

COUNCIL MEETING

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

7.00 PM, TUESDAY 15 JULY 2025

Emily Scott

General Manager

Waverley Council PO Box 9 Bondi Junction NSW 1355 DX 12006 Bondi Junction Tel: 9083 8000

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Statement of Ethical Obligations

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

Live Streaming of Meetings

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

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

The Mayor will read the following Acknowledgement of Indigenous Heritage:

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

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OBITUARIES CM/3/25.07

Subject: Obituaries

Author: Emily Scott, General Manager



The Mayor will ask Councillors for any obituaries.

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

CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/25.07

Subject: Confirmation of Minutes - Council Meeting - 17 June

2025

TRIM No: A25/0081

Manager: Richard Coelho, Executive Manager, Governance



RECOMMENDATION:

That Council confirms the minutes of the Council meeting held on 17 June 2025 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 - 17 June 2025

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MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON TUESDAY, 17 JUNE 2025

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

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.

Crs Westwood and Wy Kanak attended the meeting by audio-visual link.

At 9.27 pm, following the vote on item CM/11.2/25.06, the meeting adjourned for a short break. At 9.44 pm, the meeting resumed.

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 Interests

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

3. Obituaries

There were no obituaries.

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

4. Addresses by Members of the Public

- 4.1 G Vaughan CM/7.4/25.06 Pricing Policy, Fees and Charges 2025-26, Budget and Long Term Financial Plan 7 Adoption.
- 4.2 S Hely CM/7.6/25.06 Environmental Action Plan 2025- 2035 Adoption.
- 4.3 W Peters (on behalf of Lime) CM/7.15/25.06 Shared E-Bike Parking and Management Trial.
- 4.4 L McLean (on behalf of Hello Ride) CM/7.15/25.06 Shared E-Bike Parking and Management Trial.
- 4.5 A Rossetto (on behalf of Ario) CM/7.15/25.06 Shared E-Bike Parking and Management Trial.
- 4.6 M Worthington (on behalf of BIKEast) CM/8.4/25.06 Charing Cross Streetscape Upgrade.
- 4.7 S Swifte CM/8.6/25.06 Reduced Speed in Laneways.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

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

CM/5.1/25.06	Confirmation of Minutes – Council Meeting – 20 May 2025.
CM/5.2/25.06	Confirmation of Minutes – Extraordinary Council Meeting – 13 May 2025.
CM/7.1/25.06	Audit, Risk and Improvement Committee Meeting – 20 March 2025 – Minutes.
CM/7.2/25.06	Strategic Property Review Committee Meeting – 1 May 2025 – Minutes.
CM/7.3/25.06	Capital Works Review Committee Meeting – 27 March 2025 – Minutes.
CM/7.6/25.06	Environmental Action Plan – 2025- 2035 – Adoption.
CM/7.7/25.06	Strategic Asset Management Plan 7 (SAMP 7) – Adoption.
CM/7.8/25.06	Investment Portfolio Report – May 2025.
CM/7.9/25.06	Councillor Fees – Local Government Remuneration Tribunal Determination 2025.
CM/7.10/25.06	Council Resolutions – Status Update.
CM/7.11/25.06	Events Policy – Exhibition.
CM/7.13/25.06	Petition – Oxford Street between Grafton Street and Mill Hill Road, Bondi Junction – 15 Minute Free Parking.
CM/7.14/25.06	Tender Evaluation – SSROC Panel – Horticulture, Soil and Turf Goods and Services.

5. Confirmation and Adoption of Minutes

CM/5.1/25.06 Confirmation of Minutes - Council Meeting - 20 May 2025 (A25/0081)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council confirms the minutes of the Council meeting held on 20 May 2025 as a true record of the proceedings of that meeting.

CM/5.2/25.06 Confirmation of Minutes - Extraordinary Council Meeting - 13 May 2025

(A25/0081)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council confirms the minutes of the extraordinary Council meeting held on 13 May 2025 as a true record of the proceedings of that meeting.

6. Mayoral Minutes

CM/6.1/25.06 Speed Zones on Regional Roads (A03/2293)

MOTION / DECISION Mover: Cr Nemesh

That Council:

Notes that Council has been working with Transport for NSW (TfNSW) since 2019 to install
traffic calming treatments and signage to facilitate a 40 km/h speed limit across the southern
half of the local government area (LGA), spanning from Bondi Road and Syd Einfeld Drive to the
southern boundary.

- 2. Notes that this excludes the State roads in this southern half of the LGA: Bondi Road and Council Street.
- 3. Advocates for TfNSW to revert to a speed limit of 50 km/h on some of the regional roads in this southern area of the LGA, specifically York Road and Birrell Street.
- 4. Seeks funding from TfNSW for signage and line marking to enable the change in speed limit.

