strategic Property Review Committee - Terms of Reference and Councillor Appointments

TRIM No: A24/0994

Manager: Andrew Best, Executive Manager, Property and Facilities

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Adopts the terms of reference for the Strategic Property Review Committee attached to the report.
2. Appoints Cr Nemesh (Mayor), Cr [INSERT NAME], Cr [INSERT NAME], Cr [INSERT NAME] and Cr [INSERT NAME] to the Committee until the next mayoral election on 15 September 2026.

1. Executive Summary

The purpose of this report is to present the terms of reference for the Strategic Property Review Committee for adoption and to appoint Councillors to the Committee, in accordance with the terms of reference.

2. Introduction/Background

At its meeting on 29 October 2024, Council established a Strategic Property Review Committee. The objective of the Strategic Property Review Committee is to provide strategic advice and oversight to inform and enhance Council's strategies for delivering services and facilitates for the community and effectively managing Council's property assets. The new Committee will include the responsibilities of the previous Housing Advisory Committee within its scope.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.4/24.10	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none">1. Establishes a Capital Works Review Committee that includes the ICT Modernisation Program within its scope.2. Establishes a Strategic Property Review Committee that includes the responsibilities of the Housing Advisory Committee within its scope.3. Disestablishes the Housing Advisory Committee.

		<ol style="list-style-type: none"> 4. Re-establishes the Surf Life Saving Committee. 5. Changes the name of the Sustainability Expert Advisory Panel to the Sustainability and Transport Expert Advisory Panel and amends its scope to include the responsibilities of the Cycling Advisory Committee. 6. Disestablishes the Cycling Advisory Committee. 7. Re-establishes the Waverley Business Forum, to replace the Innovation Forum, noting there are no appointed members to the forum. 8. Officers prepare reports to Council as soon as possible recommending terms of reference for each of the following committees and appoints Councillor members once the terms of reference are adopted: <ol style="list-style-type: none"> (a) Capital Works Review Committee. (b) Strategic Property Review Committee. (c) Surf Life Saving Committee. (d) Sustainability and Transport Expert Advisory Panel. (e) Waverley Business Forum. 9. Appoints Councillors to the committees and organisations listed below until the next mayoral election on 15 September 2026, subject to the rules of the organisations: <p>...</p>
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4. Discussion

Officers have prepared draft terms of reference for the Strategic Property Review Committee (Attachment 1). The objectives and role of the previous Strategic Property Review Committee are reflected in the terms of reference and include the responsibilities and objective of the previous Housing Advisory Committee.

The Strategic Property Review Committee will provide strategic advice and oversight to assist Council to:

- Undertake a review of Council's property portfolio to assess current and future property needs and requirements.
- Optimise the service and development potential of Council property assets.
- Meet service level requirements in accordance with the Community Strategic Plan.
- Encourage a balance between sustainability and development.
- Support social and affordable housing through policy imperatives and operational objectives.

The membership of the Strategic Property Review Committee will comprise the Mayor and four Councillors. Council's General Manager, Directors and relevant Council officers will also be members of the Committee.

The Strategic Property Review Committee will be a committee comprising Councillors and officers only with no community representatives. The previous community members that sat on the Housing Advisory Committee will not play a role on the Strategic Property Review Committee.

5. Financial impact statement/Time frame/Consultation

The coordination and function of the Strategic Property Review Committee will be implemented within Council's existing operational budget.

It is expected that pending adoption of the terms of reference, the Strategic Property Review Committee meetings will commence in February 2025.

6. Conclusion

The draft terms of reference attached to the report have been developed to support the establishment of the Strategic Property Review Committee. It is envisaged that the Committee will inform and enhance the management of Council's property assets management to continue to deliver high quality facilitates and services for the community.

7. Attachments

1. Strategic Property Review Committee - Terms of Reference [↓](#)



Strategic Property Review Committee Terms of Reference



Department	Assets and Operations
Approved by	Council
Date approved	<xx November 2024>
File reference	A24/0994
Next revision date	<xx November 2028>
Relevant legislation	Council’s Code of Conduct
Related policies/ procedures/guidelines	Code of Meeting Practice, Waverley Live Streaming of Council Meetings Policy; Hybrid Meetings Etiquette Guide; Waverley Code of Conduct for Staff; Waverley Council Property Strategy.
Related forms	

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1. Acknowledgement

Waverley Council acknowledges the Bidiagal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast. We pay our respects to Elders past and present.

2. Objective

The objective of the Strategic Property Review Committee is to provide strategic advice and oversight to inform and enhance Waverley Council's strategies for delivering services and facilitates for the community and the effective management of Council's property assets.

The Strategic Property Review Committee will provide strategic advice and oversight to assist Council to:

- Undertake a review of Council's property portfolio to assess current and future property needs and requirements.
- Optimise the service and development potential of Council property assets
- Meet service level requirements in accordance with the Community Strategic Plan.
- Encourage a balance between sustainability and development.
- Support social and affordable housing through policy imperatives and operational objectives.

3. Authority

The Committee is an advisory body that assists the Council to fulfil its functions.

The Committee does not have the authority to act on behalf of Council.

The advisory status of the Committee means that it may provide advice to Council officers and make recommendations to Council or a Council Committee.

The Committee is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

4. Membership

Committee membership will comprise:

- The Mayor.
- Four Councillors nominated by Council.

- General Manager.
- Director Assets & Operations.
- Director Planning, Sustainability and Compliance.
- Director Corporate Services.
- Director Community, Culture and Customer Experience.
- Executive Manager Property and Facilities.
- Executive Manager Infrastructure Services.

If the Mayor does not wish to be a member of the Committee, they may nominate a Councillor to be appointed by Council to the Committee.

4.1 Appointment of councillor members

Councillor members will be appointed to the Committee by resolution of Council, generally made every two years in September or October.

Councillor members can only be appointed to the Committee by resolution of Council.

Council may resolve to appoint an alternate Councillor member to attend Committee meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

4.2 Non-voting invitees

The Committee will issue a standing invitation to the following people to attend meetings of the Committee as non-voting invitees:

- All non-member Councillors
- The general manager
- All directors

The Chair of the Committee may invite other Council staff to attend meetings as observers, advisors or to provide information and presentations as required.

The Committee may also invite other external parties to provide expert advice, information or presentations as the Committee deems necessary.

Non-member Councillors are not entitled to:

- Give notice of business for inclusion on the agenda;
- Move a motion at the meeting; or
- Vote at the meeting.

4.3 Vacancies

A Councillor member vacancy can only be filled by resolution of Council.

5. Chair of the Committee

The Mayor is the Chair of the Committee.

Should the Mayor not wish to be Chair of the Committee, they may nominate a Councillor to be appointed by Council as Chair of the Committee.

The Chair is to have precedence over the control and management of the meetings, and in relation to any procedural matter, the ruling of the Chair is final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

One of the other councillor members must be appointed by Council as Deputy Chair of the Committee. Should the Chair be unable to chair a meeting, or part of a meeting, the Deputy Chair appointed by Council will chair the meeting, or that part of the meeting.

Should both the Chair and Deputy Chair be unable to chair a meeting, or part of a meeting, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting.

6. Term of Office

Councillor members of the Committee will hold office for the term determined by Council.

An individual member will cease to be a member of the Committee if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

7. Role of the Committee

The role of the Committee is to:

- Provide input, advice and recommendations on the selection and categorisation of properties to be included in Waverley Council's property assets portfolio.
- Provide strategic advice and input to assist Council in identifying opportunities for additional revenue from Waverley Council's property assets.
- Provide input on strategic Property matters in accordance with Council's Property Policy.
- Provide strategic advice and recommendations on the acquisition or sale of Council's investment and development of property holdings.
- Provide input and recommendations for any proposals for the development, or redevelopment of property assets, including potential commercial arrangements by which the development activity is to be implemented.
- Provide input and recommendations for proposals for the exchange or land swap arrangements of property added to the Council's property holdings.

- Provide advice on and recommendations to Council staff and Council on matters relating to Social and Affordable Housing.

8. Member Responsibilities

It is the responsibility of Committee members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Committee.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Committee.
- Perform tasks agreed by the Committee that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Committee e.g. site visits.

8.1 Code of Conduct

Members of the Committee must comply with Council's *Code of Conduct* in carrying out their functions as Committee members.

It is the personal responsibility of each Committee member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

8.2 Conflicts of Interest

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Committee members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Committee are not 'designated persons'.

8.3 Confidential and Personal information

In the course of their work on the Committee, Committee members will be entrusted with sensitive or confidential information about Council's operations.

Committee members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct*.

Should a Committee member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

8.4 Media Protocol

Committee members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

8.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors

All non-voting invitees, observers and non-member Councillors must comply with sections 8.1-8.4 of this Terms of Reference.

9. Working Groups and Workshops

Working groups and workshops may be established and held at the direction of the Chair to address specific issues or work out the detail of specific initiatives. The Committee may develop briefs for working groups and request people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Committee about action taken, progress made, and recommendations to Council where relevant.

10. Review of the Terms of Reference

The Committee will review its Terms of Reference at least once every four years to ensure it remains current, relevant, and accurately reflects the Committee's composition, role, and responsibilities.

The Committee may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

11. Administrative Arrangements

11.1 Administrative Support

The Committee and its Working Groups will be supported by a Council officer assigned by the Director of the responsible department.

11.2 Meetings

The Committee will meet a minimum of four times per year with meeting dates to align with quarterly review reporting timetables.

Meetings may be held in person or by video conference.

Meetings of the Committee are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Committee at the discretion of the Chair.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Committee will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 11.6 of this Terms of Reference).

Meetings may be audio recorded for the purpose of preparing meeting minutes. Recordings must be stored and disposed of in accordance with the *State Records Act 1998*.

11.3 Agendas and Minutes

Council officers will provide agenda items and reports for Committee meetings in consultation with the Chair of the Committee.

Members may raise other matters within the parameters of the Terms of Reference for Committee consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Committee of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda.

Agenda items put forward must be aligned with the Waverley Council Property Strategy and Waverley Community Strategic Plan.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Committee members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that accurate minutes of the proceedings of Committee meetings are kept. At a minimum, the minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The noting of the confirmation of the minutes from previous the meeting.
- The Committee's recommendation on each item.
- Whether or not the Chair used their casting vote.
- The time the meeting closed.

Draft minutes must be approved by the Chair of the Committee and circulated within two weeks of the meeting to each Committee member for their confirmation that the minutes are a true record of the proceedings of the meeting. The draft minutes will also be circulated to all non-member Councillors and relevant officers.

Once confirmed by Committee members, the minutes must be reported to the next available Council meeting for noting and published on Council's website.

A copy of the confirmed minutes must also be reported to the next Committee meeting for noting.

If the Committee wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Committee's recommendation for the Council's consideration.

11.4 Action Tracking Report

An Action Tracking Report is to be maintained by the assigned support officer. The report will be a standing item on the Committee's agendas.

11.5 Quorum

A quorum for a meeting of the Committee will be a majority of Committee members, at least two of whom must be a Councillor.

11.6 Voting

In cases where consensus cannot be reached recommendations will be made by majority vote.

A motion supported by the majority of Committee members, by means of a vote, at a meeting of the Committee at which a quorum is present is a recommendation of the Committee.

Voting at a Committee meeting is to be by a show of hands or by voices.

A member of the Committee is entitled to one vote only on each matter. In the case of an equality of votes, 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.

11.7 Induction

New members will receive information packs and briefings upon their appointment to assist them to meet their Committee responsibilities.

REPORT

CM/7.10/24.11



Subject: Surf Life Saving Committee - Terms of Reference and Councillor Appointments

TRIM No: A24/0995

Manager: Andrew Best, Executive Manager, Property and Facilities
Ben Kusto, Executive Manager, Open Space and Recreation Operations

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Adopts the terms of reference for the Surf Life Saving Committee attached to the report.
2. Appoints Cr Nemesh (Mayor), Cr [INSERT NAME], Cr [INSERT NAME] and Cr [INSERT NAME] to the Committee until the next mayoral election on 15 September 2026.

1. Executive Summary

The purpose of this report is to present the terms of reference for the Surf Life Saving Committee for adoption and to appoint Councillors to the Committee, in accordance with the draft terms of reference.

2. Introduction/Background

At its meeting on 29 October 2024, Council resolved to re-establish the Surf Life Saving Committee. The Surf Life Saving Committee previously operated from 2007 to 2021 as an advisory committee to Council on matters relating to the Bondi, North Bondi, Bronte and Tamarama Surf Life Saving Clubs.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.4/24.10	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Establishes a Capital Works Review Committee that includes the ICT Modernisation Program within its scope. 2. Establishes a Strategic Property Review Committee that includes the responsibilities of the Housing Advisory Committee within its scope. 3. Disestablishes the Housing Advisory Committee. 4. Re-establishes the Surf Life Saving Committee.

		<ol style="list-style-type: none"> 5. Changes the name of the Sustainability Expert Advisory Panel to the Sustainability and Transport Expert Advisory Panel and amends its scope to include the responsibilities of the Cycling Advisory Committee. 6. Disestablishes the Cycling Advisory Committee. 7. Re-establishes the Waverley Business Forum, to replace the Innovation Forum, noting there are no appointed members to the forum. 8. Officers prepare reports to Council as soon as possible recommending terms of reference for each of the following committees and appoints Councillor members once the terms of reference are adopted: <ol style="list-style-type: none"> (a) Capital Works Review Committee. (b) Strategic Property Review Committee. (c) Surf Life Saving Committee. (d) Sustainability and Transport Expert Advisory Panel. (e) Waverley Business Forum. 9. Appoints Councillors to the committees and organisations listed below until the next mayoral election on 15 September 2026, subject to the rules of the organisations: <p>...</p>
Council 12 September 2023	CM/7.2/23.09	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Disestablishes the Surf Life Saving Club Committee for the reasons set out in the report. 2. Appoints Councillors to the committees listed below up to and including 13 September 2024. 3. Appoints delegates to the organisations listed below up to and including 13 September 2024. <p>...</p>

4. Discussion

The proposed draft terms of reference for the Surf Life Saving Committee are attached to this report. The objectives and role of the previous Surf Life Saving Committee are reflected in the revised terms of

reference. It is proposed that the Surf Life Saving Committee will work in collaboration to develop broad and strategic coordination on matters relating to the surf lifesaving clubs in Waverley.

The membership of the Surf Life Saving Committee will comprise the Mayor and three Councillors. The presidents (or representatives) from each of the four surf lifesaving clubs in the Waverley local government area will also be included in the membership of the Committee. It is proposed that Committee membership will be engaged for a two-year term. There are no other community representatives.

5. Financial impact statement/Time frame/Consultation

The coordination and function of the Surf Life Saving Committee will be implemented within Council's existing operational budget.

It is expected that pending adoption of the terms of reference, the Surf Life Saving Committee meetings will commence in early 2025.

6. Conclusion

The draft terms of reference attached to the report have been developed to facilitate the re-establishment of the Surf Life Saving Committee, to enable collaboration and coordination on matters relating to the surf lifesaving clubs in Waverley.

7. Attachments

1. Surf Life Saving Committee - Terms of Reference [↓](#)



Surf Life Saving Committee Terms of Reference



Department	Assets & Operations
Approved by	Council
Date approved	<xx November 2024>
File reference	A24/0995
Next revision date	<xx November 2028>
Relevant legislation	Council’s Code of Conduct
Related policies/ procedures/guidelines	Code of Meeting Practice, Waverley Live Streaming of Council Meetings Policy; Hybrid Meetings Etiquette Guide; Waverley Code of Conduct for Staff.
Related forms	

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1. Acknowledgement

Waverley Council acknowledges the Bidiagal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast. We pay our respects to Elders past and present.

2. Objective

The objective of the Surf Life Saving Committee is to work in collaboration with the Surf Life Saving Clubs in Waverley to develop broad and strategic coordination on matters relating to the operation of the Clubs.

3. Authority

The Committee is an advisory body that assists the Council to fulfil its functions.

The Committee does not have the authority to act on behalf of Council.

The advisory status of the Committee means that it may provide advice to Council officers and make recommendations to Council or a Council Committee.

The Committee is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

4. Membership

Committee membership will comprise:

- The Mayor.
- Three Councillors nominated by Council.
- General Manager.
- Director Assets & Operations.
- Executive Manager Open Spaces & Recreation Operations.
- Executive Manager Property and Facilities.
- The President of Bondi Surf Club or their representative.
- The President of Bronte Surf Club or their representative.
- The President of North Bondi Surf Club or their representative.
- The President of Tamarama Surf Club or their representative.



The Mayor may issue invitations to representatives from appropriate organisations to attend meetings as non core members. For example:

- Surf Life Saving NSW
- Surf Life Saving Australia

If the Mayor does not wish to be a member of the Committee, they may nominate a Councillor to be appointed by Council to the Committee.

4.1 Appointment of councillor members

Councillor members will be appointed to the Committee by resolution of Council, generally made every two years in September or October.

Councillor members can only be appointed to the Committee by resolution of Council.

Council may resolve to appoint an alternate Councillor member to attend Committee meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

4.2 Non-voting invitees

The Committee will issue a standing invitation to the following people to attend meetings of the Committee as non-voting invitees:

- All non-member Councillors
- The general manager
- All directors

The Chair of the Committee may invite other Council staff to attend meetings as observers, advisors or to provide information and presentations as required.

The Committee may also invite other external parties to provide expert advice, information or presentations as the Committee deems necessary.

Non-member Councillors are not entitled to:

- Give notice of business for inclusion on the agenda;
- Move a motion at the meeting; or
- Vote at the meeting.

4.3 Vacancies

A vacancy for a community member of the Committee will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 6 of this Terms of Reference, failure to attend without cause for two consecutive meetings, or removal of the member by resolution of the Council.

A Councillor member vacancy can only be filled by resolution of Council.

5. Chair of the Committee

The Mayor is the Chair of the Committee.

Should the Mayor not wish to be Chair of the Committee, they may nominate a Councillor to be appointed by Council as Chair of the Committee.

The Chair is to have precedence over the control and management of the meetings, and in relation to any procedural matter, the ruling of the Chair is final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

One of the other councillor members must be appointed by Council as Deputy Chair of the Committee. Should the Chair be unable to chair a meeting, or part of a meeting, the Deputy Chair appointed by Council will chair the meeting, or that part of the meeting.

Should both the Chair and Deputy Chair be unable to chair a meeting, or part of a meeting, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting.

6. Term of Office

Councillor members of the Committee will hold office for the term determined by Council.

Representatives of community organisations are members of the Committee while they are assigned by their organisation and hold their position with the organisation.

7. Role of the Committee

The role of the Committee is to:

- Provide oversight and coordination on matters relating to the activities associated with the four Surf Life Saving Clubs in the Waverley Local Government Area.
- Provide input and advice on the matters relating to the occupancy of the four Surf Life Saving Clubs in the Waverley Local Government Area.
- Provide input and coordination on the economic partnership with Council, including grants.
- Provide advice to Council on how to identify opportunities to coordinate and enhance strategic Surf Life Saving Club programs in the Waverley Local Government Area.

8. Member Responsibilities

It is the responsibility of Committee members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Committee.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Committee.
- Perform tasks agreed by the Committee that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Committee e.g. site visits.

8.1 Code of Conduct

Members of the Committee must comply with Council's *Code of Conduct* in carrying out their functions as Committee members.

It is the personal responsibility of each Committee member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

8.2 Conflicts of Interest

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Committee members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Committee are not 'designated persons'.

8.3 Confidential and Personal information

In the course of their work on the Committee, Committee members will be entrusted with sensitive or confidential information about Council's operations.

Committee members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct*.

Should a Committee member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

8.4 Media Protocol

Committee members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

8.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors

All non-voting invitees, observers and non-member Councillors must comply with sections 8.1-8.4 of this Terms of Reference.

9. Working Groups and Workshops

Working groups and workshops may be established and held at the direction of the Chair to address specific issues or work out the detail of specific initiatives. The Committee may develop briefs for working groups and request people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Committee about action taken, progress made, and recommendations to Council where relevant.

10. Review of the Terms of Reference

The Committee will review its Terms of Reference at least once every four years to ensure it remains current, relevant, and accurately reflects the Committee's composition, role, and responsibilities.