Background

Council have been working with Transport for NSW since 2019 to improve safety for pedestrians and road users within areas of the Waverley local government area. It is acknowledged that 40 km/h speed limits create a safer road environment for everyone, particularly vulnerable groups such as older road users and children.

The 40 km/h speed limit change has now been rolled out across the southern half of the LGA, spanning from Bondi Road and Syd Einfeld Drive to the southern boundary.

However, the roll-out excludes State roads, which are Bondi Road and Council Street, in this southern half of the LGA. It would therefore be consistent for some or all of the southern half of the LGA regional roads, including York Road, Birrell Street, Bronte Road and Macpherson Street to revert to 50 km/h. Local roads would remain at 40 km/h

Note the full list of Regional Roads is: York Road, Arden Street, Macpherson Street, Leichhardt Street (north of Macpherson Street), Bronte Road, Murray Street, Birrell Street and Bennett Street.

7. Reports

CM/7.1/25.06 Audit, Risk and Improvement Committee Meeting - 20 March 2025 - Minutes

(A25/0077)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 20 March 2025 attached to the report.

CM/7.2/25.06 Strategic Property Review Committee Meeting - 1 May 2025 - Minutes

(SF25/2125)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council notes the minutes of the Strategic Property Review Committee meeting held on 1 May 2025 attached to the report.

CM/7.3/25.06 Capital Works Review Committee Meeting - 27 March 2025 - Minutes

(SF25/2133)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council notes the minutes of the Capital Works Review Committee meeting held on 27 March 2025 attached to the report.

CM/7.4/25.06 Pricing Policy, Fees and Charges 2025-26, Budget and Long Term Financial

Plan 7 - Adoption (SF24/4731)

MOTION / DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council:

1. Adopts the Pricing Policy, Fees and Charges 2025-26 attached to the report (Attachment 2).

- 2. Adopts the budget for 2025-26 attached to the report (Attachments 3 and 4).
- 3. Adopts the Long Term Financial Plan attached to the report (Attachment 5), noting that the Plan will be reviewed annually in line with the Operational Plan and annual budget development.

THE MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

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

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

G Vaughan addressed the meeting.

CM/7.5/25.06 Community Strategic Plan 2025-2035, Delivery Program 2025-2029,

Workforce Management Strategy 2025-2029 and Operational Plan 2025-26 -

Adoption (A23/0574)

MOTION / DECISION Mover: Cr Nemesh

Seconder: Cr Frazer

That Council:

1. Adopts the Community Strategic Plan, Delivery Program and Operational Plan including the Budget and Statement of Revenue Policy attached to the report (Attachments 1, 2, 3), including:

- (a) The rating structure for 2025–26 contained on page 79 of the Operational Plan 2025–26. In accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act 1993* (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2025 to 30 June 2026:
 - (i) An ordinary rate of 0.082772 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and subcategorised Ordinary in accordance with section 529(2)(b) of the Act.
 - (ii) An ordinary rate of 0.41992 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and subcategorised Ordinary in accordance with section 529 (2)(d) of the Act.
 - (iii) An ordinary rate of 0.854882 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and subcategorised Bondi Junction in accordance with section 529(2)(d) of the Act.
- (b) The Domestic Waste Management Service Charge being set at \$647 per service per annum for the financial year 2025–26 in accordance with section 496 of the Act.
- (c) The Stormwater Management Service Charge contained on page 82 of the draft Operational Plan 2025–26 in accordance with section 496A of the Act for the financial year 2025–26 as follows:

Stormwater Management Service Charge			
Category	Unit	Fee or charge (\$)	
Residential property	per property	25.00	
Residential strata property	per property	12.50	
Business property	per 350 m2 (or part thereof)	25.00	
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum	25.00	
	of \$5		

2. Adopts the Workforce Management Strategy 2025-2029 attached to the report (Attachment 5) to address the human resourcing requirements of the Delivery Program 2025-2029.

3. Authorises the General Manager to make any necessary editorial and content changes to the above documents before publishing to give effect to Council's resolution and to update any data as applicable.

CM/7.6/25.06 Environmental Action Plan - 2025- 2035 - Adoption (A08/1210)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Spicer

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That Council adopts the Environmental Action Plan 2022-2032 attached to the report.

S Hely addressed the meeting.

CM/7.7/25.06 Strategic Asset Management Plan 7 (SAMP 7) - Adoption (A25/0597)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council adopts the Strategic Asset Management Plan 7 (SAMP 7) attached to the report.

CM/7.8/25.06 Investment Portfolio Report - May 2025 (SF24/3676)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council:

1. Notes the Investment Summary Report for May 2025 attached to the report.

2. Notes that the Executive Manager, Finance, as the Responsible Accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

CM/7.9/25.06 Councillor Fees - Local Government Remuneration Tribunal Determination 2025 (A24/0637)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council, in accordance with the Local Government Remuneration Tribunal's Annual Determination 2025 attached to the report, fixes the annual fee payable to each Councillor for the

year 1 July 2025 to 30 June 2026 as follows:

1. Councillors (including the Mayor): \$23,220.

2. Mayor: \$50,650 in addition to the Councillor fee.

3. Deputy Mayor: \$4,483 in addition to the Councillor fee, with this amount to be paid from the fees

paid to the Mayor.

CM/7.10/25.06 Council Resolutions - Status Update (SF22/3521)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council notes the status of outstanding resolutions from October 2019 to March 2025, as set out in the attachment to the report.

CM/7.11/25.06 Events Policy - Exhibition (A25/0284)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council:

1. Publicly exhibits the draft Events Policy attached to the report for 28 days.

2. Officers prepare a report to Council following the exhibition period.

CM/7.12/25.06 Bronte Park - Christmas Day Consultation (A24/1173)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Townsend

That Council provides additional management and provisions to manage the increase in visitation at Bronte Park on Christmas Day 2025, as set out in the report (enhanced Option 3).

CM/7.13/25.06 Petition - Oxford Street between Grafton Street and Mill Hill Road, Bondi

Junction - 15 Minute Free Parking (A03/0779)

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Spicer

That Council:

1. Notes the petition requesting 15-minute free parking in Oxford Street, between Grafton Street

(Notes to Street) and Mill Hill Board (Leavest Street). Board (Leavest)

(Nelson Street) and Mill Hill Road (Leswell Street), Bondi Junction.

2. Retains the parking restrictions in Oxford Street and defers further detailed assessment to an on-street metered parking review in 2026.

3. Changes the '1/2P, 8 am–5 pm' parking space on the western side of Nelson Street to '15P, 8–am–5 pm' to promote short-term parking opportunities in the area.

CM/7.14/25.06 Tender Evaluation - SSROC Panel - Horticulture, Soil and Turf Goods and Services (SF17/2878)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Spicer

That Council:

- 1. Treats the tender evaluation attached to the report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(d)(i) of the Local Government Act 1993. The tender evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
- 2. Under section 178(1)(a) of the *Local Government (General) Regulation 2021*, accepts the following SSROC-approved supplier panel for the supply of horticulture, soil and turf goods and services for Category 2b (turf renovation services ground services) for three years with two one-year options at the discretion of SSROC and Council:
 - (a) Gauci Civil Contracting Pty Ltd.
 - (b) Green by Nature Specialist Services Pty Ltd.
 - (c) Musturf Pty Ltd.
 - (d) Never Stop Water Harvesting Pty Ltd.
 - (e) Programmed Property Services Pty Ltd.
 - (f) Suregreen Pty Ltd.
- 3. Declines to accept any of the tenders for the supply of horticulture, soil and turf goods and services for the following categories, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*:
 - (a) Category 1 Supply of soils, soil mixes, manures, sands, top soils, with or without spreading and laying.
 - (b) Category 2a Supply of turf renovation services Turf supply for renovation.
 - (c) Category 3 Supply of turf varieties with or without laying.
- 4. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council, through SSROC, has tested the market with an open tender process.

5. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with the evaluated tenderers and other service providers with a view to entering into a contract for the supply of horticulture, soil and turf goods and services for Categories 1, 2a and 3, as no tenderers adequately provided pricing to demonstrate business capability and capacity, and to clarify other issues.

6. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/7.15/25.06 Shared E-Bike Parking and Management Trial (A17/0445)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

- 1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act* 1993, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act* 1993. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 2. Installs dedicated shared e-bike parking areas in Bondi Junction, Bondi Beach and Bronte Beach for a trial period of six months at the locations set out in the report.
- 3. Allocates \$65,000 from the Road Safety and Traffic Calming Program budget to undertake the parking trial, with the costs to be passed on to the shared bike providers, in accordance with the memorandum of understanding with the providers.
- 4. Notes that this is the first tranche of dedicated shared e-bike parking spaces in the local government area and that further spaces may be identified and implemented in consultation with the bike share operators.
- 5. Notes that Ario, Lime and HelloRide have all signed the memorandum of understanding with Council.
- 6. Monitors and evaluates the trial, with officers to prepare a report to Council following the trial.
- 7. Authorises the Executive Manager, Infrastructure Services, to adjust the trial locations and line marking designs throughout the trial based on preliminary feedback and outcomes.

W Peters (on behalf of Lime), L McLean (on behalf of Hello Ride) and A Rossetto (on behalf of Ario) addressed the meeting.