The Committee may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

11. Administrative Arrangements

11.1 Administrative Support

The Committee and its Working Groups will be supported by a Council officer assigned by the Director of the responsible department.

11.2 Meetings

The Committee will meet two times per year in September and April, to align with the peak beach visitation and periods.

Meetings may be held in person or by video conference.

Meetings of the Committee are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Committee at the discretion of the Chair.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Committee will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 11.6 of this Terms of Reference).

Meetings may be audio recorded for the purpose of preparing meeting minutes. Recordings must be stored and disposed of in accordance with the *State Records Act 1998*.

11.3 Agendas and Minutes

Council officers will provide agenda items and reports for Committee meetings in consultation with the Chair of the Committee.

Members may raise other matters within the parameters of the Terms of Reference for Committee consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Committee of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda.

Agenda items put forward must be aligned with matters relating to the Surf Life Saving Clubs in Waverley, and Surf Life Saving activities.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Committee members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that accurate minutes of the proceedings of Committee meetings are kept. At a minimum, the minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The noting of the confirmation of the minutes from previous the meeting.
- The Committee's recommendation on each item.
- Whether or not the Chair used their casting vote.
- The time the meeting closed.

Draft minutes must be approved by the Chair of the Committee and circulated within two weeks of the meeting to each Committee member for their confirmation that the minutes are a true record of the proceedings of the meeting. The draft minutes will also be circulated to all non-member Councillors and relevant officers.

Once confirmed by Committee members, the minutes must be reported to the next available Council meeting for noting and published on Council's website.

A copy of the confirmed minutes must also be reported to the next Committee meeting for noting.

If the Committee wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Committee's recommendation for the Council's consideration.

11.4 Action Tracking Report

An Action Tracking Report is to be maintained by the assigned support officer. The report will be a standing item on the Committee's agendas.

11.5 Quorum

A quorum for a meeting of the Committee will be a majority of Committee members, at least one of whom must be a Councillor.

11.6 Voting

In cases where consensus cannot be reached recommendations will be made by majority vote.

A motion supported by the majority of Committee members, by means of a vote, at a meeting of the Committee at which a quorum is present is a recommendation of the Committee.

Voting at a Committee meeting is to be by a show of hands or by voices.

A member of the Committee is entitled to one vote only on each matter. In the case of an equality of votes, 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.

11.7 Induction

New members will receive information packs and briefings upon their appointment to assist them to meet their Committee responsibilities.

REPORT
CM/7.11/24.11

Subject: Waverley Artist Studios Appointments - 2025-26

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:

1. Offers the following artists a placement in the Waverley Artist Studios from February 2025 to January 2026:
 - (a) Kai Wasikowski.
 - (b) Blake Lawrence.
 - (c) Josh Harle.
 - (d) Wona Bae and Charlie Lawler.
 - (e) Gitte Backhausen.
2. Offers the following artists a reserve placement in the Waverley Art Studios from February 2025 to January 2026:
 - (a) Gerwyn Davies.
 - (b) Zorica Purlija.
 - (c) Annabelle McEwen.
 - (d) Jarryd Lynaugh.
 - (e) Felix Feneley.

1. Executive Summary

This report provides information on the Waverley Artist Studio program and summarises applications proposed for the next studio period, from February 2025 to January 2026.

Peer-assessed recommendations were reviewed and endorsed unanimously by the Arts, Culture and Creativity Advisory Committee. It is recommended that Council approves the recommendation that:

- Kai Wasikowski, Blake Lawrence, Josh Harle, Wona Bae and Charlie Lawler, and Gitte Backhausen are offered studio placements in the February 2025 to January 2026 studios.

- Gerwyn Davies, Zorica Purlija, Annabelle McEwen, Jarryd Lynaugh and Felix Feneley are placed on a reserve list for the February 2025 to January 2026 studios.

2. Introduction/Background

This is the 15th year of the Waverley Artist Studios. These are housed in the Bondi School of Arts building on Bondi Road, Bondi. The Waverley Artist Studios offers five rent-free studio workspaces for periods of 12 months.

The studio program to date has supported 84 artists. Former residents in the program have exhibited in the Museum of Contemporary Art, Art Gallery of NSW, Museum of Old and New (Hobart), National Gallery of Victoria, Queensland Art Gallery, Perth Institute of Contemporary Art, Artspace Sydney, National Portrait Gallery, National Gallery of Australia, Sydney Biennale, Carriageworks, Gallery of Modern Art Queensland, and numerous international galleries and biennales.

Former Waverley Studio Artists have won the Archibald Prize and NSW Travelling Fellowship, been finalists in the Moran Prize, John Fries Prize, Glover Prize, Sulman Prize, Hazelhurst Art on Paper Prize, Woollahra Small Sculpture Prize, Wynne Prize, Redlands Konica Minolta Prize, Anne Landa Prize for new media, and been recipients of Creative Fellowships from the Australia Council for the Arts (Creative Australia). The studio program has achieved a reputation for excellence in the art community, is highly competitive and attracts and high standard of application quality. This ensures strong engagement outcomes for the community of Waverley.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 December 2023	CM/7.1/23.12	<p>That Council:</p> <ol style="list-style-type: none"> Offers the following artists a placement in the Waverley Artist Studios from March 2024 to February 2025: <ol style="list-style-type: none"> Dennis Golding and Carmen Gylm-Braun (Re-Right Collective). Nick Breedon. Akil Ahamat. Remmy Faint. Rox DeLuca. Jacque Meng. Offers the following artists a reserve placement in the Waverley Artist Studios from March 2024 to February 2025: <ol style="list-style-type: none"> Elizabeth Day. Kai Wasikowski. Tarik Ahlip.

		(d) Gerwyn Davies.
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4. Discussion

An expression of interest calling for artists interested in the studio program was open for application between 1 August and 27 September 2024.

On 4 October 2024, a Peer Assessment Panel consisting of the current Waverley Studio Artists reviewed and assessed all applications received against a set framework. The Peer Assessment Panel shortlisted ten artists for consideration for the studio program.

On 21 October 2024, the Arts, Culture and Creativity Committee were emailed a report outlining the panel's recommendations. Feedback was received by email from committee members unanimously endorsing the process and the peer assessment recommendations for the 2025 studio program.

Based on the recommendations of the peer assessment panel and the unanimous endorsement of the Arts, Culture and Creativity Committee, the top five artists are recommended to be offered places in the studios, with the next five to be placed on reserve, as set out below:

Allocated studios:

- Kai Wasikowski.
- Blake Laurance.
- Josh Harle.
- Wona Bae & Charlie Lawler.
- Gitte Backhausen.

On reserve:

- Gerwyn Davies.
- Zorica Purlija.
- Annabelle McEwen.
- Jarrad Lynch.
- Felix Feneley.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

There are no direct costs to Council for the Waverley Artist Studios with in-kind support provided through the use of the artist spaces at the Bondi School of Arts, Bondi Pavilion and staff time in delivering the project.

Time frame

The next call for applications for Waverley Artist Studios will close in September 2025 for the next studio period (February 2026 to January 2027).

This cohort of studio artists will commence in February 2025.

Consultation

These recommendations are made by the Arts, Culture and Creativity committee based on the review process of the peer assessment panel.

6. Conclusion

The recommendations in this report are presented to Council based on the expertise of the Waverley Arts, Culture and Creativity committee with the peer assessed professional review of the current Waverley Studio Artists. It is recommended that approves the studio appointments as outlined in this report.

7. Attachments

1. Waverley Artist Studios 2024-2025 - Recommendations [↓](#)



WAVERLEY
COUNCIL

Waverley Artist Studios 2025-2026



Overview

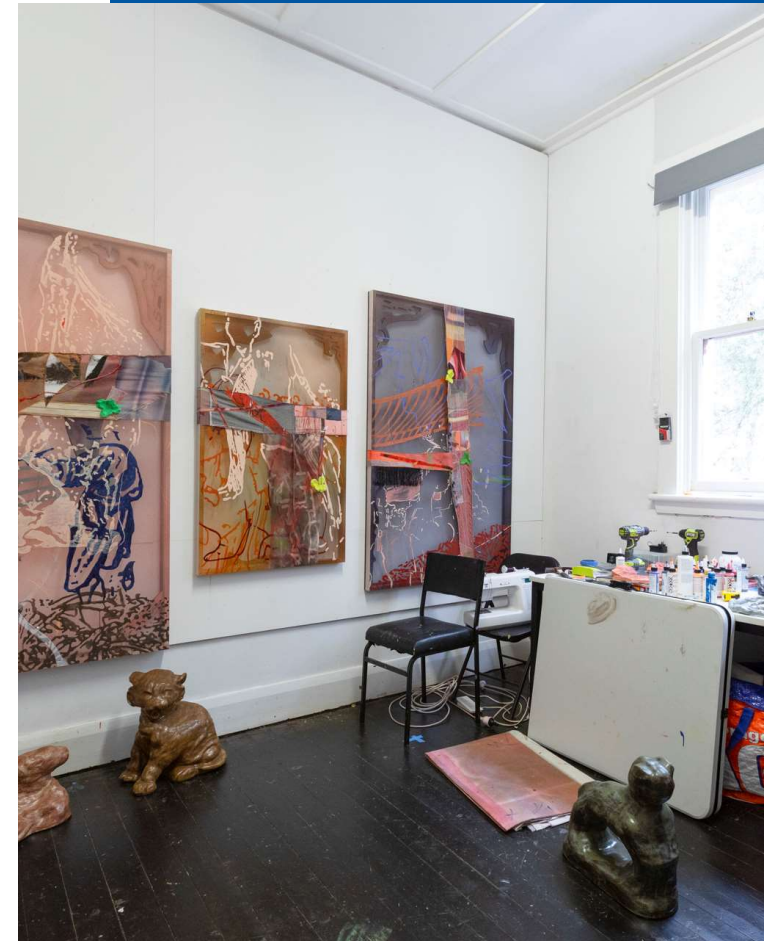
Waverley Artist Studios Program 2010 - present

- Five rent-free workspaces for twelve months
- Studios are housed in the Bondi School of Arts building on Bondi Road
- Has supported 84 artists over 15 years
- Former residents have exhibited in: Museum of Contemporary Art, Art Gallery of NSW, Museum of Old and New (Hobart), National Gallery of Victoria, Queensland Art Gallery, Perth Institute of Contemporary Art, Artspace Sydney, National Portrait Gallery, National Gallery of Australia, Sydney Biennale, Carriageworks, Gallery of Modern Art Queensland, and numerous international galleries and Biennales.
- Former Waverley Studio Artists have won the Archibald Prize and NSW Travelling Fellowship, been finalists in the Moran Prize, John Fries Prize, The Glover Prize, Sulman Prize, Hazlehurst work on paper prize, Woollahra Small Sculpture Prize, Wynne Prize, Redlands Konica Minolta Prize, Anne Landa Prize for new media, and the recipients of Creative Fellowships from the Australia Council for the Arts
- The WAS program has achieved reputation for excellence in the visual arts community and is highly competitive in application quality ensuring high quality engagement outcomes for the community of Waverley.



Studios on Bondi Rd

2024



WAVERLEY COUNCIL

3

Current Studio Artists // Peer Assessment Panel 2024

Nick Breedon, Remmy Faint, Elizabeth Day, Jacqui Meng, Rox Deluca, Carmen Glynn-Braun



Application process 2025

- Expressions of Interest for WAS 2025 opened 1 August and closed 27 September 2024
- EOI advertised and promoted via Council's social media and website, Bondi Pavilion social media and enews, and throughout national arts oriented media outlets including artshub and NAVA.
- 55 applications were received
- Peer Assessment Panel met on 4 October
- Applications are reviewed against the set marking framework of criteria
- A mean was taken of the individual marks and applications were listed in order from highest to lowest scoring
- Based on the assessment of the Peer Panel the following applicants were listed in order:



Assessment criteria

Panel members assess all applications against the following criteria

- Artistic merit and rationale
- Value of residency
- Professional development
- Quality of application
- Connection with and contribution to community

Kai Wasikowski

1.

Kai Wasikowski was born in 1992. He currently lives and works on Gadigal Land / Sydney, Australia. His practice encompasses photography, video and sculpture. Wasikowski's projects use photography to question western visual/political systems of knowledge, and aim to spark feelings of curiosity and connectedness towards the powerful lives of images. Wasikowski received his MFA from the Rhode Island School of Design in 2023, and his BVA (First Class Honours with University Medal) from the University of Sydney in 2016. His work has received notable awards including the Dr Harold Schenberg Art Fellowship from the Perth Institute of Contemporary Arts (2017); the AusArt Scholarship from the American Australian Association (2020); and the Marten Bequest Scholarship from Creative Australia (2021).

Exhibitions include the New South Wales Visual Artist Emerging Fellowship (2018), Artspace, Sydney, Australia; "Oceans From Here," Australian Centre for Photography, Sydney (2018); "Til It's Gone," Museum of Old and New Art's MONA FOMA Festival, Launceston, Australia, 2021; the National Photography Prize, Murray Art Museum Albury, Australia, 2024. Wasikowski's work has been featured on the cover of "Art Monthly Australasia," and written about in "Artist Profile," "Art Collector," "VAULT Magazine," and "The Australian Financial Review." His work is held in public and private collections including Home of the Arts Gold Coast, Deloitte Australia and Artbank Australia. He has participated in residencies at the Three Shadows Photography Centre in Beijing and Xiamen, China (2019) and ran educational workshops for the Australian Centre for Photography, the Three Shadows Photography Art Centre; and 4A Centre for Contemporary Asian Art, Sydney.



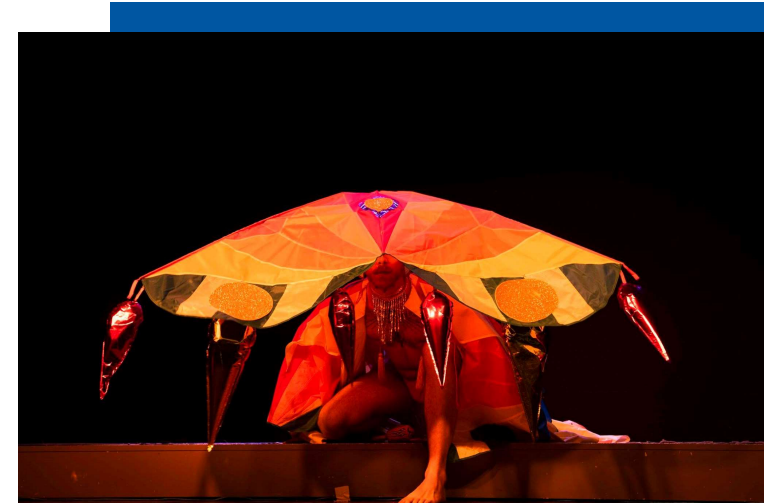


Blake Lawrence

2.

Blake Lawrence is an interdisciplinary artist living in Warrang/Sydney working with performance, drag, photography, film, textile and story. Their work explores environmental collapse, loss and insurgence within East-coast ecologies beside stories of queer experience, memory, place and belonging. Borne from sugar cane communities on Yaegl land and waters in Northern NSW, Lawrence lives and works on Gadigal land.

They completed a Bachelor of Visual Arts at the Sydney College of The Arts, and subsequently completed Honours In Design (Photography) at the University of Technology, Sydney—where they are currently undertaking a Doctorate in Philosophy (Design). They have exhibited locally and interstate, at Firstdraft, Seventh Gallery, C3 Contemporary, The Walls, Verge, Granville Arts Centre, Grafton Regional Gallery and more. They have presented live work at the Sydney Biennale, Brisbane's Spring Hill Reservoirs, the Art Gallery of NSW and Newcastle's This Is Not Art and have performed drag at Club Kooky, The Bearded Tit, Bad Dog, Tropical Fruits, Falls Festival and more.



WAVERLEY COUNCIL

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Josh Harle

3.

Dr Josh Harle is a neurodivergent researcher, educator, and media artist with a background in computer science, philosophy, and fine arts. His practice investigates diverse forms of 'sense-making', technology as cultural practice, and the expressive potential of repurposing digital capture tools through hacking, experimentation, and play.

He's an ARC scholar, MuseumsQuartier, Vienna Art & Technology fellow, former UNSW visiting fellow, City of Sydney Creative fellow, Australia Council Melbourne Games Week delegate, Australia Council Digital Culture Strategy report showcase, and a consultant on Creative Australia's Performing Arts Digital Transformation research.

As founder of Tactical Space Lab, Harle hosts an experimental VR studio working collaboratively with artists to explore innovative uses of emerging technologies, with major outcomes including two Mordant/ACMI commissions, inclusion in Ars Electronic, ISEA Paris, and ISEA Meanjin/Brisbane programs. Last year, he received International Engagement Fund support to create an accessible, multi-lingual VR experience for distribution via online games platforms



Wona Bae & Charlie Lawler

4.

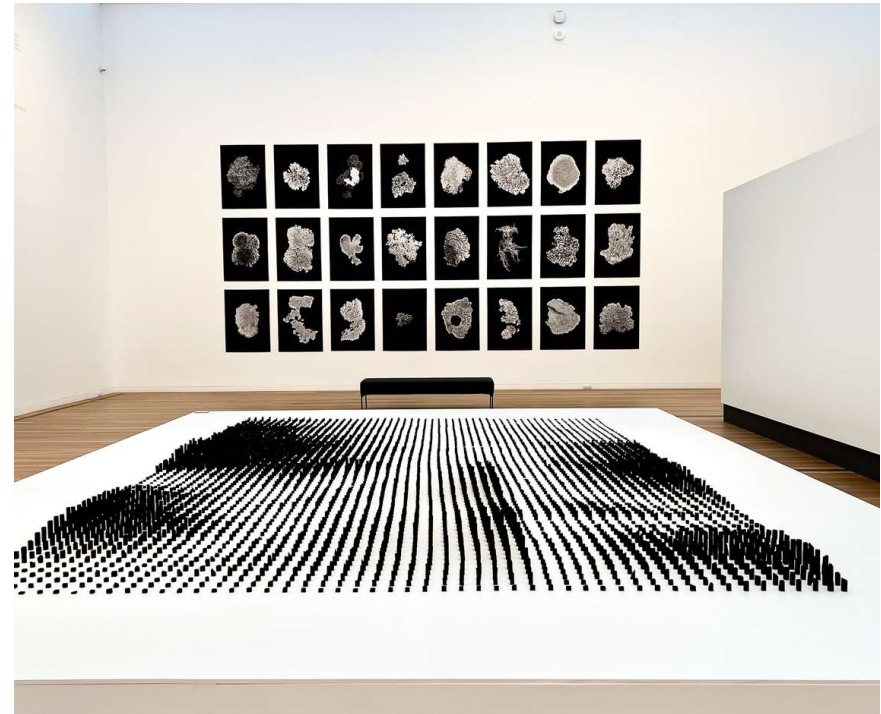
Wona Bae (South Korea) and Charlie Lawler (Australia) are collaborative artists based in Australia, known internationally for their installations and sculpture that navigate visceral and symbiotic human relationships with nature. Their multifarious practice includes installation, sculpture, photography, and video. Drawing on patterns and systems from the world around them, their unique immersive installations experiment with materiality and technology, tapping into the primitive need to find connection with the natural world. Grounded in observation and documentation of the world around them, their practice explores human experience in both natural landscapes and the built environment. Characterised through abstraction, distortion and repetition their work plays spatially with ideas relating to perspective and escapism.

Bae and Lawler have presented solo exhibitions at Daine Singer, Melbourne (2024 and 2023), Korean Cultural Centre Australia, Sydney (2024), Passage Gallery, Sydney (2023), Gippsland Art Gallery, Victoria (2023), Gujung Art Center at Onyang Folk Museum, South Korea (2022), Heide Museum of Modern Art, Melbourne (2019/20), Backwoods Gallery, Melbourne (2022 and 2019), See You Soon Gallery, Tokyo (2017). They were commissioned to create major installations for Hobart Current at the Tasmanian Museum and Art Gallery, Hobart (2023), and The National 2021 at the Art Gallery of New South Wales (2021). They have received accolades including winning the North Sydney Art prize (2024), the Yering Gallery Award (2019), the Yarra Valley Arts/RACV Award (2018), and were finalists in the Woollahra Small Sculpture Prize (2024), Deakin Contemporary Art Prize (2024) and Wynne Prize (2022).



WAVERLEY COUNCIL

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Gitte Backhausen

5.