8. Notices of Motion

CM/8.1/25.06 Illegally Blocked Driveways (A24/0856)

MOTION / UNANIMOUS DECISION Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council:

1. Notes the ongoing and increasing issue of vehicles illegally parking across residential driveways, particularly in the Bondi basin and other high-density areas, preventing residents from accessing or exiting their properties.

- 2. Commits to adopting a stronger enforcement approach, including:
 - (a) Investigating the use of powers available under the *Public Spaces (Unattended Property)*Act 2021 to move or take possession of unattended vehicles obstructing access to or within a public place.
 - (b) Exploring a proactive towing policy, where offending vehicles may be relocated to the nearest legal parking space and the registered owner notified through police channels.
- 3. Investigates the legal and operational mechanisms for:
 - (a) Issuing fines for unauthorised vehicles found to be obstructing driveways in accordance with the *Road Rules 2014* and the *Public Spaces (Unattended Property) Act 2021*.
 - (b) Recovering costs and associated risks with towing and relocating offending vehicles from the registered vehicle owner.
- 4. Officers prepare a report to Council in September 2025 with:
 - (a) A draft procedure/updated policy for vehicle relocation under the *Public Spaces* (*Unattended Property*) *Act 2021*, including legal thresholds, owner notification protocols and operational procedures.
 - (b) An implementation plan, including budget, risks, and staffing implications.
 - (c) Options for improving signage, driveway markings and public awareness.

CM/8.2/25.06 High Seas Biodiversity Treaty - Ratification (A07/0323)

MOTION Mover: Cr Fabiano

Seconder: Cr Wy Kanak

That Council:

- 1. Expresses its support for Australia's ratification of the High Seas Biodiversity Treaty (also known as the Biodiversity Beyond National Jurisdiction Treaty), a landmark international agreement for the protection of marine biodiversity in areas beyond national jurisdiction.
- 2. Recognises the importance of healthy oceans to coastal communities like Waverley and

acknowledges the global and local threats facing marine ecosystems, including pollution, climate change, and biodiversity loss.

- 3. Commits to aligning local coastal and marine initiatives with the goals of the treaty by:
 - (a) Enhancing community education around ocean conservation.
 - (b) Supporting actions that reduce land-based pollution and protect local marine biodiversity.
 - (c) Collaborating with state and federal bodies, and local organisations, to promote marine stewardship.
- 4. Writes to the Federal Minister for Foreign Affairs Senator, Senator the Hon Penny Wong, and Minister for the Environment and Water Senator, Senator the Hon Murray Watt, expressing Council's support for the timely ratification and implementation of the High Seas Treaty.

THE MOTION WAS PUT AND DECLARED LOST.

CM/8.3/25.06 Circular Economy and Waste Reduction - Federal Government Support (A21/0322)

MOTION / UNANIMOUS DECISION Mover: Cr Fabiano

Seconder: Cr Wy Kanak

That Council:

- 1. Recognises the critical role of the Federal Government in setting national direction, regulating product stewardship, and funding infrastructure to reduce waste and support the circular economy.
- 2. Notes that Council and other local governments are at the frontline of waste management and resource recovery, yet often face financial and infrastructure limitations in delivering circular outcomes.
- 3. Writes to the Federal Minister for the Environment and Water, Senator the Hon Murray Watt; the Member for Wentworth, Allegra Spender MP; the State Minister for the Environment, the Hon Penny Gail Sharpe MLC; the Member for Vaucluse, Kellie Sloane MP; and Member for Coogee, Marjorie O'Neill MP to:
 - (a) Advocate for ongoing and increased investment in the Recycling Modernisation Fund (RMF), including support for regional and metropolitan organics processing and textile recovery.
 - (b) Request expansion of mandatory product stewardship schemes, especially for problematic waste streams such as electronic devices, textiles, soft plastics, solar panels and lithium-ion batteries.
 - (c) Support the development of national recycled content targets and procurement standards, including for local government use.
 - (d) Encourage continued funding for community education and behaviour change programs,

including national anti-contamination and waste avoidance campaigns.

4. Seeks collaboration with nearby councils (for example, Woollahra, Randwick) and the Southern Sydney Regional Organisation of Councils (SSROC) to jointly advocate for federal support and coordinate circular economy planning across the Eastern Suburbs.

5. Publishes this motion and advocacy correspondence on Council's website to inform the community of its efforts to promote national leadership in waste reduction.

CM/8.4/25.06 Charing Cross Streetscape Upgrade - Cycleway (A18/0541)

MOTION Mover: Cr Fabiano

Seconder: Cr Wy Kanak

That Council:

- 1. Notes the increasing uptake of e-bikes, cargo bikes and cycling for commuting and deliveries, as well as the inclusion of a key cycling route through Charing Cross in the recently exhibited draft Bike Strategy and Action Plan.
- 2. Acknowledges that the current Bronte Road streetscape design—developed approximately four years ago—may not adequately address current and future cycling demand.
- 3. Officers investigate and prepare a report to Council on options to integrate a safe, separated cycleway within the Charing Cross section of Bronte Road, as part of the streetscape upgrade.
- 4. Ensures that any updated design balances safety and accessibility for all users, including pedestrians, cyclists and drivers, and provides a realistic alternative to footpath cycling.
- 5. Brings forward the findings in consultation with the community and stakeholders before finalising the streetscape plan.

THE MOTION WAS PUT AND DECLARED LOST.

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

M Worthington (on behalf of BIKEast) addressed the meeting.

CM/8.5/25.06 Atomic Bombings of Hiroshima and Nagasaki - Commemoration of 80th Anniversary (A02/0267)

Mover: Cr Fabiano Seconder: Cr Wy Kanak

That Council:

MOTION

1. Commemorates the 80th anniversaries of the atomic bombings of Hiroshima and Nagasaki on 6 and 9 August 1945, and honours the memory of the more than 210,000 people who perished as a result of these attacks. We pay tribute to the Hibakusha (atomic bomb survivors) and Hibakunisei (second-generation survivors) and acknowledge the enduring impact of nuclear

weapons on human lives, health and the environment.

2. Affirms that nuclear weapons continue to pose an unacceptable threat to humanity and our shared environment. Council expresses deep concern about the catastrophic humanitarian and ecological consequences of any use of nuclear weapons, whether by design, accident or miscalculation.

- 3. Reiterates that all people, including those in our local Waverley community, have the right to live in a world free from the threat of nuclear annihilation. Council supports efforts that educate and engage younger generations about peace, disarmament and global cooperation.
- 4. Notes that the International Campaign to Abolish Nuclear Weapons (ICAN), which was awarded the 2017 Nobel Peace Prize, was founded in Australia and has played a pivotal role in promoting the United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW).
- 5. Endorses ICAN's Cities Appeal, a global initiative for cities, towns and local governments to show support for the TPNW, and calls on the Australian Government to sign and ratify the Treaty without delay.
- 6. As a community committed to peace and sustainability, explores opportunities to raise awareness of this issue locally, including engagement with local schools, community groups and commemorative activities around Hiroshima and Nagasaki Day.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Fabiano, Lewis, Masselos, Merten, Spooner and Wy Kanak. **Against the Motion:** Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.

CM/8.6/25.06 Reduced Speed in Laneways (A25/0880)

MOTION / UNANIMOUS DECISION Mover: Cr Masselos

Seconder: Cr Westwood

That Council:

- 1. Notes:
 - (a) Waverley resident concerns about laneways increasingly being used as rat runs by fast-moving cars wishing to avoid traffic.
 - (b) That laneways are often used by families and children as spaces for ball games and other recreational activities.
- 2. Officers prepare a report to Council by September 2025 that investigates:
 - (a) Options for reducing speeds in laneways including a recommended maximum speed.
 - (b) Strategies for improving pedestrian safety.
 - (c) Making selected laneways shared zones with a maximum speed limit of 10 km/h.

(d) The identification of selected locations to trial speed reductions/shared zones.

(e) Implementation requirements, costs and time frame.

S Swifte addressed the meeting.

CM/8.7/25.06 Circular Economy for Soft Plastics and Other Hard to Recycle Items

(A21/0322)

MOTION / UNANIMOUS DECISION Mover: Cr Merten

Seconder: Cr Masselos

That Council:

1. Notes that Council's Procurement Policy and Procedure have been amended recently to further strengthen environmental requirements, including supporting the circular economy with mandatory requirements to include environmental sustainability as an evaluation criterion.

- 2. Continues to explore options for soft plastic recycling across Waverley as processing capacity becomes available.
- 3. Writes to the CEOs of Woolworths, ALDI, Coles, Metcash and Harris Farm formally requesting that Waverley be designated as a trial site for in-store soft plastics collections as a matter of priority.
- 4. Officers prepare a report to Council about progress to implement the household collection service for recycling soft plastics, textiles and tricky waste through third-party providers.

CM/8.8/25.06 Whale Watching Binoculars (A22/0407)

MOTION Mover: Cr Nemesh

Seconder: Cr Frazer

That Council:

- 1. Notes that with the completion of the Clifftop Walkway at Dover Heights and Vaucluse, there are opportunities for new vantage points for whale watching as well as the long-established locations between Bondi and Waverley Cemetery.
- 2. Installs up to three public binoculars at suitable locations.
- 3. Allocates \$75,000 from the Park Furniture and Structures budget in the 2025-26 Capital Works Program for the works.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 4.