Gitte Backhausen is a Danish-born Australian artist living between the South Coast of NSW and Bondi Beach. As a multidisciplinary artist, she predominantly works in painting, with her practice deeply rooted in exploring, questioning, and expressing the complexities of the human experience. Over a career spanning two decades, Backhausen has regularly exhibited her work, and in recent years been selected for numerous art prizes such as Fisher's Ghost Art Award, Waverley Art Prize, Northern Beaches Art Prize, Meroogal Women's Art Prize, Blacktown City Art Prize and Kangaroo Valley Art Prize.

In 2023 she won the inaugural Feel Good Art Prize, judged by Corbett Lyon, a leading Australian architect, art collector, and founding patron of Lyon House Museum. Beyond her studio practice, Backhausen is a workshop facilitator, artcoach/mentor and creative entrepreneur, bringing her passion for art and creativity to diverse audiences. She holds degrees in Graphic Design and Applied Social Science and will be completing her BFA at National Art School (NAS) at the end of 2024. The study at NAS has led to a significant shift in her practice, from her well-known abstract landscapes to a more conceptual approach. With Backhausen's new direction, she examines the tension between standardised communication and individual expression through the visual elements of text and handwriting. She explores themes of conformity and nonconformity, creating work that resonate with both personal and collective experiences, through painting and installation.



WAVERLEY COUNCIL

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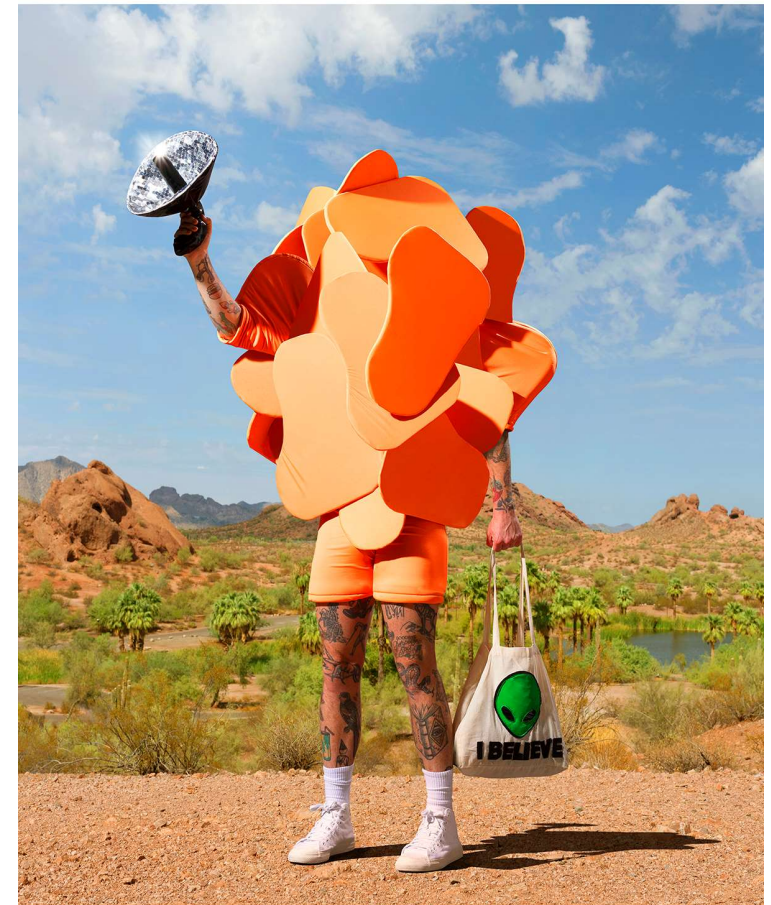


Gerwyn Davies

6.

Gerwyn Davies is a queer artist working across photography, costume design, textiles and the moving image. Davies is a lecturer in photomedia at UNSW (Arts, Design and Architecture) where he completed a PhD exploring the aesthetics of camp and queer self-representation in 2021. Prior to this, Davies completed a Bachelor of Photography (1st Class Hons) at the Queensland College of Art, Brisbane where he previously lectured in photography. Davies has held lecturer role at the National Art School. Primarily, the work explores photographic self-representation and the potentials of queer representational in/visibility. While conventionally the photographic portrait is anticipated to reveal something of a subject to a viewer, Davies' practice is drawn instead toward the performance of photographic dis/appearing acts.

Across his photographic images, Davies' figure is routinely buried beneath costumes whose embellished surfaces mutually entice yet resist interrogation while the image terrain is manicured, foreshortened, made to emit an implausible glow. Twin states of seduction and denial that allow Davies to pass before the camera un/seen. Davies has been awarded the Olive Cotton Award for Photographic Portraiture and the Clayton Utz Art Award, and has been a repeat finalist in the Sunshine Coast Art Prize, the Josephine Ulrick and Win Schubert Photography Award, the Bowness Prize, the Alice Springs Art Prize and the Brisbane Portrait Prize. Davies' work is held in collections of MHNSW, City of Sydney, HoTA, Museum of Brisbane, Artbank, Tweed Regional Galleries, Redlands Gallery. Davies is represented by Jan Murphy Gallery Brisbane and Michael Reid Gallery Sydney/ Berlin.





Zorica Purlija

7.

Zorica Purlija (b. Montenegro 1964) is a contemporary visual artist based on Gadigal land. Working predominately in photography, Purlija's work is based on attachment and care for the primary relationships and landscape she finds herself in. Informed by a background in graphic and digital media, her photographic practice draws on abstraction and collage to forge an ethereal reflective visual language. Recent exhibitions include *Fade Into You*, *Portraits of Yumi* and *Transience*. In 2020 Purlija completed a MFA in Photo Media at UNSW Art and Design. She has been a finalist in the Gosford Art Prize (2023), the National Photographic Portrait Prize (2010, 2009, 2008), HeadOn Portrait Prize (2022), the Ravenswood Women's Art Prize (2020), the Fisher Ghost Art Award (2017), the MAMA Photography Prize (2016), the Winifred Bowness Award (2014), the Ulrick Award (2011) and the Olive Cotton Award (2009). She has exhibited in New York, Zurich and Venice.



Rockhead 2020 *Into Silence* series

Kodak Professional Photo paper 15 x 15 cm Edition 3/8 +1 AP

Superfine Eggshell Ultra White Paper 325gsm 43.5 x 43.5 cm Edition 1/8

Ilford Galerie Premium Photo paper 70 x 70 cm Edition 1/8



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Samples of Artworks
Zorica Purlija

New Series 2023 *The Fall*



Gushing 2022 Archival Pigment print.
67.5 x 98cm Oak Timber Box frame
Edition: 1/6 +2AP



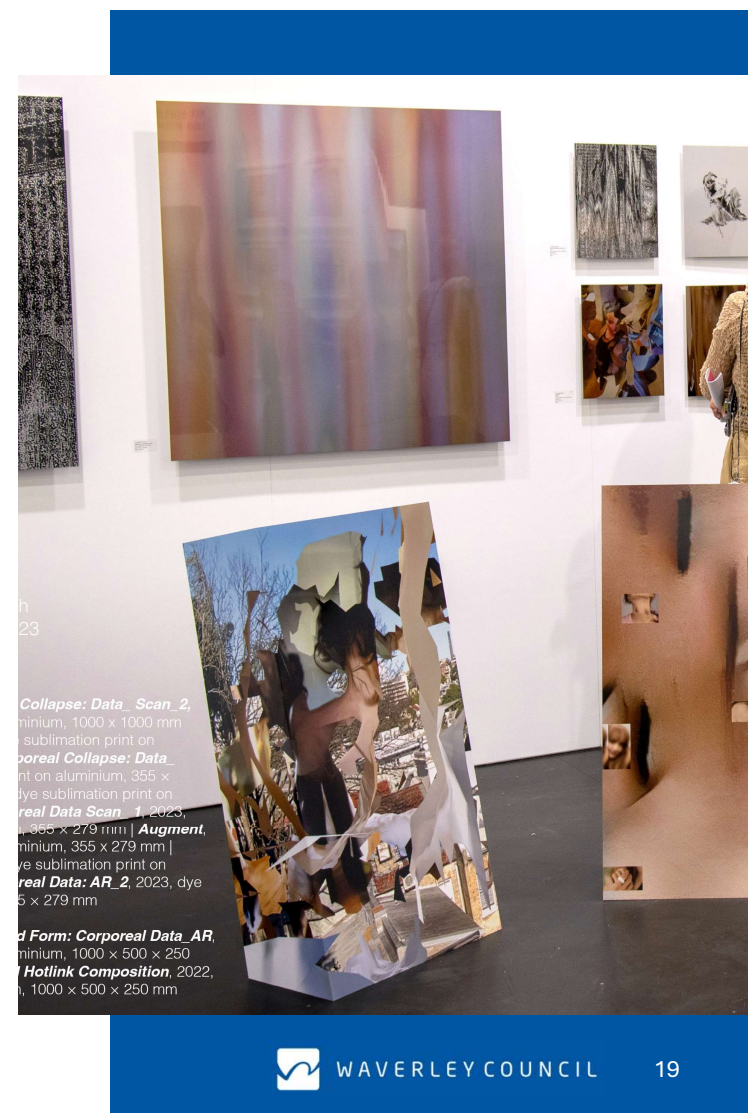
Golden One 2020 Into Silence series
Kodak Professional Photo paper 15 x 15 cm Edition 1/8 +1AP
Available to order Ilford Gallerie Premium Photo paper 43.5 x 43.5 cm Edition 1/8+1AP

Annabelle McEwen

8.

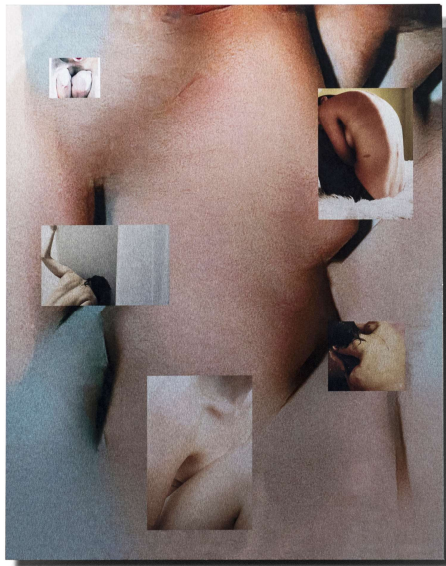
Annabelle McEwen is an artist, educator and gallery director, practising on Gadigal Land with a Masters of Fine Art. McEwen's practice employs photography, printmaking, casting and digital technologies to examine the impact of digitally mediated experiences on users and the paralleling virtual gaze on the gendered body. McEwen interrogates the surveilled and commodified body to speculate on the way its extraction is shaping user's agency and the resulting epistemological shifts in our digital-milieu and future. McEwen is a director at ARI Schmick Contemporary.

They were awarded The Ellen O'Shaughnessy Printmaking Award in 2019. In 2024, they were a finalist in the prestigious National Photographic Portrait Prize at The National Portrait Gallery, The Mullins Conceptual Photography Prize, Muswellbrook Regional Arts Centre, and Hornsby Art Prize, Wallarobba Arts and Cultural Centre in 2024 among others. Recent notable exhibitions include solo-show The Smartest Horse in the World at Ethan Frome, Sydney Contemporary with The National Art School and DISRUPTION: Discourse and Exchange at KMITL, Bangkok, Thailand. Their work has been acquired by The National Art School, The City of Sydney Art Collection, USQ and RMIT among others. McEwen is lecturer at The National Art School. They have taught at other institutions including UNSW Art and Design, Campbelltown Arts Centre, Bankstown Arts Centre and 16 albermarle project space. McEwen was mentioned in the Sydney Morning Herald as a "printmaker... for whom big things are predicted". McEwen was published with their article Image Transfer and The Virtual Gaze in IMPRINT Magazine.



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Annabelle McEwen, *Reversed Hotlink Composition no. 3*, 2022, dye sublimation print on aluminium, 279 x 355 mm
The National Art School Archive



Annabelle McEwen, *Closed-Circuit Corporeal Collapse*, 2024, polylactic acid print and photographic image transfer on fabric, approx. 300 x 450 mm



Jarryd Lynch

9.

Jarryd Lynagh (b. Brisbane / Meanjin, 1994) is an artist and independent curator based in Sydney / Eora and living in Bondi. After receiving a Bachelor of Photography majoring in Photojournalism from the Queensland College of Art, Lynagh relocated to Sydney to commence working in the Art sector for a number of galleries and institutions. Lynagh's practice centres itself around reflections upon memory, the representation of images and interrogating documentary frameworks through expanded photo media works. Utilising print transfer methods and painting, Lynagh makes works on canvas, cotton, jute and various other substrates.

Developed over the last three bodies of work and their subsequent exhibitions, Lynagh has made a foray into sculpture and installation. Recently exhibited in June 2024 in Spirit at China Heights Gallery in Sydney, Lynagh presented concrete monoliths which bore transfer prints of an archive of found images collated over a decade. This departure from two dimensional image making into relational objects inhabiting the same footprint as the audience, is a point of focus for Lynagh in his current practice. One of these sculptures has been named a Finalist in the Fisher's Ghost Award 2024 at the Campbelltown Art Centre to be exhibited in November. Lynagh has been also named a semi-finalist in the Head On Photo Festival, with his work to be exhibited in the Bondi Pavilion for the course of the festival later this year.



Edifice of Memory #1 (2024)
Digital inkjet gel transfer, synthetic polymer

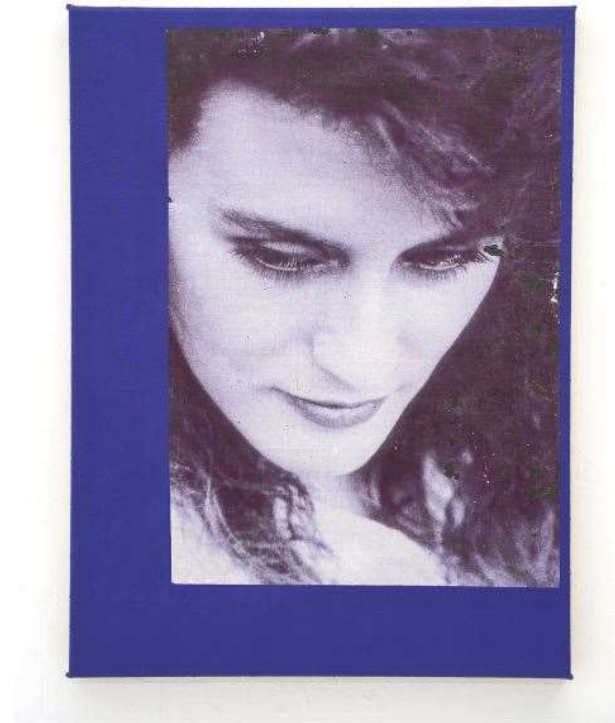


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Pure Flash (2024)
Digital inkjet gel transfer, synthetic polymer
on jute
61.5 x 82cm



Magic Of The Real (2024)
Digital inkjet gel transfer, synthetic polymer
on jute
61.5 x 82 cm

Felix Feneley

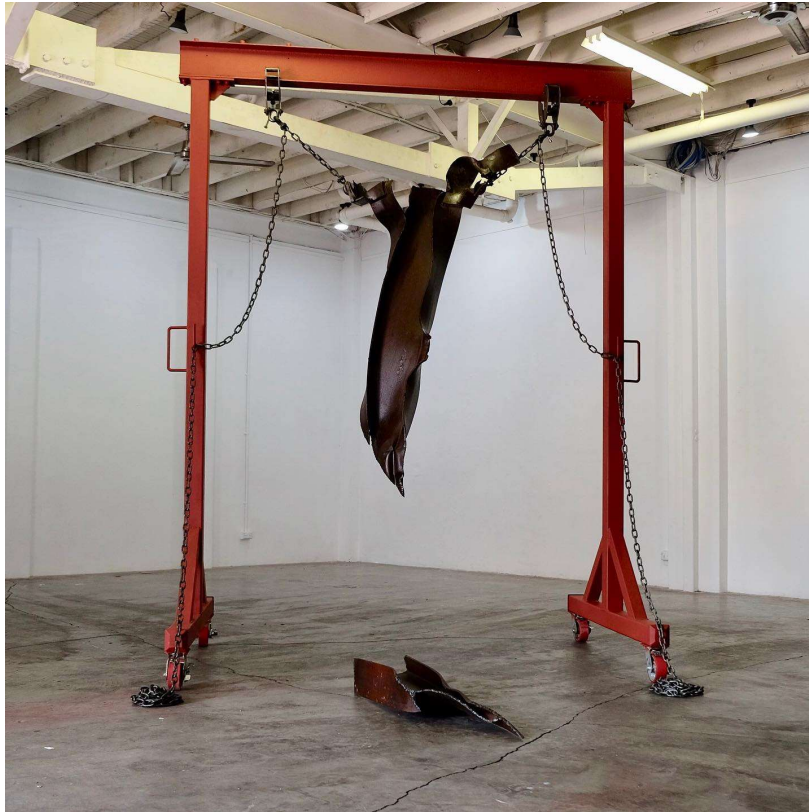
10.

Born Sydney, 1995. Felix Feneley graduated from the national art school majoring in sculpture in 2015. Working across bronze, steel and stone Felix creates works that explore the relationship between matter and form. Using industrial and structural materials, Feneley imbues that weight with energy or a sense of flight. Feneley finds inspiration for his work in natural and man-made disasters, demolitions, dancers and boxers.



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Recommendations:

It is recommended that the artists:

1. Kai Wasikowski
2. Blake Lawrence
3. Josh Harle
4. Wona Bae and Charlie Lawler
5. Gitte Backhausen

are offered a place in the 2025 studio program with

6. Gerwyn Davies
7. Zorica Purlija
8. Annabelle McEwen
9. Jarryd Lynch
10. Felix Feneley

placed on reserve in the event a studio place is declined or withdrawn.

REPORT CM/7.12/24.11



Subject: Planning Agreement - 99-101 Hall Street, Bondi Beach

TRIM No: SF24/2422

Manager: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Approves the planning agreement attached to the report applying to land at 99-101 Hall Street, Bondi Beach, offering a total monetary contribution of \$533,200, with \$399,900 (75%) to be allocated to local village streetscape improvements and road safety and traffic calming works within the Bondi and Bondi Beach area, and \$133,300 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

1. Executive Summary

This report seeks Council's approval to execute the attached draft planning agreement associated with the approved development application DA-210/2023 at 99-101 Hall Street, Bondi Beach. The application was approved as follows:

Table 1. Approval details.

Item	Approved DA-210/2023
Development description	Demolition of the rear of the existing building and construction of a new 4 storey rear addition and basement parking level to provide 5 residential units
Maximum permissible GFA and FSR	1019 sqm GFA, equating to an FSR of 2:1
Approved GFA and FSR	1143 sqm GFA, equating to an FSR of 2.24:1
GFA exceedance	124 sqm GFA, equating to a variation of 12.17% over the permissible GFA

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. Introduction/Background

Council's Planning Agreement Policy provides a framework for managing the voluntary planning agreement (VPA) process. The policy is founded on the principle of 'value sharing' or 'value capture', which reflects the expectation that developers benefiting from a value 'uplift' through increased development rights should share a portion of this uplift with the community.

In instances where a development exceeds established planning standards and can proceed without resulting in unacceptable impacts, the value sharing mechanism enables the community to derive a net benefit in the form of additional infrastructure and enhanced amenity.

VPA's are legal documents facilitated by the *Environmental Planning and Assessment Act 1979* (the EP&A Act) between developers and government agencies (including Councils or the NSW State Government) for the provision of funds or works by the developer for infrastructure, services, or other public amenities. In Waverley, a VPA can be offered by a developer in conjunction with a DA that exceeds the maximum FSR permitted for a site.

If the consent authority is satisfied that the proposal is acceptable on planning grounds, a VPA offer will be received, and a condition of development consent included in the determination requiring that the VPA be prepared and executed by Council prior to the commencement of work. Council will not approve a development application with a VPA unless it is satisfied that the proposed development is acceptable on planning grounds, having regard to the general heads of consideration set out in section 4.15 of the EP&A Act 1979. These considerations include 'the likely impacts of the development', 'whether a planning agreement has been entered into,' and 'the public interest'. Development that is unacceptable on planning grounds (i.e. creates additional adverse overshadowing impacts from the extra FSR) will not be approved because a developer has offered a VPA.