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

UNANIMOUS DECISION

That Council:

1. Notes that with the completion of the Clifftop Walkway at Dover Heights and Vaucluse, there are opportunities for new vantage points for whale watching as well as the long-established locations between Bondi and Waverley Cemetery.

- 2. Installs up to three public binoculars at suitable locations.
- 3. Allocates \$75,000 from the Park Furniture and Structures budget in the 2025-26 Capital Works Program for the works.
- 4. Notifies Australian Conservation Foundation Eastern Sydney and the National Parks and Wildlife Service of the instigation of the binoculars and investigates a partnership with these bodies for support and future education programs.

CM/8.9/25.06 Frontier Wars - Commemoration on Waverley Cenotaph (A23/0116)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak
Seconder: Cr Nemesh

That Council:

- 1. Investigates a plaque or inscription within Waverley Park to acknowledge and commemorate the Frontier Wars.
- 2. Undertakes appropriate consultation with:
 - (a) Council's First Nations Advisory Committee, La Perouse Local Aboriginal Land Council and other relevant First Nations representatives.
 - (b) Waverley RSL and other stakeholders.
 - (c) The community, including local historians, to ensure a respectful and inclusive approach.
- 3. Develops the final wording in collaboration with the above parties to ensure cultural appropriateness, historical accuracy and public understanding.
- 4. Explores funding options and timelines for the installation, including any heritage or regulatory requirements.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

See item CM/11.3/25.06 below.

11. Closed Session

CM/11/25.06 Closed Session

MOTION Mover: Cr Nemesh

Seconder: Cr Stephenson

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/11.1/25.06 CONFIDENTIAL REPORT - CCTV Policy and CCTV Code of Practice - Adoption

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

CM/11.3/25.06 CONFIDENTIAL REPORT - Procurement Matter

This matter is considered to be confidential in accordance with section 10A(2)(a) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

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

At 9.44 pm, Council moved into closed session.

CM/11.1/25.06 CONFIDENTIAL REPORT - CCTV Policy and CCTV Code of Practice - Adoption (A25/0908)

MOTION Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council:

- Treats the report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(e) of the Local Government Act 1993.
 The report contains information that would, if disclosed, prejudice the maintenance of law.
- 2. Adopts the CCTV Policy attached to the report, subject to the following amendments:
 - (a) Page 10 of the confidential agenda, section 1, 'Background' Amend to read as follows:

'As recognised in the Waverley Community Strategic Plan, the community has expressed concern about safety in public areas and in response Council has committed to developing strategies to improve community perceptions of safety. Waverley Council is committed to upholding the privacy rights and civil liberties of residents. However, in order to meet this obligation, Waverley Council utilises a range of initiatives designed to promote community safety. The operation of closed circuit television (CCTV) is one strategy employed by Waverley Council to enhance staff and community safety, protect public assets and deter antisocial behaviour in particular locations.'

- (b) Page 10 of the confidential agenda, clause 4.1, 'Objectives', clause (c) Delete the words 'criminal and'.
- (c) Page 10 of the confidential agenda, clause 4.1, 'Objectives', clause (d) Amend to read as follows:
 - 'Provision for NSW Police to investigate and identify offenders.'
- (d) Page 11 of the confidential agenda, clause 4.2, 'Management, Access and Privacy', clause 4.2.2 Add the following sentence to the end:
 - 'An external appointed contractor must be approved by the Council'.
- (e) Page 11 of the confidential agenda, clause 4.2, 'Management, Access and Privacy', clause 4.2.3 Amend to read '60 days' instead of '90 days.'
- (f) Page 11 of the confidential agenda, clause 4.2, 'Management, Access and Privacy', last paragraph Amend to read as follows:
 - 'Council will not release images except in the instances prescribed in the Code of Practice. The NSW Police may make a formal request to obtain copies of recorded material or to monitor the live feed from the CCTV system. Any such formal request from NSW Police can only be approved by the General Manager or Acting General Manager. Such authority to approve cannot be delegated. The General Manager will only approve such a request if they are satisfied that doing so is reasonably necessary to investigate a reported crime and will only provide recorded footage directly relevant to the investigation of the reported crime. At all times the NSW Police will be required to comply with Council's Code of Practice and all relevant legislation'.
- 3. Adopts the CCTV Code of Practice attached the report, subject to the following amendments:
 - (a) Page 16 of the confidential agenda, section 1, 'Background', first paragraph Amend to read as follows:
 - 'Council's closed circuit television (CCTV) system is designed to enhance public safety, protect Council assets and deter antisocial behaviours.'
 - (b) Page 16 of the confidential agenda, clause 4.1, 'Objectives and Guiding Principles', clause (c) Delete the words 'criminal and'.
 - (c) Page 16 of the confidential agenda, clause 4.1, 'Objectives and Guiding Principles', clause (d) Amend to read as follows:
 - 'Provisions for NSW Police to investigate and identify offenders;'