In Waverley, the VPA contribution amount is determined by the amount of Floor Space Ratio (FSR) exceedance and the suburb of the development site, and is intended to reflect 50% of the profit of the additional floor space that exceeds Council's controls. The contribution can include a monetary contribution to Council to fund a public benefit, or a physical in-kind public benefit.

Development standards outlined in the *Waverley Local Environmental Plan 2012* include matters such as maximum building height and maximum FSR. The EP&A Act permits an applicant to exceed their site's maximum building height or FSR (also known as obtaining development 'uplift') for a DA if the consent authority (typically the Council, Local Planning Panel, or NSW Land and Environment Court) considers that the variation does not have an unacceptable impact and meets the objectives of the FSR standard (clause 4.6 variation).

Council is not unique in dealing with variations (non-compliances with development standards) and VPA offers. All councils in NSW are required by the EP&A Act to assess and determine DAs that involve both.

3. Relevant Council Resolutions

Nil.

4. Discussion

Planning agreement under DA-210/2023 at 99-101 Hall Street, Bondi Beach

DA-210/2023 has been approved with a 124 sqm gross floor area exceedance above the maximum permissible floor space ratio for the site. With reference to Council's benchmark rates listed in the Planning Agreement Policy, a total monetary contribution of \$533,200 applies.

\$399,900 (75%) is proposed to be allocated towards local village streetscape improvements and road safety and traffic calming works within the Bondi and Bondi Beach area, and \$133,300 (25%) is proposed to be allocated towards the Waverley's Affordable Housing Program, in accordance with the Planning Agreement Policy 2014.

Planning agreement's monetary contribution to a public purpose

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The draft planning agreement offers a total monetary contribution of \$533,200, with \$399,900 (75%) to be allocated towards local village streetscape improvements and road safety and traffic calming works within the Bondi and Bondi Beach area, and \$133,300 (25%) to be allocated towards the Waverley's Affordable Housing Program, in accordance with the Planning Agreement Policy

The contribution is expected to support improvements within Bondi and Bondi Beach areas. The decision to allocate funding is based on a review of feedback received from consultation to confirm community needs and wants and target additional funding to maximise benefit to the community.

Public exhibition of the draft planning agreement

The draft planning agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft planning agreement and explanatory note were exhibited from Friday, 21 June 2024, to Friday, 19 July 2024, and included:

- Advertising on Council's Have Your Say (HYS) website.
- Feature in monthly HYS e-newsletter.
- Email notice to Councillors and Precincts.

Submissions

Two submissions were received during the exhibition period from the same person. The respondent stated in both of their submissions that the funds should be specifically dedicated towards upgrading the brick garden known as 'Charlies Corner' outside the development site. The Hall Street Streetscape Upgrade project is expected to include upgrades to 'Charlies Corner' and is likely to be funded by the currently drafted public purpose. The respondents request therefore aligns with the proposed allocation of the monetary contribution.

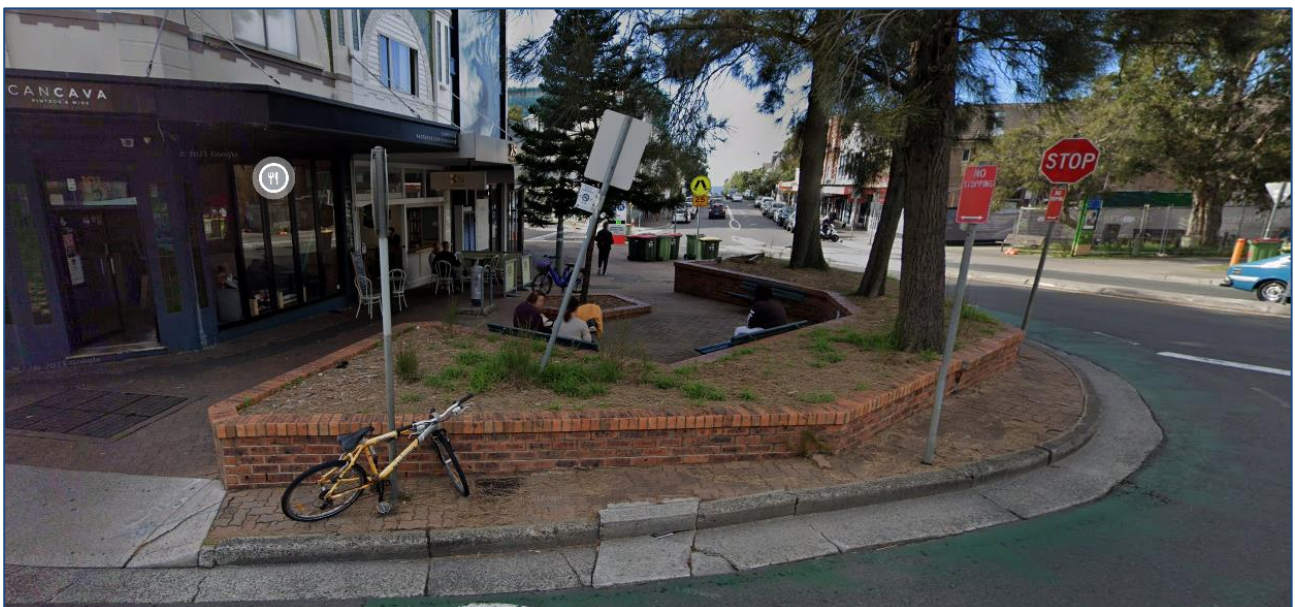


Figure 1. 'Charlies Corner' outside 99-101 Hall Street (Google Maps, 2021)

5. Financial impact statement/Time frame/Consultation

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$533,200, in accordance with the Planning Agreement Policy.

6. Conclusion

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

7. Attachments

1. Planning agreement [↓](#)

WAVERLEY COUNCIL

(Council)

AND

**SOUTHERN FREEHOLDS PTY LTD
(ACN 647 499 296)**

(Developer)

PLANNING AGREEMENT

(Development Contribution)

**WAVERLEY COUNCIL
Council Chambers
Cnr Bondi Road & Paul Street
BONDI JUNCTION NSW 2022
DX 12006 BONDI JUNCTION
Phone: 02 9083 8000
Facsimile: 02 9387 1820**

PLANNING AGREEMENT NO. _____***Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2024

PARTIES

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

AND

SOUTHERN FREEHOLDS PTY LTD (ACN 647 499 296) of Level 2, 422 New South Head Road,
Double Bay NSW 2028 ("**Developer**")

BACKGROUND/RECITALS

- A.** The Developer is the registered proprietor of the Land.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 4 August 2023 the Developer made the Development Application to Council for development consent to carry out the Development on the Land.
- D.** The Developer subsequently lodged a deemed refusal appeal with the Land and Environment Court.
- E.** On 7 December 2023 the Developer made an offer to enter into this Agreement to make the Development Contribution to be applied towards a public purpose in accordance with Council's Planning Agreement Policy as the gross floor area proposed by the Development exceeds the permitted floor space ratio under Council's planning controls.
- F.** The Development Consent was granted by the Land and Environment Court on 26 April 2024.

- G. This Agreement is consistent with the Developer's offer referred to in Recital E.

OPERATIVE PROVISIONS:

1 PLANNING AGREEMENT UNDER THE ACT

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

2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the Development proposed in the Development Application, as may be modified.

3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as practicable after the Development Consent is granted and prior to any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-210/2023.

4 DEFINITIONS AND INTERPRETATION

4.1 Definitions

In this Agreement unless the context otherwise requires:

"Act" means the *Environmental Planning and Assessment Act 1979* (NSW);

"Agreement" means this agreement;

"Bank Guarantee" means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Development Contribution amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

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

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

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

“Council” means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Land is located within;

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

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

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

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

“Development Contribution” means the amount of money referred to in item 5 of the Schedule;

“Development Contribution Date” means the time the Development Contribution is to be paid as specified to in item 7 of the Schedule;

“GST” has the same meaning as in the GST Law;

“GST Law” has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

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

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

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

“Public Purpose” for the purpose of this Agreement means the public purpose described in item 6 of the Schedule;

“Registration Application” means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

“Schedule” means the schedule to this Agreement.

4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;

- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.

6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

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

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

8 REGISTRATION OF THIS AGREEMENT

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
 - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Within 14 days of entering into this Agreement and in any event prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-210/2023, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
 - (b) provide the Council with a cheque in favour of NSW Land Registry Services, NSW, or deliver funds electronically as Council may direct, for registration fees for registration of this Agreement;
 - (c) provide the Council with a cheque in favour of the Council, or deliver funds electronically as Council may direct, for Council's reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created

- in accordance with the provisions of this Agreement; and
- (d) take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-210/2023.
- 8.5 Upon compliance with clause 8.4 by the Developer, the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution, the Developer may request in writing the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution occur upon the date of this Agreement and prior to issue of a Construction Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.
- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

9 BANK GUARANTEE

9.1 Provision of Bank Guarantee

- (a) Subject to clause 8.8, prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-210/2023, the Developer must deliver to the Council a Bank Guarantee, which must be:
- (i) in a form and from an institution approved by the Council;
 - (ii) irrevocable and unconditional;
 - (iii) with no expiry date;
 - (iv) issued in favour of the Council;
 - (v) for an amount equivalent to the Development Contribution set out in Item 5 of the Schedule;
 - (vi) drafted to cover all of the Developer's obligations under this Agreement; and

(vii) on the terms otherwise satisfactory to the Council.

- (b) The Developer acknowledges that the Council enters into this Agreement in consideration of the Developer providing the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Development Contribution to Council in accordance with this Agreement.

9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Development Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
 - (ii) breaches any other term or condition of this Agreement,
- and fails to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer will be required to pay to the Council any outstanding balance of the Development Contribution and other amounts payable under this Agreement.

9.3 Return of Bank Guarantee

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer.

10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

11 DISPUTE RESOLUTION

11.1 Notice of dispute

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and

designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

11.2 **Response to notice**

Within ten business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 The nominated representative must:

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 **Further notice if not settled**

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

11.5 **Mediation**

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (ii) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must:
 - (a) Have reasonable qualifications and practical experience in the area of disputes; and
 - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five business days of receipt of the Dispute Notice notify

each other of their representatives who will be involved in the mediation.

- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (vii) In relation to costs and expenses
 - (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
 - (a) Agreed upon and appointed jointly by the Council and the Developer; or
 - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

11.7 Litigation

If the dispute is not finally resolved in accordance with this clause 11, either Party is at

liberty to litigate the dispute.

11.8 **Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

12 **ENFORCEMENT**

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued and the Developer must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement;
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid; and
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer acknowledges and agrees that:

- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council;
- (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (d) unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and
- (e) Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the caveat from

the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.

13 NOTICES

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that Party at its address set out below in Item 8 of Schedule 1;
 - (b) faxed to that Party at its fax number set out below in Item 8 of Schedule 1;
 - (c) emailed to that Party at its email address set out below in Item 8 of Schedule 1.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address, fax number or email address.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
 - (b) If it is sent by post, 2 business days after it is posted.
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
 - (d) If delivered by email, when received by the recipient's email server, unless the sender receives an automated notice that delivery has failed.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14 APPROVALS AND CONSENT

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 COSTS

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

16 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

17 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

18 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

19 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

20 NON FETTER

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or

powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;

- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

21 REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

22 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

23 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

24 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25 GOODS & SERVICES TAX

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

27 EXECUTION IN TRIPLICATE

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the Act. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	Southern Freeholds Pty Ltd (ACN 647 499 296)
2	Land	99 – 101 Hall Street, Bondi Beach (Lots 1 and 2 in DP 228356)
3	Development Application	DA-210/2023
4	Development (description)	Demolition of the rear of the existing building and the construction of a new four storey rear addition and basement parking level, four retail tenancies on the ground floor and five residential units above
5	Development Contribution	\$533,200
6	Public Purpose	Waverley Affordable Housing Program (25%) and Local village streetscape improvements and road safety and traffic calming works within the Bondi and Bondi Beach area (75%)
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development
8	Developer Address	Level 2, 422 New South Head Road, Double Bay NSW 2028
	Developer Email	tal.s@moshavfinancial.com.au
	Council Address	Corner Paul Street and Bondi Road, Bondi Junction NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	info@waverley.nsw.gov.au

EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council
affixed pursuant to a resolution of Waverley Council on

EMILY SCOTT

General Manager

CLR WILLIAM NEMESH

Mayor

EXECUTED by
SOUTHERN FREEHOLDS PTY LTD
(ACN 647 499 296)

In accordance with section 127 of the
Corporations Act 2001

TAL ARIEH SILBERMAN

Sole Director/Secretary

REPORT
CM/7.13/24.11

Subject: Planning Agreement - 27-29 Kimberley Street, Vaucluse

TRIM No: SF24/4330

Manager: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Approves the planning agreement attached to the report applying to land at 27-29 Kimberley Street, Vaucluse, offering the dedication of 327.3 sqm of RE1 Public Recreation zoned land to Council in addition to a total monetary contribution of \$218,550, with \$163,921.50 (75%) to be allocated to upgrades to Diamond Bay and Vaucluse parks and reserves and \$54,637.50 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the Agreement and affix the Council seal to the documentation.

1. Executive Summary

This report seeks Council's approval to execute the attached draft planning agreement associated with the approved development applications DA-291/2022 and DA-291/2022/A at 27-29 Kimberley Street, Vaucluse.

The development site has a maximum permissible floor space ratio (FSR) of 0.6:1. DA-291/2022 was approved with a FSR of 0.81:1 and included a voluntary planning agreement (VPA) in response to the FSR exceedance in the form of a land dedication to Council of 327.5sqm of land zoned 'RE1 Public Recreation', which was marked on Council's Land Reservation Acquisition (LRA) Map in the *Waverley Local Environmental Plan 2012* (WLEP).

Subsequently, a modification application DA-291/2022/A was lodged with Council and approved with an FSR of 0.885:1. This modification application provides a monetary contribution in response to the additional gross floor area proposed when compared to DA-291/2022.

This single VPA document covers both contributions offered under DA-291/2022 and DA-291/2022/A, involving the dedication of 327.3 sqm of RE1 Public Recreation zoned land to Council in addition to a total monetary contribution of \$218,550, with \$163,921.50 (75%) to be allocated towards upgrades to Diamond Bay and Vaucluse parks and reserves and \$54,637.50 (25%) to be allocated towards the Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. Introduction/Background

Council's Planning Agreement Policy provides a framework for managing the voluntary planning agreement (VPA) process. The policy is founded on the principle of 'value sharing' or 'value capture', which reflects the expectation that developers benefiting from a value 'uplift' through increased development rights should share a portion of this uplift with the community.

In instances where a development exceeds established planning standards and can proceed without resulting in unacceptable impacts, the value sharing mechanism enables the community to derive a net benefit in the form of additional infrastructure and enhanced amenity.

VPAs are legal documents facilitated by the *Environmental Planning and Assessment Act 1979* (the EP&A Act) between developers and government agencies (including Councils or the NSW State Government) for the provision of funds or works by the developer for infrastructure, services, or other public amenities. In Waverley, a VPA can be offered by a developer in conjunction with a DA which exceeds the maximum FSR permitted for a site.

If the consent authority is satisfied that the proposal is acceptable on planning grounds, a VPA offer will be received, and a condition of development consent included in the determination requiring that the VPA be prepared and executed by Council prior to the commencement of work. Council will not approve a development application with a VPA unless it is satisfied that the proposed development is acceptable on planning grounds, having regard to the general heads of consideration set out in section 4.15 of the EP&A Act 1979. These considerations include 'the likely impacts of the development', 'whether a planning agreement has been entered into,' and 'the public interest'. Development that is unacceptable on planning grounds (i.e. creates additional adverse overshadowing impacts from the extra FSR) will not be approved because a developer has offered a VPA.

In Waverley, the VPA contribution amount is determined by the amount of floor space ratio (FSR) exceedance and the suburb of the development site and is intended to reflect 50% of the profit of the additional floor space that exceeds Council's controls. The contribution can include a monetary contribution to Council to fund a public benefit, or a physical in-kind public benefit.

Development standards outlined in the *Waverley Local Environmental Plan 2012* include matters such as maximum building height and maximum FSR. The EP&A Act permits an applicant to exceed their site's maximum building height or FSR (also known as obtaining development 'uplift') for a DA if the consent authority (typically the Council, Local Planning Panel, or NSW Land and Environment Court) considers that the variation does not have an unacceptable impact and meets the objectives of the FSR standard (clause 4.6 variation).

Council is not unique in dealing with variations (non-compliances with development standards) and VPA offers. All councils in NSW are required by the EP&A Act to assess and determine DAs which involve both.

3. Relevant Council Resolutions

Nil.

4. Discussion

Planning agreement under DA-291/2022 and DA-291/2022/A at 27-29 Kimberley Street, Vaucluse

The development site has a maximum permissible FSR of 0.6:1. DA-291/2022 was approved with an FSR of 0.81:1 and included a VPA in response to the FSR exceedance in the form of land dedication to Council of 327.5sqm of land zoned RE1 Public Recreation, which was marked on Council's Land Reservation

Acquisition Map in the *Waverley Local Environment Plan 2012*. The land was independently valued and was confirmed to be worth at least the minimum monetary amount as set out by our VPA rates.

The market value of the land is higher than the minimum monetary amount had a regular monetary VPA been offered instead.

Subsequently, modification application DA-291/2022/A was lodged with Council and approved with an FSR of 0.885:1. This modification application provides a monetary contribution in response to the additional gross floor area proposed when compared to DA-291/2022.

This single VPA document covers both contributions offered under DA-291/2022 and DA-291/2022/A, involving the dedication of 327.3 sqm of RE1 Public Recreation zoned land to Council in addition to a monetary contribution of \$218,550.

Planning agreement's monetary contribution to a public purpose

Section 7.4 of the EP&A Act requires that the contribution from a planning agreement be allocated to a public purpose.

The recommended public purposes are expected to support improvements within parks and reserves in Diamond Bay and Vacluse. The decision to allocate funding is based on a review of feedback received from consultation to confirm community needs and wants and target additional funding to maximise benefit to the community.

Public exhibition of the draft planning agreement

The draft planning agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft planning agreement and explanatory note were exhibited from Wednesday, 18 September, to Thursday, 17 October 2024, and included:

- Advertising on Council's 'Have Your Say' website.
- Email notice to Precincts and Councillors.

Submissions

Two submissions were received during the exhibition period. Both provided comment on the topic of VPAs generally rather than this specific one, communicating a lack of support for approving DAs that exceed Council's controls because the respondents are under the impression that it changes the outcome of a determination. This is not the case, as per part 2.1(a) of the Planning Agreement Policy (Amendment No. 4):

Council will not enter a Planning Agreement unless it is satisfied that the proposed development is acceptable on planning grounds having regard to the general heads of consideration set out in Section 4.15 of the Act. Development that is unacceptable on planning grounds will not be given consent because of benefits offered by a developer. It is noted that any exceptions to relevant development standards will be assessed in accordance with the provisions set out in cl.4.6 of WLEP 2012

Furthermore, neither DA subject to this VPA was approved by Council Officers. The original DA was approved by the NSW Land and Environment Court and the modification was approved by the Waverley Local Planning Panel.

5. Financial impact statement/Time frame/Consultation

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$218,550 and dedicate 327.3 sqm of RE1 Public Recreation zoned land to Council, in accordance with the Planning Agreement Policy.

6. Conclusion

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

7. Attachments

1. Planning agreement [↓](#)

WAVERLEY COUNCIL

(Council)

AND

KIMBERLEY CO PTY LTD

(ACN 643 482 115)

(Developer)

PLANNING AGREEMENT

(Development Contribution)

WAVERLEY COUNCIL

Council Chambers

Cnr Bondi Road & Paul Street

BONDI JUNCTION NSW 2022

DX 12006 BONDI JUNCTION

Phone: 02 9083 8000

Facsimile: 02 9387 1820

PLANNING AGREEMENT NO. _____***Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2024

PARTIES

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

AND

KIMBERLEY CO PTY LTD (ACN 643 482 115) of 2/7 – 13 Dover Road, Rose Bay NSW 2029
("**Developer**")

BACKGROUND/RECITALS

- A.** The Developer is the registered proprietor of the Land.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 7 July 2022 the Developer caused a development application, DA-291/2022, to be lodged with Council for development consent to carry out development on the Land.
- D.** The Developer subsequently commenced a Class 1 appeal with the Land and Environment Court.
- E.** The Developer made an offer dated 1 December 2022 to enter into this Agreement and to dedicate part of the land located within the development site zoned as RE1 Public Recreation to Council for nil consideration and at no cost to Council, in accordance with Council's Planning Agreement Policy.
- F.** Development Consent was granted for DA-291/2022 by the Land and Environment Court on 2 August 2023.
- G.** On 11 January 2024 the Developer caused a further development application to be lodged

with Council, DA-291/2022/A, for modification of the Development Consent.

- H. The Developer subsequently made an additional offer dated 1 July 2024 to enter into this Agreement and to make the Monetary Contribution to be applied towards a public purpose, in accordance with Council's Planning Agreement Policy.
- I. Development Consent was granted for DA-291/2022/A on 24 July 2024.
- J. This Agreement is consistent with the Developer's offers referred to in Recital E and H.

OPERATIVE PROVISIONS:

1 PLANNING AGREEMENT UNDER THE ACT

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

2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the Development proposed in the Development Application including any modification, alteration or extension to the Development whether it be via construction certificate, a modification to the consent or consent to a further development application.

3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as possible after the Development Consent is granted and prior to any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-291/2022 and DA-291/2022/A.

4 DEFINITIONS AND INTERPRETATION

4.1 Definitions

In this Agreement unless the context otherwise requires:

“**Act**” means the *Environmental Planning and Assessment Act* 1979 (NSW);

“**Agreement**” means this agreement;

“**Authority**” means any government or governmental, semi-governmental, administrative,

fiscal or judicial body, department, commission, authority, tribunal, agency or entity;

"Bank Guarantee" means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Monetary Contribution (as defined and described in item 5 of Schedule 1) amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

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

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

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

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

"Contaminant" means any material, substance, gas, liquid, chemical, biological, mineral or other physical matter which would, if present on, in, over, under or in the vicinity of the Land, present a risk of harm to human health or any other aspect of the environment or, result in any Authority, in the proper exercise of its discretion, issuing or being entitled to issue any notice, direction or order requiring any cleanup, decontamination, removal, remediation or making good under any law or which would constitute a violation or contravention of any law;

"Contamination" means affected by a Contaminant as defined herein;

"Council" means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Land is located within;

"Dedication of Land" means the dedication of the land subject to the associated works and investigations referred to in clause 5.3 herein, forming part of the Development Contributions under this Agreement;

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

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

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

"Development Contributions" means the Dedication of Land and Monetary Contribution as defined and described in item 5 of Schedule 1;

"Development Contribution Date" means the time the Development Contributions are to be delivered as specified to in item 7 of Schedule 1;

"GST" has the same meaning as in the GST Law;

“GST Law” has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

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

“Monetary Contribution” means the monetary contribution forming part of the Development Contributions under this Agreement;

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

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

“Public Purpose” for the purpose of this Agreement means the public purpose described in item 6 of Schedule 1;

“Registration Application” means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

“Schedule” means the schedules to this Agreement.

4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;

- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

5 DEVELOPMENT CONTRIBUTIONS TO BE MADE UNDER THIS AGREEMENT

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contributions to be applied for the Public Purpose.
- 5.2 The Developer must deliver the Development Contributions to the Council by the relevant Development Contribution Date and time is essential in this respect.
- 5.3 In respect to the Dedication of Land forming part of the Development Contributions under this Agreement, the Developer acknowledges and agrees that:
 - (a) The delivery of the Dedication of Land to Council is free of all encumbrances and charges, for nil consideration and at no cost to Council;
 - (b) Removal of all weeds and debris from the land the subject of the Dedication of Land is to be carried out to the satisfaction of Council prior to delivery of the Dedication of Land and at no cost to Council;
 - (c) The Developer must carry out Contamination investigations and prepare and submit to Council a Contamination Assessment Report in accordance condition 19 of the Development Consent in respect to that part of the land that is the subject of the Dedication of Land at no cost to Council, prior to the issue of any Construction Certificate for the Development;
 - (d) In the event Contamination is identified on the land that is the subject of the Dedication of Land, the Developer must prepare and submit to Council a Remediation Action Plan in accordance with condition 19 of the Development Consent at no cost to Council, prior to the issue of any Construction Certificate for

the Development;

- (e) The Developer must remove all Contaminants from the land and remediate the Land that is the subject of the Dedication of Land in accordance with the Remediation Action Plan and otherwise to the satisfaction of Council and at no cost to Council prior to delivery of the Dedication of Land to Council;
 - (f) In respect to investigations and reports for Contamination, the Developer will ensure that all investigations and reports are carried out by a suitably qualified consultant approved by Council, and the soil testing is to be completed by a NATA accredited lab;
 - (g) Any existing above and below ground structures including but not limited to, fences, structure foundations and private services including drainage systems on the land that is the subject of the Dedication of Land must be removed by the Developer in accordance with condition 20 of the Development Consent at no cost to Council. Demolition plans are to show the extent of removal of fencing from the land the subject of the Dedication of Land;
 - (h) The Developer will add a woodchip or sandstone mulch layer (not exceeding 80mm) to the land subject of the Dedication of Land to the satisfaction of Council, prior to delivery of the Dedication of Land and at no cost to Council.
- 5.4 The Delivery of the Dedication of Land cannot be effected in accordance with the Agreement until the provisions of this clause 5 have been fulfilled to the satisfaction of Council.
- 5.5 In respect to the Monetary Contribution forming part of the Development Contributions under this Agreement, the Developer acknowledges and agrees that, notwithstanding any other provision herein, the Monetary Contribution as set out in Condition 9A(a)(ii) of the conditions of the Development Consent, is subject to increase in accordance with paragraph 7 of the offer made by the Developer referred to in recital H.

6 APPLICATION OF THE DEVELOPMENT CONTRIBUTIONS

- 6.1 The Council will apply the Development Contributions towards the Public Purpose as soon as practicable.

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

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

8 REGISTRATION OF THIS AGREEMENT

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
 - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Within 14 days of this agreement being executed by all parties and in any event prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds for the Development, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
 - (b) provide the Council with a cheque in favour of NSW Land Registry Services, or deliver funds electronically as Council may direct, for registration fees for registration of this Agreement; and
 - (c) provide the Council with a cheque in favour of the Council, or deliver funds electronically as Council may direct, for Council's reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and
 - (d) take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds for the Development.
- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon delivery of the Development Contributions in accordance with this Agreement, the

Developer may request in writing the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.

- 8.8 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

9 BANK GUARANTEE

9.1 Provision of Bank Guarantee

- (a) Prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-291/2022/A, the Developer must deliver to the Council a Bank Guarantee, which must be:
- (i) in a form and from an institution approved by the Council;
 - (ii) irrevocable and unconditional;
 - (iii) with no expiry date;
 - (iv) issued in favour of the Council;
 - (v) for an amount equivalent to the Monetary Contribution set out in Item 5 of the Schedule;
 - (vi) drafted to cover all of the Developer's obligations under this Agreement; and
 - (vii) on the terms otherwise satisfactory to the Council.
- (b) The Developer acknowledges that the Council enters into this Agreement in consideration of the Developer providing the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Monetary Contribution to Council in accordance with this Agreement.

9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Monetary Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
 - (ii) breaches any other term or condition of this Agreement,

and fails to remedy the relevant failure or breach within 7 days after the Council's notice.

- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer will be required to pay to the Council any outstanding balance of the Monetary Contribution and other amounts payable under this Agreement.

9.3 Return of Bank Guarantee

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement, to pay the Monetary Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer.

10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

11 DISPUTE RESOLUTION

11.1 Notice of dispute

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

11.2 Response to notice

Within ten business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 The nominated representative must:

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 Further notice if not settled

If the dispute is not resolved within 15 business days after the nominated

representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 10.5 or by expert determination under clause 11.6.

11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (ii) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must;
 - (a) Have reasonable qualifications and practical experience in the area of disputes; and
 - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (vii) In relation to costs and expenses
 - (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
 - (a) Agreed upon and appointed jointly by the Council and the Developer; or
 - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

11.7 Litigation

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

11.8 Continue to Perform Obligations

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

12 ENFORCEMENT

- 12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

- 12.2 Until such time as the Development Contributions have been delivered/paid in full, an Occupation Certificate must not be issued and the Developer must:
- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that

such application is made;

- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement;
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contributions have been delivered/paid in full; and
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer acknowledges and agrees that:

- (a) the Land is charged with the delivery to Council of the Development Contributions until the Development Contributions are delivered/paid in full to Council;
- (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contributions and any other monies due to Council under this Agreement are delivered/paid in full to Council;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contributions and any other monies due to Council under this Agreement are delivered/paid in full to Council;
- (d) upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and
- (e) Upon delivery of the Development Contributions to Council, the Developer may request in writing the removal of the caveat from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.

13 NOTICES

13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that Party at its address set out below in Item 8 of Schedule 1;
- (b) faxed to that Party at its fax number set out below in Item 8 of Schedule 1;
- (c) emailed to that Party at its email address set out below in Item 8 of Schedule 1.

13.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only

given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address, fax number or email address.

13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) If it is delivered, when it is left at the relevant address.
- (b) If it is sent by post, 2 business days after it is posted.
- (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- (d) If delivered by email, when received by the recipient's email server, unless the sender receives an automated notice that delivery has failed.

13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

13 APPROVALS AND CONSENT

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

14 ASSIGNMENT AND DEALINGS

If the Developer proposes to sell, transfer, assign, charge, novate, encumber or otherwise deal with the Land or any part of the Land, or attempts or purports to do so, the Developer must seek the consent of Council and, the Developer must:

- (a) at no cost to Council, procure the execution by the incoming party of an Agreement in favour of Council on the same terms as this Agreement as if the incoming party were a Party to this Agreement; and
- (b) not be in breach of its obligations under this Agreement.

15 COSTS

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same, including but not limited to the Transfer to facilitate the delivery of the Dedication of Land forming part of the Development Contributions, shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

16 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

17 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

18 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

19 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

20 NON FETTER

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent;

and

- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

21 REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

22 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

23 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

24 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25 GOODS & SERVICES TAX

- 25.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 25.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply

(**"Supplier"**), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.

25.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.

25.4 If any party is required to reimburse or indemnify the other party for a cost or expense (**"Cost"**) incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

26 EXECUTION IN TRIPLICATE

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the Act. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE 1

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	Kimberley Co Pty Ltd (ACN 643 482 115)
2	Land	27 & 29 Kimberley Street, Vaucluse (Lot 1 in DP 560890 and Lot 2 in DP 1056298)
3	Development Application	DA-291/2022 and DA-291/2022/A
4	Development (description)	Demolition of the existing structures, excavation and construction of a four-storey residential flat building development including four residential apartments above a basement level car park, strata subdivision, associated landscaping and a swimming pool at rear and modification to alter internal layout, communal open space, relocation of rear balconies, landscaping, associated façade changes and various other changes
5	Development Contributions	<p>1. Dedication of Land</p> <p>Dedication of part of the Land which is zoned RE1 'Public Recreation', being 327.30 square meters shown as 'Lot 11' in the plan attached at Schedule 2, to Council free of all weeds, debris, contaminants, encumbrances and charges, for nil consideration and at no cost to Council</p> <p>2. Monetary Contribution</p> <p>\$218,550</p>
6	Public Purpose	1. Dedication of Land

Public Open Space

2. Monetary Contribution

25% towards Waverley's Affordable Housing Program and 75% towards upgrades to Diamond Bay and Vaucluse parks and reserves

7 Development Contribution Date
(Delivery dates for the
Development Contributions)

1. Dedication of Land

Prior to the earlier of any strata subdivision and any Occupation Certificate issuing for the Development in respect of any part of the Land

2. Monetary Contribution

Prior to the issue of any Occupation Certificate for the Development

8 Developer Address

2/7 – 13 Dover Road, Rose Bay NSW
2029

Developer Fax

N/a

Developer Email

ronnie@nadlan.com.au

Council Address

Corner Paul Street and Bondi Road,
Bondi Junction NSW 2022

Council Fax

(02) 9387 1820

Council Email

info@waverley.nsw.gov.au

DRAFT

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHILLI 1 0 1 WAVELEY COUNCIL

MGA

APPROX.
1"

STREET

KIMBERLEY

The survey plan shows four lots defined by boundaries. Lot 1 is at the top left, Lot 10 is below it, Lot 11 is to the right of Lot 10, and Lot 102 is at the bottom right. The plan includes dimensions for all boundaries and areas for Lots 10 and 11.

Lot 1: D.P. 560890 (PRIVATE) (414m²). Boundary lengths: 10° 43' 50.085, 10° 43' 30.295, 100° 46' 45" 10.66, 10° 43' 30.295.

Lot 10: D.P. 615418 (PRIVATE). Area: 531m². Boundary lengths: 10° 43' 50.085, 190° 41' 30" 48.3, 10° 43' 30.295.

Lot 11: D.P. 615418 (PRIVATE). Area: 327.3m². Boundary lengths: 10° 43' 30.295, 100° 46' 45" 10.66, 190° 41' 30" 48.3.

Lot 102: D.P. 615418 (PRIVATE). Boundary lengths: 10° 43' 30.295, 190° 41' 30" 48.3, 10° 43' 30.295.

Other labels: "DRAFT DP" at the top right, "SURVEYOR Name: SCOTT DEVERIDGE Date: 25.07.2022 (DRAFT) Reference: D1010-DP-DRAFT" at the bottom right, and a circular stamp from the Surveyor General's Office dated 19 MAR 2023.

NOTE:

IT IS INTENDED THAT COUNCIL ACQUIRE LOT 11 FOR PUBLIC RECREATION PURPOSES

THE BOUNDARY BETWEEN PROPOSED LOTS 10 AND 11 IS DEFINED BY THE
EXTENSION WEST OF THE COMMON BOUNDARY BETWEEN
LOTS 101 AND 102 IN DP 615418

SURVEYOR

Name: SCOTT DEVERIDGE

Date: 25.07.2022 (DRAFT)

Reference: D1010-DP-DRAFT

PLAN OF ACQUISITION OF LOT 2 IN DP 1056298

L.G.A.: WAVERLEY

Locality: VAUGHAN

Reduction Ratio: 1:200

Lengths are in metres

REGISTERED

DRAFT DP

EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council
affixed pursuant to a resolution of Waverley Council on

EMILY SCOTT

General Manager

CLR WILLIAM NEMESH

Mayor

EXECUTED by KIMBERLEY CO PTY LTD
(ACN 643 482 115)

In accordance with section 127 of the
Corporations Act 2001

KEVIN BERKOWITZ

Director

RONALD NATHAN SHULKIN

Director/Secretary

REPORT

CM/7.14/24.11



Subject: Planning Agreement - 5 Pacific Avenue, Tamarama

TRIM No: SF24/2926

Manager: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Approves the planning agreement attached to the report applying to land at 5 Pacific Avenue, Tamarama, offering a total monetary contribution of \$347,519.85, with \$260,639.88 (75%) to be allocated to the Tamarama Park and Beach Plan of Management and Coastal Parks Plan of Management, and \$86,879.96 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

1. Executive Summary

This report seeks Council's endorsement to execute the attached draft Planning Agreement associated with the approved development application DA-44/2022/B at 5 Pacific Avenue, Tamarama. The application was approved as follows:

Table 1. Approval details.

Item	Approved DA-44/2022/B
Development description	Modifications to the building approved under DA-44/2022 including internal reconfiguration, window changes, extension and redesign of the basement carpark and other design refinements.
Maximum permissible GFA and FSR	397.5sqm GFA, equating to an FSR of 0.6:1
Approved GFA and FSR	796.22sqm GFA, equating to an FSR of 1.2:1
GFA exceedance	101.36sqm more GFA than the existing building currently constructed on site, equating to a variation of 100% over the permissible GFA

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. Introduction/Background

Council's Planning Agreement Policy provides a framework for managing the voluntary planning agreement (VPA) process. The policy is founded on the principle of 'value sharing' or 'value capture', which reflects the

expectation that developers benefiting from a value 'uplift' through increased development rights should share a portion of this uplift with the community.

In instances where a development exceeds established planning standards and can proceed without resulting in unacceptable impacts, the value sharing mechanism enables the community to derive a net benefit in the form of additional infrastructure and enhanced amenity.

VPAs are legal documents facilitated by the *Environmental Planning and Assessment Act 1979* (the EP&A Act) between developers and government agencies (including Councils or the NSW State Government) for the provision of funds or works by the developer for infrastructure, services, or other public amenities. In Waverley, a VPA can be offered by a developer in conjunction with a DA which exceeds the maximum FSR permitted for a site.

If the consent authority is satisfied that the proposal is acceptable on planning grounds, a VPA offer will be received and a condition of development consent included in the determination requiring that the VPA be prepared and executed by Council prior to the commencement of work. Council will not approve a development application with a VPA unless it is satisfied that the proposed development is acceptable on planning grounds, having regard to the general heads of consideration set out in section 4.15 of the EP&A Act 1979. These considerations include 'the likely impacts of the development', 'whether a planning agreement has been entered into,' and 'the public interest'. Development that is unacceptable on planning grounds (i.e. creates additional adverse overshadowing impacts from the extra FSR) will not be approved because a developer has offered a VPA.

In Waverley, the VPA contribution amount is determined by the amount of floor space ratio (FSR) exceedance and the suburb of the development site, and is intended to reflect 50% of the profit of the additional floor space that exceeds Council's controls. The contribution can include a monetary contribution to Council to fund a public benefit, or a physical in-kind public benefit.

Development standards outlined in the *Waverley Local Environmental Plan 2012* include matters such as maximum building height and maximum FSR. The EP&A Act permits an applicant to exceed their site's maximum building height or FSR (also known as obtaining development 'uplift') for a DA if the consent authority (typically the Council, Local Planning Panel, or NSW Land and Environment Court) considers that the variation does not have an unacceptable impact and meets the objectives of the FSR standard (clause 4.6 variation).

Council is not unique in dealing with variations (non-compliances with development standards) and VPA offers. All councils in NSW are required by the EP&A Act to assess and determine DAs which involve both.

3. Relevant Council Resolutions

Nil.

4. Discussion

Planning agreement under DA-44/2022/B at 5 Pacific Avenue, Tamarama

DA-44/2022/B has been approved with a 101.36 sqm gross floor area exceedance above the existing building currently constructed on site. With reference to Council's benchmark rates listed in the Planning Agreement Policy 2014, a total monetary contribution of \$347,519.85 applies.

\$260,639.88 (75%) is proposed to be allocated towards the Tamarama Park and Beach Plan of Management and Coastal Parks Plan of Management, and \$86,879.96 (25%) is proposed to be allocated towards the Waverley's Affordable Housing Program, in accordance with the Planning Agreement Policy.

Planning agreement's monetary contribution to a public purpose

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The draft planning agreement offers a total monetary contribution of \$347,519.85, with \$260,639.88 (75%) to be allocated towards Tamarama Park and Beach Plan of Management and Coastal Parks Plan of Management, and \$86,879.96 (25%) to be allocated towards the Waverley's Affordable Housing Program, in accordance with the Planning Agreement Policy.

The contribution is expected to support improvements within the Tamarama area. The decision to allocate funding is based on a review of feedback received from consultation to confirm community needs and wants and target additional funding to maximise benefit to the community.

Public exhibition of the draft planning agreement

The draft planning agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft planning agreement and explanatory note were exhibited from Tuesday, 2 July 2024, to Tuesday, 30 July 2024, and included:

- Advertising on Council's Have Your Say (HYS) website.
- Feature in monthly HYS e-newsletter.
- Email notice to Councillors and Precincts.

Submissions

Two submissions were received during the exhibition period. One was in support of the proposed public purpose.

The second submitter preferred that a greater percentage of the contribution was dedicated towards affordable housing, stating that they think the works to Tamarama Park and Coastal Parks 'should already been factored into the Council's budget.' Specifically, this submitter requested that 25% of the contribution be provided towards the Tamarama Park and Beach Plan of Management and Coastal Parks Plan of Management, and that 75% of the contribution be provided towards affordable housing instead.

The second submission also provided some comments that were out of scope of the exhibition.