- (d) Page 20 of the confidential agenda, clause 4.5, 'Control and operation of cameras', second paragraph Amend to read as follows:
 - 'Cameras will not be used to look onto adjacent or nearby commercial or private premises unless requested by the NSW Police and approved by the General Manager.'
- (e) Page 20 of the confidential agenda, clause 4.6, 'Management of CCTV monitoring', last paragraph Amend to read as follows:
 - 'The NSW Police may in some instances access and monitor the live feed from the CCTV system but only with the approval of the General Manager.'
- 4. Notes that a technical network architecture review to develop a formal proposal to transition Council's CCTV network to a modern, standardised design focused on future-proofing is in progress.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 2(b), 2(f), 3(b), 3(f) AND 3(g).

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

UNANIMOUS DECISION

That Council:

- 1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act* 1993, as it relates to a matter specified in section 10A(2)(e) of the *Local Government Act* 1993. The report contains information that would, if disclosed, prejudice the maintenance of law.
- 2. Adopts the CCTV Policy attached to the report, subject to the following amendments:
 - (a) Page 10 of the confidential agenda, section 1, 'Background' Amend to read as follows:
 - 'As recognised in the Waverley Community Strategic Plan, the community has expressed concern about safety in public areas and in response Council has committed to developing strategies to improve community perceptions of safety. Waverley Council is committed to upholding the privacy rights and civil liberties of residents. However, in order to meet this obligation, Waverley Council utilises a range of initiatives designed to promote community safety. The operation of closed circuit television (CCTV) is one strategy employed by Waverley Council to enhance staff and community safety, protect public assets and deter antisocial behaviour in particular locations.'
 - (b) Page 10 of the confidential agenda, clause 4.1, 'Objectives', clause (c) Amend to read as follows:
 - 'Deter illegal and antisocial behaviours.'
 - (c) Page 10 of the confidential agenda, clause 4.1, 'Objectives', clause (d) Amend to read as follows:
 - 'Provision for NSW Police to investigate and identify offenders.'
 - (d) Page 11 of the confidential agenda, clause 4.2, 'Management, Access and Privacy', clause

- 4.2.2 Add the following sentence to the end:
- 'An external appointed contractor must be approved by the Council'.
- (e) Page 11 of the confidential agenda, clause 4.2, 'Management, Access and Privacy', clause 4.2.3 Amend to read '60 days' instead of '90 days.'
- (f) Page 11 of the confidential agenda, clause 4.2, 'Management, Access and Privacy', last paragraph Amend to read as follows:
 - 'Council will not release images except in the instances prescribed in the Code of Practice or as required by law. The NSW Police may make a formal request to obtain copies of recorded material or to monitor the live feed from the CCTV system. Any such formal request from NSW Police can only be approved by the General Manager or Acting General Manager. Such authority to approve cannot be delegated. The General Manager will only approve such a request if they are satisfied that doing so is reasonably necessary to investigate a reported crime and will only provide recorded footage directly relevant to the investigation of the reported crime.
- 3. Adopts the CCTV Code of Practice attached the report, subject to the following amendments:
 - (a) Page 16 of the confidential agenda, section 1, 'Background', first paragraph Amend to read as follows:
 - 'Council's closed circuit television (CCTV) system is designed to enhance public safety, protect Council assets and deter antisocial behaviours.'
 - (b) Page 16 of the confidential agenda, clause 4.1, 'Objectives and Guiding Principles', clause (c) Amend to read as follows:
 - 'Deter illegal and antisocial behaviours.'
 - (c) Page 16 of the confidential agenda, clause 4.1, 'Objectives and Guiding Principles', clause (d) Amend to read as follows:
 - 'Provisions for NSW Police to investigate and identify offenders;'
 - (d) Page 20 of the confidential agenda, clause 4.5, 'Control and operation of cameras', second paragraph Amend to read as follows:
 - 'Cameras will not be used to look onto adjacent or nearby private premises unless it is not reasonably practicable to avoid filming that other land when filming the public place.'
 - (e) Page 20 of the confidential agenda, clause 4.6, 'Management of CCTV monitoring', last paragraph Amend to read as follows:
 - 'The NSW Police may in some instances access and monitor the live feed from the CCTV system but only with the approval of the General Manager or as required by law'
- 4. Notes that a technical network architecture review to develop a formal proposal to transition Council's CCTV network to a modern, standardised design focused on future-proofing is in progress.