5. Financial impact statement/Time frame/Consultation

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$347,519.85, in accordance with the Planning Agreement Policy.

6. Conclusion

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

7. Attachments

1. Planning agreement [📄](#)

WAVERLEY COUNCIL

(Council)

AND

STM123 PTY LIMITED

(ACN 117 603 175)

(Developer)

PLANNING AGREEMENT

(Development Contribution)

WAVERLEY COUNCIL

Council Chambers

Cnr Bondi Road & Paul Street

BONDI JUNCTION NSW 2022

DX 12006 BONDI JUNCTION

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PLANNING AGREEMENT NO. _____***Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2024

PARTIES

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

AND

STM123 PTY LIMITED (ACN 117 603 175) of Tower 2, Level 14, 101 Grafton Street, Bondi
Junction NSW 2022 ("**Developer**")

BACKGROUND/RECITALS

- A.** The Developer is the registered proprietor of the Land.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 16 February 2024 the Developer made a development application to Council to modify development consent, DA-44/2022.
- D.** On 24 April 2024 the Developer made an offer to enter into this Agreement to make the Development Contribution to be applied towards a public purpose in accordance with Council's Planning Agreement Policy as the gross floor area proposed by the Development exceeds the permitted floor space ratio under Council's planning controls.
- E.** The Development Consent was granted on 22 May 2024.
- F.** This Agreement is consistent with the Developer's offer referred to in Recital D.

OPERATIVE PROVISIONS:**1 PLANNING AGREEMENT UNDER THE ACT**

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

2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the Development proposed in the Development Application, as may be modified.

3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as possible after the Development Consent is granted and prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-44/2022/B.

4 DEFINITIONS AND INTERPRETATION**4.1 Definitions**

In this Agreement unless the context otherwise requires:

“Act” means the *Environmental Planning and Assessment Act 1979* (NSW);

“Agreement” means this agreement;

“Bank Guarantee” means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Development Contribution amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

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

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

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

“Council” means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Land is located within;

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

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

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

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

“Development Contribution” means the amount of money referred to in item 5 of the Schedule;

“Development Contribution Date” means the time the Development Contribution is to be paid as specified to in item 7 of the Schedule;

“GST” has the same meaning as in the GST Law;

“GST Law” has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

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

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

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

“Public Purpose” for the purpose of this Agreement means the public purpose described in item 6 of the Schedule;

“Registration Application” means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

“Schedule” means the schedule to this Agreement.

4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;

- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.
- 5.3 Notwithstanding any other provision herein, the Development Contribution herein, being as set out in condition 4(a)(ii) of the Development Consent is subject to increase in accordance with paragraph 7 of the Developer's offer referred to in Recital D.

6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

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

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

8 REGISTRATION OF THIS AGREEMENT

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
 - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Within 14 days of entering into this Agreement and in any event prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-44/2022/B, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
 - (b) provide the Council with a cheque in favour of NSW Land Registry Services, NSW, or deliver funds electronically as Council may direct, for registration fees for registration of this Agreement;
 - (c) provide the Council with a cheque in favour of the Council, or deliver funds electronically as Council may direct, for Council's reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created

- in accordance with the provisions of this Agreement; and
- (d) take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-44/2022.
- 8.5 Upon compliance with clause 8.4 by the Developer, the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution, the Developer may request in writing the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution occur upon the date of this Agreement and prior to issue of a Construction Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.
- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

9 BANK GUARANTEE

9.1 Provision of Bank Guarantee

- (a) Subject to clause 8.8, prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-44/2022/B, the Developer must deliver to the Council a Bank Guarantee, which must be:
- (i) in a form and from an institution approved by the Council;
 - (ii) irrevocable and unconditional;
 - (iii) with no expiry date;
 - (iv) issued in favour of the Council;
 - (v) for an amount equivalent to the Development Contribution set out in Item 5 of the Schedule;
 - (vi) drafted to cover all of the Developer's obligations under this Agreement; and

(vii) on the terms otherwise satisfactory to the Council.

- (b) The Developer acknowledges that the Council enters into this Agreement in consideration of the Developer providing the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Development Contribution to Council in accordance with this Agreement.

9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Development Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
 - (ii) breaches any other term or condition of this Agreement,
- and fails to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer will be required to pay to the Council any outstanding balance of the Development Contribution and other amounts payable under this Agreement.

9.3 Return of Bank Guarantee

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer.

10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

11 DISPUTE RESOLUTION

11.1 Notice of dispute

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and

designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

11.2 **Response to notice**

Within ten business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 The nominated representative must:

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 **Further notice if not settled**

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

11.5 **Mediation**

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (ii) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must:
 - (a) Have reasonable qualifications and practical experience in the area of disputes; and
 - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five business days of receipt of the Dispute Notice notify

each other of their representatives who will be involved in the mediation.

- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (vii) In relation to costs and expenses
 - (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
 - (a) Agreed upon and appointed jointly by the Council and the Developer; or
 - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

11.7 Litigation

If the dispute is not finally resolved in accordance with this clause 11, either Party is at

liberty to litigate the dispute.

11.8 **Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

12 **ENFORCEMENT**

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued and the Developer must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement;
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid; and
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer acknowledges and agrees that:

- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council;
- (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (d) unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and
- (e) Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the caveat from

the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.

13 NOTICES

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that Party at its address set out below in Item 8 of Schedule 1;
 - (b) faxed to that Party at its fax number set out below in Item 8 of Schedule 1;
 - (c) emailed to that Party at its email address set out below in Item 8 of Schedule 1.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address, fax number or email address.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
 - (b) If it is sent by post, 2 business days after it is posted.
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
 - (d) If delivered by email, when received by the recipient's email server, unless the sender receives an automated notice that delivery has failed.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14 APPROVALS AND CONSENT

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 ASSIGNMENT AND DEALINGS

Until the Development Contribution is paid in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so.

16 COSTS

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

17 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 NON FETTER

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible

for the conduct and administration of local government in the Waverley Local Government Area;

- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

22 REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

23 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

25 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect

of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

26 GOODS & SERVICES TAX

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

27 EXECUTION IN TRIPLICATE

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the Act. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	STM123 Pty Limited (ACN 117 603 175)
2	Land	5 Pacific Avenue, Tamarama (Lots 1 – 6 and CP in SP3867)
3	Development Application	DA-44/2022/B
4	Development (description)	Demolition of the building and construction of a part four and five-storey residential flat building containing 5 apartments, basement level parking and swimming pool and modifications including internal reconfiguration, window changes, extension and redesign of the basement carpark and other design refinement
5	Development Contribution	\$347,519.85
6	Public Purpose	Waverley Affordable Housing Program (25%) and the Tamarama Park and Beach Plan of Management and Coastal Parks Plan of management (75%)
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development
8	Developer Address	Tower 2, Level 14, 101 Grafton Street, Bondi Junction NSW 2022
	Developer Email	vaughan@stmrealty.com.au
	Council Address	Corner Paul Street and Bondi Road, Bondi Junction NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	info@waverley.nsw.gov.au

EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council
affixed pursuant to a resolution of Waverley Council on

EMILY SCOTT

General Manager

CLR WILLIAM NEMESH

Mayor

EXECUTED by

STM123 PTY LIMITED (ACN 117 603 175)

In accordance with section 127 of the
Corporations Act 2001

VAUGHAN RUDD BLANK

Sole Director/Secretary

REPORT
CM/7.15/24.11

Subject: Electric Vehicle Charging Stations - Refined Site Plans

TRIM No: SF24/4371

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services
Sam McGuinness, Executive Manager, Environmental Sustainability

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council installs designated electric vehicle charging parking spaces at the locations set out in the report.

This item was deferred from the Council meeting on 29 October 2024.

1. Executive Summary

Concerns have been raised regarding two electric vehicle charging stations proposed to be installed with designated parking. At its meeting on 29 October 2024, Council deferred consideration of these stations to its meeting on 26 November 2024. This report recommends installing designated electric vehicle charging parking signage with the refinements to the two locations of concern, by consolidating existing parking regulations and reducing reallocation of general parking supply to minimise potential impacts of installation.

2. Introduction/Background

Council officers presented a report on electric vehicle charging stations Traffic Committee on 24 October 2024 (TC/CV.01/24.10). As part of approving the minutes of the Waverley Traffic Committee at the 29 October Council meeting, Council resolved to defer the Electric Vehicle Charging Stations item to the 26 November 2024 Council meeting. The intent of the deferral was to allow council officers to review several proposed locations and explore opportunities to minimise impact of potential installation.

The Electric Vehicle Charging Stations report proposed the installation of several charging stations across the local government area (LGA) based on a needs assessment and community consultation. Most of these stations were proposed to be installed without the use of designated parking spaces. For these locations, existing parking regulations were proposed to be maintained, such that any vehicle may continue to park. This approach balances existing parking supply while enabling more charging opportunities for the growing share of electric vehicles in the LGA.

Four charging stations were proposed to be installed with designated parking for electric vehicles. Council officers understand that specific concerns have been raised regarding two of these locations. The four designated parking locations are discussed in more detail in this report. The remainder of the locations do not propose changes to parking regulations, and the charging stations are exempt development under section 2.124W of the *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021*.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/5.5.1/24.10	That Council: <ol style="list-style-type: none"> Does not adopt the Traffic Committee's recommendation. Defers this item to the Council meeting on 26 November 2024 for further consideration.
Strategic Planning and Development Committee 7 November 2023	PD/5.4/23.11	That Council: <ol style="list-style-type: none"> Adopts the Eastern Suburbs Electric Vehicle Infrastructure Strategy attached to the report. Notes that the strategy will also be reported to Randwick City Council and Woollahra Municipal Council for approval.
Council 21 June 2022	CM/8.2/22.06	That Council: <ol style="list-style-type: none"> Notes that: <ol style="list-style-type: none"> An Electric Vehicle Transportation Policy was approved in February 2022, which covers the installation of electric vehicle (EV) charging stations in Waverley. There will be approximately 13 public EV charging stations by the end of 2022. A Federal Labor Government was elected in May with a mandate to increase EV ownership and a policy for increasing public EV charging stations. Work has already been undertaken in collaboration with Randwick and Woollahra councils to roll out EV charging stations. Officers prepare a report that investigates: <ol style="list-style-type: none"> The State and Federal government policy for EV charging stations and any schemes or subsidies available to Council to build or support the building of a network of EV charging stations. How there was a successful roll-out of EV charging stations in countries with dense urban populations that face similar challenges as Council.

		(c) The siting of strategic locations for EV charging stations with a roll-out to 2030 that includes estimated numbers of charging stations, timeline and financing options.
Council 16 March 2021	CM/8.2/21.03	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that corporate and government fleets have the potential to drive the electric vehicle revolution in Australia, making up 52% of annual new vehicle sales. 2. Notes that commitments to fleet electrification are important as they can demonstrate vehicle demand to car makers, are an important source of supply to the second-hand market and provide impetus for the roll-out of charging infrastructure. 3. Notes the benefits of electric fleets: <ol style="list-style-type: none"> (a) Environmental: fleet decarbonisation shows a commitment to sustainable practices and dedication to action on climate change. It is also a way to meet sustainability commitments such as the 2015 Paris Agreement on Climate Change. (b) Economical: total cost of ownership calculations improve the business case for electric vehicles due to their lower operating costs. (c) Social and health: electric vehicles can lead to improved driver experiences and reduced driver fatigue as a result of less noise, fumes and vibrations. (d) Reputational: fleet electrification demonstrates an ethical and forward-thinking organisation that is on top of emerging technologies. 4. Sets a target of 100% of pool cars in Council's passenger fleet be transitioned to electric vehicles (not hybrid) by 2025 and this target be included as part of Council's new Environmental Action Plan. 5. Develops an electric vehicle policy by December 2021 that considers: <ol style="list-style-type: none"> (a) Increasing the number of charging stations and placing them in highly visible areas to alert residents to their availability for community use.

		<p>(b) Placing charging stations at car share parking spaces.</p> <p>(c) EV-only parking bays.</p> <p>(d) Ensuring all of Council's EV passenger fleet is highly branded identifying it as an EV, as this will show leadership in our commitment to reduce carbon emissions in our local government area.</p> <p>6. Develops fact sheets and other materials to promote EV use to the community.</p> <p>7. Investigates amending the Waverley Local Environmental Plan and/or Waverley Development Control Plan to include the requirement to provide charging stations in new strata buildings (80% of current charging is done at home).</p> <p>8. Investigates reducing the staff vehicle selection list from 22 options by at least 50% (with electric/hybrid vehicles being given priority within the new list) and incentivising electric/hybrid vehicles as the preferred staff option, and undertakes consultation with senior staff to determine how this might be achieved without negative impacts to Council.</p> <p>Officers report every six months, as per current practice, on the overall fuel efficiency of the passenger fleet as measured in average CO₂ (g/km) per vehicle as defined by the Australian Government green vehicle guide.</p>
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4. Discussion

During the development of the proposed public electric vehicle charging stations, Council officers considered modifying parking restrictions to provide designated parking at most of the locations. The use of designated parking spaces would enable a higher utilisation and improve the availability of the charging equipment.

Through further assessment and community consultation, it was determined to focus on only four key locations for designated parking. The remainder of the charging station locations were recommended to be installed while retaining the existing parking regulations.

Refined site plans

The four locations that propose the use of designated parking for electric vehicles are listed in Table 1 below. Council officers understand that specific concerns have been raised regarding two of these locations. As such, the table also provides the status of the spaces and proposed refinements where required.

Table 1. Recommended EV charging stations with designated parking and refinements

Location (nearest address)	Status	Proposed Refinements
18 Council Street, Bondi Junction	Council Street is a State Road. TfNSW has approved the proposed parking regulations in this location.	Not required.
1 Botany Street, Bondi Junction	Concerns were raised regarding the complexity of the kerb face at this location, considering two existing but separated car share spaces, and a short but disconnected time restricted parking space.	The refined proposal consolidates the two currently separated car share spots, places the EV designated parking space in place of the southern car share spot, and consolidates the existing '1P, 8 am-6 pm Mon-Sat, Permit Holders Excepted Area 22' singular space with the rest of the spaces using the same restriction further south. See Figure 1 below.
16 Bennett Street, Bondi (actual location on King Street)	Concerns were raised regarding the impact to overall parking supply in this location, given a designated space would reallocate one general purpose parking space.	The refined proposal shifts the existing 'No Stopping' sign further west by about 2.5 metres to facilitate an additional parking space. Adequate sightlines are maintained, as this impacts the eastbound lane, and is downstream of the existing pedestrian crossing. See Figure 2 below.
Opposite 221-251 Darley Road, Randwick	The parking space is located within the Randwick LGA. As such, council officers have worked with Randwick Council to approve the installation.	Not required.

The following figures outline the refined site plans for the EV charging stations and associated designated parking at 1 Botany Street, Bondi Junction, and 16 Bennett Street, Bondi.



Figure 1. Refined site plan for EV charging station at 1 Botany Street. Car share line marking to be removed and car share signage to be refined to reflect two different operators



Figure 2. Refined site plan for EV charging station at 16 Bennett Street (on King Street).

Additional EV charging stations

The report to the Traffic Committee on 24 October 2024 (TC/CV.01/24.10). These locations do not propose changes to parking regulations. The charging stations are exempt development under section 2.124W of the *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021*. As such, they are not discussed further in this report.

5. Financial impact statement/Time frame/Consultation

The costs associated with these electric vehicle charger installations, maintenance, signage and line marking will be covered by the installer. The private charging companies will also pay Council an annual fee for designated charging spaces. The details of this arrangement are expected to be finalised by November 2024.

6. Conclusion

This report presents refinements to two EV charging stations proposed to be installed with designated parking. The refinements address concerns raised by consolidating parking arrangements and providing a more legible kerb face at 1 Botany Street, and by shifting an existing 'No Stopping' zone to create a new EV space such that the existing parking supply at 16 Bennett Street is not impacted. The other two spaces—18 Council Street and opposite 221-251 Darley Road—do not require further refinements, noting also the concurrent approval by other authorities (Transport for NSW and Randwick Council).

It is recommended that Council installs EV charging stations with designated parking signage as outlined in this report.

7. Attachments

Nil

REPORT
CM/7.16/24.11

Subject: Petition - 115 Denison Street, Bondi Junction - Electric Vehicle Charging Station

TRIM No: SF24/4371

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability
Nikolaos Zervos, Executive Manager, Infrastructure Services

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

RECOMMENDATION:

That Council:

1. Notes:
 - (a) The petition opposing the installation of an electric vehicle (EV) charging station in front of 115 Denison Street, Bondi Junction.
 - (b) That the EV charging station proposed at 115 Denison Street is as an undesignated parking space, such that any vehicle may continue to park at that location.
 - (c) That Ausgrid is the electricity supply authority and is able to install EV chargers on an existing electricity or lighting pole under section 2.124E of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* as exempt development.
2. Supports the provision of an electric vehicle charging station at 115 Denison Street.

1. Executive Summary

Council has received a petition containing 64 signatures of residents of (and around) Denison Street, Bondi Junction, requesting that Council does not approve 115 Denison Street as a site for an EV charging station. Council recently undertook consultation on a number of potential locations for EV charging stations.

The electric vehicle charging station proposed at 115 Denison Street is not proposed to have designated parking. As such, it will continue to permit general parking use for all vehicles, while enabling charging for any potential electric vehicles that may make use of the space. The pole is owned by Ausgrid and therefore does not require Council consent to install the charger.

It is recommended that Council supports the provision of an electric vehicle charging station at 115 Denison Street.

2. Introduction/Background

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, businesses, or in some other capacity. Petitions must concern matters that Council is authorised to determine.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/5.5.1/24.10	That Council: <ol style="list-style-type: none"> Does not adopt the Traffic Committee's recommendation. Defers this item to the Council meeting on 26 November 2024 for further consideration.
Strategic Planning and Development Committee 7 November 2023	PD/5.4/23.11	That Council: <ol style="list-style-type: none"> Adopts the Eastern Suburbs Electric Vehicle Infrastructure Strategy attached to the report. Notes that the strategy will also be reported to Randwick City Council and Woollahra Municipal Council for approval.
Council 20 September 2022	CM/7.7/22.09	That Council: <ol style="list-style-type: none"> Notes: <ol style="list-style-type: none"> Its declaration of a Climate and Biodiversity emergency. The implementation of current greenhouse gas reduction actions in Table 1 of the report and outlined in the Environmental Action Plan 2022–2032. The urgency of reducing greenhouse gas emissions and the potential shortfall in Council's current emissions reduction pathway to achieve net zero community emissions by 2035, which could be assisted by actions in Table 2 of the report. Publishes the list of strata energy service consultants attached to the report to support Waverley residents living in apartments to access high-quality advice on energy management and emissions reduction actions. Investigates grant and other funding opportunities to increase the scale of Council's community greenhouse gas reduction programs and receives a report for the December 2022 Council meeting. Requests the Mayor to convene a round table in December 2022 with key community and business stakeholders seeking:

		<p>(a) Their support and contribution for the net zero by 2035 community target.</p> <p>(b) A commitment to the development and implementation of key strategies that will assist in meeting the 2035 target.</p> <p>5. Requests officers to review the existing roadmap and develop it further with more detail and more ambitious timelines to achieve community target of net zero by 2035 by June 2023 as follows:</p> <p>(a) By arranging a series of working groups with expertise in the field of climate science, active transport, solar and battery power infrastructure, electric vehicle (EV) infrastructure, community activists, residents, representatives from state and federal government, Council officers, interested Councillors, First Nations custodians and other stakeholders (with the first meeting to occur no later than February 2023).</p> <p>(b) The working groups are to:</p> <p>(i) Make recommendations for the further development of the roadmap that incorporates a holistic approach across all relevant aspects of Council's jurisdiction, including Local Environmental Plan and Development Control Plan amendments, active transport initiatives, EV charging infrastructure, solar on multi-unit dwellings etc.</p> <p>(ii) Consider, specifically, whether the plan will ensure our Council area achieves net zero by 2035, with minimal reliance on carbon offsets.</p> <p>6. Officers invite interested Councillors to an informal workshop as soon as practicable to identify how they can contribute towards achieving our goals and commitments.</p>
Council 21 June 2022	CM/8.2/22.06	<p>That Council:</p> <p>1. Notes that:</p> <p>(a) An Electric Vehicle Transportation Policy was approved in February 2022, which covers the installation of electric vehicle (EV) charging</p>

		<p>stations in Waverley.</p> <ul style="list-style-type: none"> (b) There will be approximately 13 public EV charging stations by the end of 2022. (c) A Federal Labor Government was elected in May with a mandate to increase EV ownership and a policy for increasing public EV charging stations. (d) Work has already been undertaken in collaboration with Randwick and Woollahra councils to roll out EV charging stations. <p>2. Officers prepare a report that investigates:</p> <ul style="list-style-type: none"> (a) The State and Federal government policy for EV charging stations and any schemes or subsidies available to Council to build or support the building of a network of EV charging stations. (b) How there was a successful roll-out of EV charging stations in countries with dense urban populations that face similar challenges as Council. (c) The siting of strategic locations for EV charging stations with a roll-out to 2030 that includes estimated numbers of charging stations, timeline and financing options.
Council 16 March 2021	CM/8.2/21.03	<p>That Council:</p> <ul style="list-style-type: none"> 1. Notes that corporate and government fleets have the potential to drive the electric vehicle revolution in Australia, making up 52% of annual new vehicle sales. 2. Notes that commitments to fleet electrification are important as they can demonstrate vehicle demand to car makers, are an important source of supply to the second-hand market and provide impetus for the roll-out of charging infrastructure. 3. Notes the benefits of electric fleets: <ul style="list-style-type: none"> (a) Environmental: fleet decarbonisation shows a commitment to sustainable practices and dedication to action on climate change. It is also a way to meet sustainability commitments such as the 2015 Paris Agreement on Climate Change.

		<ul style="list-style-type: none"> (b) Economical: total cost of ownership calculations improve the business case for electric vehicles due to their lower operating costs. (c) Social and health: electric vehicles can lead to improved driver experiences and reduced driver fatigue as a result of less noise, fumes and vibrations. (d) Reputational: fleet electrification demonstrates an ethical and forward-thinking organisation that is on top of emerging technologies. <p>4. Sets a target of 100% of pool cars in Council's passenger fleet be transitioned to electric vehicles (not hybrid) by 2025 and this target be included as part of Council's new Environmental Action Plan.</p> <p>5. Develops an electric vehicle policy by December 2021 that considers:</p> <ul style="list-style-type: none"> (a) Increasing the number of charging stations and placing them in highly visible areas to alert residents to their availability for community use. (b) Placing charging stations at car share parking spaces. (c) EV-only parking bays. (d) Ensuring all of Council's EV passenger fleet is highly branded identifying it as an EV, as this will show leadership in our commitment to reduce carbon emissions in our local government area. <p>6. Develops fact sheets and other materials to promote EV use to the community.</p> <p>7. Investigates amending the Waverley Local Environmental Plan and/or Waverley Development Control Plan to include the requirement to provide charging stations in new strata buildings (80% of current charging is done at home).</p> <p>8. Investigates reducing the staff vehicle selection list from 22 options by at least 50% (with electric/hybrid vehicles being given priority within the new list) and incentivising electric/hybrid vehicles as the preferred staff option, and</p>
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		<p>undertakes consultation with senior staff to determine how this might be achieved without negative impacts to Council.</p> <p>9. Officers report every six months, as per current practice, on the overall fuel efficiency of the passenger fleet as measured in average CO2 (g/km) per vehicle as defined by the Australian Government green vehicle guide.</p>
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4. Discussion

The petition states:

Waverley Council proposes to install an electric charger in the busiest part of Denison Street, a street where parking is already under constant pressure.

The following residents of Denison Street are petitioning Waverley Council to stop the proposed installation of an EV Charging Station at 115 Denison St Bondi Junction as it will:

- *Increase the traffic to our street – already one of the busiest in Bondi Junction.*
- *Mean losing at least one parking space permanently and other car spaces as people wait their turn to use the EV Charging Station.*

Residents of Denison St (between Birrell St and Ebley St) already struggle to park on a daily basis in our street.

We support EVs and EV Charging Stations in the right place.

We propose Waverley Council install EV Charging Stations where residents are not impacted by extra traffic and insufficient parking place. For example:

- *Westfield and Eastgate Shopping Centres and their car parks*
- *Outside Waverley Library and in the Waverley Library carpark*
- *Existing petrol stations*
- *On the borders of Ebley St Park, Queens Park and Centennial Park*
- *Outside commercial premises (like Office Works, shops).*

The petition complies with Council's Petitions Policy.

Analysis

The petition refers to a report presented to the Traffic Committee on 24 October 2024 that proposed electric vehicle charging stations be installed at a number of locations in the local government area (LGA) after undertaking public consultation. Most of the stations proposed in the report are proposed to not require a designated parking space to accommodate charging. Parking time limits are proposed to be refined where applicable to enable charging activity or ensure ongoing turnover, depending on the existing parking regulations.

The electric vehicle charging station proposed at 115 Denison Street is one of the locations that does not propose designated parking. As such, all vehicles that currently park at the location will continue to be able to park in that location as before. If a parked vehicle is an electric vehicle, that vehicle may benefit from the

ability to charge in alignment with the existing parking restrictions ('1P 8 am-3 pm, 1/2P 3 pm-8 pm, Permit Holders Excepted').

Given the occasional use of the space by an EV that seeks to charge and maximise the time restrictions, the likely outcome is less turnover for the noted parking space. Less turnover would result in less traffic related to the noted car parking space; however, Council officers anticipate this outcome to be immaterial.

Council's Electric Vehicle Charging Infrastructure Strategy – Leading the Charge outlines that 120 public EV chargers will be required by the end of 2025 in the Waverley LGA. This will require a significant increase in EV chargers and for them to be situated right across the LGA in both residential areas and commercial areas. The petition outlines a number of alternative options for EV placement which are responded to below:

- Westfield and Eastgate car parks both have EV public chargers and Council is facilitating the installation of additional chargers in Eastgate.
- Waverley Library recently installed 12 EV chargers for Council's operational fleet. Future public charging will be explored here in the future and will need to be within the switchboard capacity.
- Petrol stations are private property, so Council has limited influence, but some operators are proposing fast charge points in petrol stations.
- The borders of Centennial Park and Queens Park are identified as future EV charger locations with an EV charger already installed on Queens Park Road and chargers proposed on Darley Road and York Place adjacent to Centennial Park.
- Council is installing an EV charger in commercial areas including installing an EV charger outside the Boot Factory in late 2024.

Given Ausgrid is the electricity supply authority, it can install EV chargers on an existing electricity or lighting pole under section 2.124E of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* as exempt development subject to a number of conditions. That is, Ausgrid can install them without requiring Council approval.

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council in receiving the petition.

6. Conclusion

The electric vehicle charging station proposed at 115 Denison Street is not proposed to have designated parking. As such, it will continue to permit general parking use for all vehicles. Ausgrid does not require consent from Council to install the EV charger.

It is recommended that Council supports the provision of an EV charging station at 115 Denison Street as part of the greater scheme currently being rolled out.

7. Attachments

Nil.

REPORT

CM/7.17/24.11



Subject: Petition - Blair Street (South Side), North Bondi - Resident Parking Scheme

TRIM No: A16/0643

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council considers the petition on introducing a resident parking scheme on the south side of Blair Street, North Bondi, forming part of Area 8, as part of the Resident Parking Scheme Review.

1. Executive Summary

Council has received a petition containing 16 signatures of residents of Blair Street requesting the introduction of a resident parking scheme in the south side of Blair Street, North Bondi.

2. Introduction/Background

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, businesses, or in some other capacity. Petitions must concern matters that Council is authorised to determine.

The petition requests that a resident parking scheme be introduced on the south side of Blair Street.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 July 2024	CM/7.16/24.07	That Council considers the petition on introducing a resident parking scheme in Warners Avenue, Niblick Street, Brassie Street and part of Blair Street, North Bondi, as part of the Resident Parking Scheme Review.
Council 18 June 2024	CM/7.16/24.06	That Council: <ol style="list-style-type: none"> Treats the attachment to the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Appoints the following individuals to the Resident Parking Scheme Review Committee for a term of up to two years from August 2024:

		<ul style="list-style-type: none"> (a) Sylvia Hrovatin. (b) Garret O'Connor. (c) James Organ. <p>3. Appoints the following individuals to the Committee as Precinct representatives:</p> <ul style="list-style-type: none"> (a) Di Robinson. (b) Bill Stavrinis.
Finance, Operations and Community Services Committee 4 June 2024	FC/5.5/24.06	That Council considers the petition on introducing a resident parking scheme in Blair Street, North Bondi, as part of the resident parking scheme Review with specific consideration to both sides of Blair Street between Glenayr Avenue and Gould Street and the block between Blair Street, Glenayr Avenue, Gould Street and Murrivier Road, at the earliest possible time.
Council 19 March 2024	CM/7.5/24.03	<p>That Council:</p> <ul 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.

4. Discussion

The petition states:

The Council recommend the installation of RPS signage on the south side of Blair Street that forms part of Area 8.

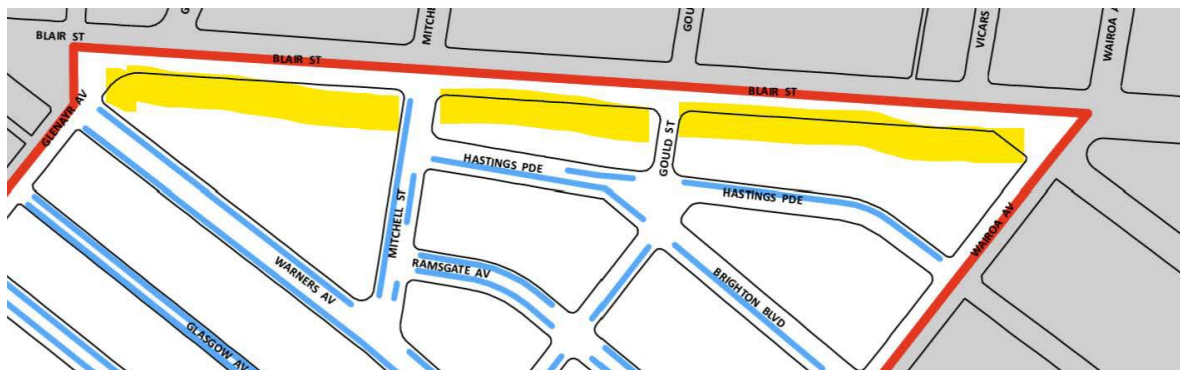
...

Following feedback from Council and my previous petition, I have updated the petition to be more specific.

The majority of the 36 respondents to my earlier petition live in a very specific strip of Blair Street from Gould Street to Glenayr Avenue. Of those 36, 16 live on the south side of Blair Street that forms part of Area 8 but does not have any RPS signage. Whilst this would not fix all of the problems raised by residents it would be a really positive impact whilst we await the outcome of the wider RPS review.

Proposal

Introduce RPS signage on the south side of Blair Street that forms part of Area 8. See image below



The petition is an online petition. The petition generally complies with Council's Petitions Policy, with one petitioner providing their postcode rather than their address.

The chief petitioner has subsequently reduced the scope of the petition to the south side of Blair Street that forms part of Area 8, between Glenayr Avenue and Gould Street. It has not been confirmed whether the other signatories to the petition support this change.

Policy alignment

As noted above, on 19 March 2024 Council resolved to undertake a comprehensive and community-wide review of the Resident Parking Scheme (RPS). The Council report associated with the resolution noted that:

In recent years, Council has received significant numbers of requests for expansion of RPS scheme areas to include adjoining streets, reconsideration of changes and concerns with businesses patronage. This has led to petitions being tabled at Council and many surveys conducted and reports presented to the Traffic Committee. The ongoing expansion of RPS zones creates flow-on effects to neighbouring areas with significant repeat requests for inclusion in RPS zones for more streets.

This petition aligns with the need to approach the RPS system more comprehensively and to minimise flow-on effects to neighbouring streets. On 18 June 2024, Council approved the membership of the Review Committee. The review is intended to be completed by July 2025. At that time, Council will be in a better position to take more concrete next steps in a way that aligns with broader policy and considers the needs of all community stakeholders efficiently and equitably.

Analysis

The petition builds on the petition submitted to the 4 June 2024 Finance, Operations and Community Services Committee. Further specificity has been provided in the Blair Street RPS and Council officers appreciate the efforts of the petitioner to work with the community on this matter.

The petition seeks the implementation of the RPS scheme on the south side of Blair Street from Glenayr Avenue to Wairoa Avenue. This section of Blair Street is in Area 8. The section encompasses three blocks of predominantly strata residential buildings, with a total of 88 residential units. Many of these properties contain off-street parking opportunities.

The petition provides 16 signatories, from a maximum of 14 unique households (not all addresses were unique or complete) located between Glenayr Avenue and Wairoa Avenue. Most of these unique households currently do not have off-street parking opportunities: the lack of access to off-street parking areas is a key consideration as part of RPS applicability. However, Council has historically implemented RPS schemes where there is majority support and a reasonably significant response rate across a survey area. The current petition does not provide a clear level of broad or majority support for RPS implementation along the three blocks in question. Support may exist, but further work would be required to accurately assess level of support and feasibility.

This section of Blair Street is abutted by areas of the street that also currently do not have RPS implementation. An isolated implementation of an RPS in these three blocks would shift flow-on effects to the neighbouring streets or further along Blair Street. Council has recently received petitions for RPS along other parts of Blair Street. This highlights the need to consider these as part of larger contiguous areas or to develop strategies to mitigate their boundary effects. It is within the spirit and intent of the RPS Review to consider and address these issues.

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council in receiving the petition.

6. Conclusion

The petition does not demonstrate broader or majority support to implement a resident parking scheme at this location. As well, between Wellington Street and the east end of Blair Street, no RPS implementation currently exists on Blair Street, creating an elevated risk that isolated implementation will create negative flow-on effects.

It is recommended that Council considers the petition to implement an RPS on the south side of Blair Street that forms part of Area 8 as part of the Resident Parking Scheme Review being undertaken at present and due to be completed in 2025.

7. Attachments

Nil.

NOTICE OF MOTION CM/8.1/24.11



Subject: Small Business Support - Outdoor Dining

TRIM No: A08/0935-02

Submitted by: Councillor Stephenson
Councillor Westwood
Councillor Nemesh

MOTION:

That Council:

1. Immediately amends the footpath dining permit system to not require strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.
2. Officers prepare a report to Council no later than March 2025 outlining:
 - (a) Housekeeping amendments to the Waverley Development Control Plan to create consistency with clause 1(a).
 - (b) A new draft Outdoor Dining Policy and Guideline.
3. Writes to the following organisations informing them of Council's decision:
 - (a) Bondi and Districts Chamber of Commerce.
 - (b) Night Time Industries Association (NTIA).
 - (c) Independent Bars Association.
 - (d) Council's Precincts.

Background

The National Construction Code (NCC) provides guidelines for the provision of sanitary facilities for all categories of development, including pubs, restaurants and cafes. Council's assessment of footpath seating applications considers these provisions in the assessment process with respect to the number of patrons (for capacity) with the sanitary facilities provided in a premise.

As part of the assessment, the internal and external environs of a premises are considered as part of the calculations given that patrons dining at a premises (be it inside or outside) should have equal access to sanitary facilities while frequenting a premises as a patron.

To date, Council assessment planners have consistently applied the guidelines of the NCC in determining the patron capacity for a premises for outdoor dining. If a premises has insufficient sanitary facilities for the

number of patrons proposed, the capacity (i.e. number of diners/seats) is reduced accordingly. The specific capacity of diners/seats is not included as a condition of consent on footpath seating determinations.

In mixed use developments, where communal sanitary facilities are provided, consideration across all tenancies sharing these facilities would be considered. However, the reliance on public toilets to assist premises to meet their obligations with respect to sanitary facilities has not been accepted historically, as these put additional pressures on Council resources already in high demand (such as beach public toilets).

Notwithstanding this, feedback has been received from operators of cafes and restaurants that Council's approach to abiding by the NCC guidelines for outdoor dining with respect to patron numbers and sanitary facilities is costly and onerous on commercial operators, particularly for existing tenancies. Whilst adequate sanitary facilities can more readily occur when a premises initially undertakes a fit-out, once the tenancy is open and operating, the retrofitting of the tenancy to accommodate additional sanitary facilities to facilitate additional patrons is challenging.

In an effort to improve outdoor dining activation, reduce 'red tape' and support local businesses, it is recommended that the requirement for strict compliance for sanitary facilities for outdoor dining for existing tenancies be reviewed. The intent of the review is to ensure that where a premises complies with the NCC guidelines for sanitary facilities for the internal environs of the premises and outdoor dining is proposed, provided that 'comfortable dining' is provided in the outdoor dining area, strict compliance with the NCC for sanitary facilities is not required for the purpose of calculating the number of outdoor dining seats/patrons.

As part of this review, it is proposed that outdoor dining controls currently provided in Part D (Commercial Development) of Waverley Development Control Plan be extracted into a new Outdoor Dining Policy and Guideline to improve accessibility and interpretation of Council's requirements.

General Manager's comment

If resolved by Council, officers can implement the changes to the footpath dining permit system and prepare a report to the March 2025 Council meeting.

Fletcher Rayner
Director, Planning, Sustainability and Compliance

NOTICE OF MOTION CM/8.2/24.11



Subject: Bondi Junction Master Plan

TRIM No: A24/1055

Submitted by: Councillor Nemesh
Councillor Westwood

MOTION:

That:

1. Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame and budget for a Bondi Junction Vision and Town Centre Master Plan.
2. The Master Plan consider the development of a place vision with guiding principles and concepts for the transformation of Bondi Junction into a vibrant precinct, informed by:
 - (a) An urban design analysis that reviews existing planning controls and assesses whether these controls are still appropriate related to:
 - (i) Height, bulk and scale of existing building envelopes.
 - (ii) Solar access and overshadowing of public spaces.
 - (iii) Appropriateness of existing commercial heritage listings.
 - (iv) Land use strategy and site-specific development controls that respond to the updated State Government housing delivery expectations for Waverley.
 - (b) A market assessment analysis to better understand the past, current and future trends of existing land uses including retail, commercial and residential uses with benchmarks to other comparable commercial centres within metropolitan Sydney.
 - (c) A feasibility assessment of existing development controls and recommendations for future feasible development controls.
 - (d) An infrastructure funding strategy.
 - (e) Community and stakeholder engagement strategy.
 - (f) A strategic review of Council property assets in Bondi Junction with specific consideration for the inclusion of a new Council Chambers and other civic uses.
 - (g) Identifying current planning instruments, policies, strategies and plans that relate to Bondi Junction.
 - (h) Creating a liveable, environmentally sustainable and vibrant commercial and mixed-use precinct.

- (i) Facilitating an increase in the provision of key worker, affordable and social housing while maintaining housing diversity.
 - (j) Provision for an active and permeable public domain, which connects places and provides for quality open and interconnected spaces.
 - (k) Quality built form and architectural design excellence.
3. Officers immediately schedule a Mayoral roundtable discussion with key stakeholders and industry before the end of 2024.
4. Council writes to the following people, organisations and groups informing them of this resolution:
- (a) The Minister for Planning and Public Spaces, the Hon Paul Scully MP.
 - (b) The Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC.
 - (c) The Member for Coogee, Marjorie O'Neill MP.
 - (d) The Member for Vaucluse, Kellie Sloane MP.
 - (e) The Member for Wentworth, Allegra Spender MP.
 - (f) All Council Precincts.
 - (g) Bondi and Districts Chamber of Commerce.
5. Officers prepare a media release, with the content of this resolution placed on Council's social and digital media channels.

Background

Council's Community Strategic Plan 2032 outlines the strategic importance of Bondi Junction as a commercial centre linked to Sydney's broader economy. In 2017, Council endorsed the Bondi Junction Heartbeat of the East 2030 vision. This was a coordinated and focused strategy for Bondi Junction within the context of a proposed Council amalgamation and included the redevelopment of some of Council's assets. Many of the actions and recommendations of this strategy were delivered, such as the public domain improvements centred on the redevelopment of Spring Street and West Oxford Street, while other actions and public domain improvements are in the process of being delivered.

Since this time, we have seen a dramatic shift in the way our residents travel, work and play with increased demand for retail, food, lifestyle and entertainment offerings and a reduced demand for office space. In addition, the NSW Government has recently announced a series of housing reforms including changes to the Housing State Environmental Planning Policy (SEPP) and the proposed Low and Mid Rise SEPP. The Housing SEPP paves the way for residential development on land currently identified for commercial uses only. These changes have in part acted as a catalyst for Council to prepare a new strategic vision and undertake a master planning process. Bondi Junction has capacity for further residential development, and it is ideally located to deliver greater housing in line with the State Government's new housing targets. Bondi Junction has a high-density urban landscape and excellent transportation options, connectivity and infrastructure to accommodate more dwellings.

The existing planning strategy for Bondi Junction was devised in 2004 (20 years ago). The Bondi Junction Urban Design Master Plan centred on the Oxford Street Mall and was delivered through the *Waverley Local*

Environmental Plan and Development Control Plan in 2010 following the extension of the Waverley local government boundary to Syd Enfield Drive. At its core, the 2004 Master Plan sought to prioritise solar access to the Oxford Street Mall, with a planned town square as part of future re-development to facilitate a connection between the mall and rail interchange. This plan did not eventuate.

Now is the time to re-imagine the future role of Bondi Junction into a vibrant and experiential precinct and hub. This outcome is best achieved by developing a new master plan for Bondi Junction with a planning proposal to immediately follow once a master plan has been adopted. This plan would set a clear vision for land use, public spaces, transport, infrastructure and community needs, ensuring a coordinated and sustainable approach to development.

A new master plan best achieves this by balancing competing priorities and incorporating input from stakeholders, the local community, precincts, business and government agencies. It would provide certainty for industry and the community by outlining an updated development strategy to enhance liveability, promote economic activity, enhance environmental and cultural values to ensure Bondi Junction remains vibrant and resilient into the future.

To support this outcome, we request that Council officers urgently prepare a report to Council at the December meeting to commence this critical work.

General Manager's comment

If resolved by Council, officers can prepare a report to the December 2024 Council meeting outlining a project plan for Bondi Junction and schedule the Mayoral roundtable discussion.

Fletcher Rayner

Director, Planning, Sustainability and Compliance

**NOTICE OF MOTION
CM/8.3/24.11**

Subject: 3rd Rose Bay (Judean) Scout Group - 60th Anniversary

TRIM No: A24/1040

Submitted by: Councillor Lewis
Councillor Spicer

MOTION:

That Council:

1. Notes that:
 - (a) The purpose of the Scout movement is to contribute to the education of young people in achieving their full physical, intellectual, emotional, social and spiritual potential as individuals, as responsible citizens and as members of their local, national and international communities.
 - (b) Jewish Scouting in Sydney began in 1908.
 - (c) The 3rd Rose Bay (Judean) Troop was established in 1964 and merged with the 2nd North Bondi Scout Troop in November 1989.
2. Congratulates the 3rd Rose Bay (Judean) Scout Group on its 60th anniversary.
3. Directs the Mayor to write to the 3rd Rose Bay (Judean) Scout Group Leader, Leon Waxman, conveying Council's congratulations.

General Manager's comment

If resolved by Council, the Mayor's Office will write to the 3rd Rose Bay (Judean) Scout Group Leader, Leon Waxman, conveying Council's congratulations.

Emily Scott
General Manager

NOTICE OF MOTION CM/8.4/24.11



Subject: Birrell Street and Mackenzie Street Intersection, Bondi Junction - Road Safety Concerns

TRIM No: A22/0414

Submitted by: Councillor Masselos

MOTION:

That Council:

1. Notes that:
 - (a) The Birrell Street cycleway has now been built and was largely funded by Transport for NSW.
 - (b) Residents living near this intersection and in Mackenzie Street have written to Council with serious road safety concerns as a result of the cycleway including:
 - (i) Poor visibility when turning right out of Mackenzie Street into Birrell Street, requiring cars making this right hand turn to sweep into the other side of the road.
 - (ii) The garden bed closest to the road on the corner of Birrell and Mackenzie Streets is problematic, as it creates safety issues when trying to make a right had turn.
 - (iii) Concerns that this location could cause a fatality.
 - (c) Officers are presently conducting a road safety audit of this location.
2. Expedites the completion of the road safety audit as a matter of urgency given the serious road safety implications.
3. As matter of urgency:
 - (a) Removes the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, southbound.
 - (b) Ensures any planting in the garden beds is low and does not impede vision of drivers.
 - (c) Installs motorcycle/cycle parking on the corner of Mackenzie and Birrell Streets southbound to help improve visibility and road safety for cars turning right into Birrell Street.
 - (d) Installs additional line marking in the vicinity to reinforce safe vehicular movements.
4. Officers prepare a report with the outcomes of the road safety audit and recommended actions to address any concerns identified, including removal of the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, as a matter of urgency and continues meaningful consultation with residents about the solutions.

Background

The Birrell Street cycleway has now been built and was largely funded by Transport for NSW. However, residents living near this intersection and in Mackenzie Street have written to Council with serious road safety concerns as a result of the cycleway including:

- Poor visibility when turning right out of Mackenzie Street into Birrell Street requiring cars making this right hand turn to sweep into the other side of the road.
- The garden bed closest to the road on the corner of Birrell Street and Mackenzie Street is problematic, as it creates safety issues when trying to make a right hand turn.
- Concerns that this location could cause a fatality.

Residents also expressed concerns about the initial consultations concerning the building of the cycleway, stating that the voice of the locals living in the vicinity should be weighted more heavily as they have the lived experience.

General Manager's comment

In late 2022, Council gathered community feedback about improving road infrastructure and safety on Birrell Street for pedestrians and bike users. The community consultation showed a preference for a separated uphill bike lane on Birrell Street (between Newland Street and Henrietta Street) positioned between the kerb and parked cars, and a shared downhill mixed-use road for cars and bikes between Newland Street and Henrietta Street.

Feedback also highlighted preference for improved pedestrian facilities, including continuous footpath treatments, kerb extensions, increased vehicular parking and traffic calming measures.

The works were approved by Council in April 2023 and completed shortly thereafter. Officers have reviewed the outcomes of the completed works and report the following:

- Through vehicular speeds have decreased by over 10%.
- Turning movement speeds into the intersection (Mackenzie Street) have decreased by at least 5%.
- Lower speeds are a strong indicator of enhanced safety and align with Council's Vision Zero goals.
- There is currently no data suggesting an elevated collision risk at this location, although it is too early post-implementation to draw any direct conclusions.

Council officers met with the residents in September, acknowledged the perceptions and experience, and committed to refined line markings and parking regulations to enhance visibility. These works are scheduled for November 2024. Furthermore, a Road Safety Audit (RSA) has been scheduled to be completed this calendar year.

The RSA will assess safety at the intersection and will identify any works that may be required to mitigate risk and improve visibility for all road users.

Officers recommend completion of the RSA prior to any consideration of physical treatment removals. Any recommendations in the RSA would be assessed and actioned. A report to Council would be prepared if the recommendations are of material change.

Community information leaflets can be prepared outlining the reduced speeds and overall improvements of Birrell Street as a result of the project.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.5/24.11



Subject: Bondi Park Basketball Court

TRIM No: A20/0503

Submitted by: Councillor Stephenson
Councillor Nemesh

MOTION:

That Council:

1. Investigates the feasibility, including risks, costs and the approval process, of providing a full-size basketball court or two half-courts north of Bondi Pavilion close to the children's playground.
2. Officers prepare a report to the March 2025 Council meeting on the outcomes of the investigation.

Background

Council's Open Space and Recreation Strategy 2021 -2031 (OSRS) highlights the gap in youth orientated facilities, such as skate parks and basketball courts, which allow adolescents spaces outdoors to also socialise while increasing health and wellbeing outcomes for this cohort of our community.

The OSRS highlights the increased trend and desire from the community for more flexible and informal activities, referred to as 'pick up and play' sports, which are appealing to those who may not be interested or involved in club sports. The strategy points out the 'pick up and play' sports such as tennis and basketball provide the same health and wellbeing benefits to the wider community as organised sporting type facilities and therefore is worthy of investment by Council.

Casual use hardcourts, like basketball courts, are a great facility that everyone in the community can use and participate in. The courts make great flexible spaces that can be used for other sports as well like netball, tennis, futsal and pickle ball by adding extra line marking and goals to the courts.

Basketball is an interactive and fun way for both boys and girls to stay physically active and healthy, develop motor skills and coordination, and learn to communicate and co-operate with others and build friendships.

The Bondi area has a critical undersupply of casual use hardcourt facilities, with only two small multi-courts available in Dickson Park and Barracluff Park, but nothing servicing the beach area.

There appears to be an opportunity for Council to consider the inclusion of a community court at Bondi Park in the flat space behind the children's playground. A new facility at this location would complement parents visiting the playground with different aged children, people using the adjacent picnic area and provide another youth-orientated facility in support of the existing Bondi skate park.

General Manager's comment

If resolved by Council, officers can investigate the feasibility, including risks, costs and the approval process, for reporting to the March 2025 Council meeting.

Sharon Cassidy

Director, Assets and Operations

NOTICE OF MOTION CM/8.6/24.11



Subject: Investment Policy

TRIM No: A05/0197

Submitted by: Councillor Nemesh
Councillor Frazer

MOTION:

That Council:

1. Notes that it must maintain an investment policy that complies with the *Local Government Act 1993* (NSW) and Ministerial Investment Order and ensure it or its representatives exercise care.
2. Amends part of clause 4.2(e) of the Investment Policy as follows:
 - (a) Delete the following paragraph: 'When there is no availability of Green, ESG, or socially responsible investment options compliant with legislation and investment policy guidelines or exposures to non-fossil fuel banks are at policy limits, Council will source the most prudent investment choice at the time regarding the time horizon of funds, the credit quality of the institution and overall investment return.'
 - (b) Add the following paragraph in its place:

'When making investment decisions, Council may consider institutions that adhere to ESG principles, where:

 - The investment complies with Council's Investment Policy, and
 - The rate of interest is within 0.05% favourable to Council relative to alternative options available at the time, and
 - The credit rating of the investment is comparable to alternative options available at the time.

Any ESG investment considerations will be subject to Council's overall investment strategy objectives of optimising its return on investment of surplus funds in a prudent and measurable manner.'

Background

The Investment Policy sets out Council's investment objectives to safeguard Council's cash and investment portfolio, achieve appropriate rates of return and manage the portfolio to ensure sufficient liquidity to meet Council's business objectives. The scope of the Council's investments is limited and mandated under the *Local Government Act 1993* (NSW), through a Ministerial Investment Order, that constrains council investments to deposits and/or bonds in Federal, State (including NSW TCorp) or local governments and in banks that are authorised deposit-taking institutions under the *Banking Act 1959* (Cth). NSW councils are not permitted to invest in equities, other than indirectly through the NSW TCorp growth funds, and therefore not permitted to invest directly in individual companies.

The Policy is reviewed annually to ensure that Council's investments remain appropriate and respond to changes in economic, investment and legislative environments.

The proposed amendment continues to permit and encourage environmental and socially responsible investment activity but also enables to Council to meet its liquidity requirements for Council's ongoing capital works program, objectives for investment performance and continues to prudently manage credit risk.

Furthermore, environmentally and socially responsible investments will be assessed on the same basis as other investment opportunities and the Council will select the investment that best meets its overall investment selection criteria.

Clause 4.2(e) of the Investment Policy currently reads as follows:

Investments in ethically, socially and environmentally beneficial alternatives

Council invests in alternatives by observing quadruple bottom line accounting principles over both short-term and long-term outlooks—society, environment, economic/financial, civic leadership/governance—and where financial institutions are offering an equal or better return on investment, and within the prevailing legislation and current Investment Policy risk management guidelines.

More specifically, our response to the Modern Slavery Amendment Act 2021 and a commitment to (including but not limited to): investments that provide for the ethical treatment of both shareholders and stakeholders, support development of co-operative ownership and control of the workplace, high quality products and services, local ventures, appropriate technology, ecologically sustainable practices, social and economic justice, peace and non-violence and the use of renewable resources.

And avoiding investments that create pollution (such as fossil fuel industries), that are speculative, that exploit workers, customers and/or the environment, that are engaged in alcohol, tobacco and arms manufacture, that inhibit human rights and that damage non-renewable resources. When there is no availability of Green, ESG, or socially responsible investment options compliant with legislation and investment policy guidelines or exposures to non-fossil fuel banks are at policy limits, Council will source the most prudent investment choice at the time regarding the time horizon of funds, the credit quality of the institution and overall investment return.

The motion is to replace the underlined text above with the text below:

While this section describes Council's long term aim, there are still limited investment options in the market that comply with NSW legislation and Council's investment policy guidelines.

When making investment decisions, Council may consider institutions that adhere to ESG principles, where:

- *The investment complies with Council's investment policy, and*
- *The rate of interest is within 0.05% favourable to Council relative to alternative options available at the time, and*
- *The credit rating of the investment is comparable to alternative options available at the time.*

Any ESG investment considerations will be subject to Council's overall investment strategy objectives of optimising its return on investment of surplus funds in a prudent and measurable manner.

General Manager's comment

Council's proactive management of funds has resulted in a secure investment portfolio that aims to continue to outperform the benchmark returns. The purpose of the policy is to ensure the investments are environmentally and socially responsible, secure, satisfy Council's risk/return criteria and are compliant with

the *Local Government Act 1993*, as well as to optimise investment income from the short and long-term investment of funds that are surplus to the Council's present operational needs.

Tara Czinner
Director, Corporate Services

NOTICE OF MOTION CM/8.7/24.11



Subject: RESCISSION MOTION - PD/5.1/24.11 - Planning Agreement Policy (Amendment No. 5) - Adoption

TRIM No: SF23/1066

Submitted by: Councillor Masselos
Councillor Lewis
Councillor Merten

MOTION:

That Council rescinds resolution PD/5.1/24.11 – Planning Agreement Policy (Amendment No. 5) – Adoption, passed at the Strategic Planning and Development Committee meeting on 12 November 2024.

Background

This matter was last considered by the Strategic Planning and Development Committee at its meeting on 12 November 2024. On 13 March 2024, Crs Masselos, Lewis and Merten submitted a notice of motion to rescind the resolution and foreshadowed the following motion:

FORESHADOWED MOTION

That Council adopts the original Planning Agreement Policy (Amendment No. 5) attached to the report of the Strategic Planning and Development Committee meeting agenda on 12 November 2024.

BELOW IS A MINUTE EXTRACT FROM THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING ON 12 NOVEMBER 2024:

PD/5.1/24.11 Planning Agreement Policy (Amendment No. 5) - Adoption (SF23/1066)

A notice of motion to rescind this resolution has been submitted with the General Manager. The rescission motion will be considered at the Council meeting on 26 November 2024.

MOTION

Mover: Cr Nemesh
Seconder: Cr Westwood

That Council:

1. Adopts the Planning Agreement Policy (Amendment No. 5) attached to the report, subject to the following amendments:
 - (a) Page 23 of the agenda, clause 2.2(f) – Amend to read as follows: ‘Monetary contributions obtained from planning agreements may be spent within the vicinity of the development they relate to but must be spent within the Waverley local government area.’
 - (b) Page 25 of the agenda, clause 2.5, ‘Allocation of VPA to affordable housing’, first paragraph – Amend to read as follows: ‘A maximum of 25% of all planning agreement contributions will go towards Waverley’s Affordable Housing Contributions Reserve fund, except for where a VPA is

offered in lieu of a contribution charged under chapter 2 part 3 of the *State Environmental Planning Policy (Housing) 2021*, in which case 100% of the funds may be dedicated towards Waverley's Affordable Housing Contributions Reserve fund.'

2. Officers prepare a report to Council no later than March 2025 that:

- (a) Reviews the financial impact of allocating planning agreement contributions to the Section 7.4 Planning Agreement Reserve and the Affordable Housing Contributions Reserve through examining:
 - (i) The interrelationship between the Planning Agreement Policy and Affordable Housing Contributions Scheme to ensure reasonableness, assess duplication and ensure that maximum community benefit is achieved.
 - (ii) The timing for payment of monetary contributions (including any bonds or security required) raised in accordance with the Planning Agreement Policy and Affordable Housing Contributions Scheme.
- (b) Provides future income and balance projections of both the Section 7.4 Planning Agreement Reserve and Affordable Housing Contributions Reserve over the next four years, with a year-by-year breakdown of forecast income by suburb based on the NSW Government's new housing targets for the Waverley local government area.
- (c) Makes recommendations and improvements to both the Planning Agreement Policy and Affordable Housing Contributions Scheme to:
 - (i) Ensure adequacy of affordable housing funds into the future, including the maintenance and renewal of current stock and the acquisition of new stock.
 - (ii) Rebalance the income contributions to prioritise funding for infrastructure and capital works programs and projects.

AMENDMENT (WITHDRAWN)

Mover: Cr Lewis
Seconder: Cr Merten

That clause 1(a) be amended to read as follows:

'Page 23 of the agenda, clause 2.2(f) – Amend to read as follows: "Monetary contributions obtained from planning agreements must be spent within the vicinity of the development they relate to."'

AT THIS STAGE IN PROCEEDINGS, A PROCEDURAL MOTION TO ADJOURN THE MEETING TO CONSIDER AMENDMENTS TO THE MOTION, MOVED BY CR STEPHENSON AND SECONDED BY CR NEMESH, WAS PUT AND DECLARED CARRIED.

LATER IN THE MEETING, A PROCEDURAL MOTION TO RESUME THE MEETING, MOVED BY CR STEPHENSON AND SECONDED BY CR NEMESH, WAS PUT AND DECLARED CARRIED.

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1(a) AND 2(c)(ii).

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Adopts the Planning Agreement Policy (Amendment No. 5) attached to the report, subject to the following amendments:
 - (a) Page 23 of the agenda, clause 2.2(f) – Amend to read as follows: ‘Monetary contributions obtained from planning agreements should as a priority be spent within the vicinity of the development they relate to but must be spent within the Waverley local government area’.
 - (b) Page 25 of the agenda, clause 2.5, ‘Allocation of VPA to affordable housing’, first paragraph – Amend to read as follows: ‘A maximum of 25% of all planning agreement contributions will go towards Waverley’s Affordable Housing Contributions Reserve fund, except for where a VPA is offered in lieu of a contribution charged under chapter 2 part 3 of the *State Environmental Planning Policy (Housing) 2021*, in which case 100% of the funds may be dedicated towards Waverley’s Affordable Housing Contributions Reserve fund.’
2. Officers prepare a report to Council no later than March 2025 that:
 - (a) Reviews the financial impact of allocating planning agreement contributions to the Section 7.4 Planning Agreement Reserve and the Affordable Housing Contributions Reserve through examining:
 - (i) The interrelationship between the Planning Agreement Policy and Affordable Housing Contributions Scheme to ensure reasonableness, assess duplication and ensure that maximum community benefit is achieved.
 - (ii) The timing for payment of monetary contributions (including any bonds or security required) raised in accordance with the Planning Agreement Policy and Affordable Housing Contributions Scheme.
 - (b) Provides future income and balance projections of both the Section 7.4 Planning Agreement Reserve and Affordable Housing Contributions Reserve over the next four years, with a year-by-year breakdown of forecast income by suburb based on the NSW Government’s new housing targets for the Waverley local government area.
 - (c) Makes recommendations and improvements to both the Planning Agreement Policy and Affordable Housing Contributions Scheme to:
 - (i) Ensure adequacy of affordable housing funds into the future, including the maintenance and renewal of current stock and the acquisition of new stock.
 - (ii) Rebalance the income contributions to prioritise funding for infrastructure and projects.

Division

For the Motion: Crs Fabiano, Frazer, Lewis, Merten, Nemesh, Spicer, Stephenson, Townsend, Westwood and Wy Kanak.

Against the Motion: Crs Masselos and Spooner.

URGENT BUSINESS
CM/10/24.11

Subject: Urgent Business

Manager: 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/11/24.11

Subject: Moving into Closed Session

Manager: 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/11.1/24.11 CONFIDENTIAL REPORT - 2A Edmund Street, Queens Park - Negotiation Phase Outcome

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) 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 commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.2/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Club and Community Facilities Building Upgrade - Head Contractor Services

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) 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 commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.3/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) 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 commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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/12/24.11

Subject: Resuming in Open Session
Manager: 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.