CM/11.2/25.06 CONFIDENTIAL REPORT - Bondi Beach Share Surfboards Trial (A25/0300)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION Mover: Cr Stephenson

Seconder: Cr Lewis

That Council:

1. Reinstates the North Bondi community shareboard program for a trial six-month period commencing September 2025, as set out in the report (Option 1).

- 2. Enters into a memorandum of understanding with the shareboard provider to give effect to the operational framework set out in the report for the duration of the trial.
- 3. Authorises the General Manager or delegate to negotiate and finalise the memorandum of understanding.
- 4. Officers prepare a report to Council on the outcome of the trial, including safety, community usage and operational viability.

CM/11.3/25.06 CONFIDENTIAL REPORT - Procurement Matter (SF25/2694)

The chair ruled that this item was urgent.

MOTION / DECISION Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council deals with this item as urgent business.

MOTION / UNANIMOUS DECISION Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council:

- 1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act* 1993, as it relates to a matter specified in section 10A(2)(a) of the *Local Government Act* 1993. The report contains personnel matters concerning particular individuals (other than councillors).
- 2. Notes the confidential investigation report and the confidential letter from an external agency circulated to Councillors on the outcome of an independent investigation into a procurement matter.
- 3. Adopts the recommendations as set out in the letter.
- 4. Refers the recommendations to the Audit, Risk and Improvement Committee for action.
- 5. Advises the external agency of this resolution and the ongoing action that Council will take in response to the investigation report and the agency's recommendations.

12. Resuming in Open Session

CM/12/25.06 Resuming in Open Session

MOTION / DECISION Mover: Cr Nemesh

Seconder: Cr Fabiano

That Council resumes in open session.

At 10.38 pm, Council resumed in open session.

Resolutions from closed session made public

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

13. Meeting Closure

THE MEETING CLOSED AT 10.43 PM.

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SIGNED AND CONFIRMED MAYOR 15 JULY 2025

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MAYORAL MINUTES CM/6/25.07

Subject: Mayoral Minutes

Author: 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.

WAVERLEY

REPORT CM/7.1/25.07

Subject: Access and Inclusion Panel Meeting - 14 May 2025 -

Minutes

TRIM No: A21/0096

Manager: Annette Trubenbach, Executive Manager, Community Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council notes the minutes of the Access and Inclusion Advisory Panel meeting held on 14 May 2025 attached to the report.

1. Executive Summary

This report provides information about the Access and Inclusion Advisory Panel meeting held on 14 May 2025. The minutes of the meeting are attached to this report.

2. Introduction/Background

On 16 March 2021, Council established the Access and Inclusion Advisory Panel to provide feedback and advice to Council about disability access and inclusion. The Panel builds on the work of the former Access Advisory Committee. Its objective is to promote an inclusive community and enhance the inclusion and participation of people with disability in community life. Members provide advice from a lived experience, carer or service provider perspective.

3. Relevant Council Resolutions

Nil.

4. Discussion

This report updates Council on items discussed at the Access and Inclusion Advisory Panel meeting held on 14 May 2025. The minutes, once noted, will be placed on Council's website.

5. Financial Impact

The support provided to facilitate Access and Inclusion Panel meetings is covered in Council's operational budget.

6. Risks/Issues

Nil.

7. Attachments

1. Access and Inclusion Advisory Panel - 14 May 2025 - Minutes &

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ACCESS AND INCLUSION ADVISORY PANEL MINUTES



Wednesday 14 May 2025 6.00 pm – 7.30 pm Online Meeting

Present	
Community Members	Guests
Riley Dunn, Rachel Lazarov, Sheron Eagar, Astrida Grigulis, Debbie Goddard, Jessica Tattersall, Kanae Yamamoto, Sara Chesterman, Suzanna Kertesz	Mandy, Captioner
Council Officers	Councillors
Sharon Cassidy, Director, Assets and	Clr Joshua Spicer, Chair
Operations	Clr Lauren Townsend, Deputy Chair
Annette Trubenbach, Executive Manager, Community Programs	Clr Keri Spooner, Deputy Mayor
Chris Bath, Manager, Older People and Disability Services	Clr Ludovico Fabiano
Annabelle Hayter, Community Development Officer, Access and Inclusion – Minutes	
Simon Mueller, Manager, Integrated Transport	
Hao Wu, Senior Transport Planner	
Apologies	
Clr Will Nemesh, Mayor	
Clr Paula Masselos	
Clr Dov Frazer	
Ben Thompson, Director, Community, Culture and Customer Experience	

Item		Summary	Action officer
1.	Acknowledgement of Country	Clr Spicer gave Acknowledgement of Country.	
2.	Introductions and Apologies	Outlined on page 1	
3.	Declaration of Conflict of Interests	No declarations made.	
4.	Meeting minutes – 28 March 2025	The draft minutes were sent to community panel members after the last meeting, minor changes were made. Minutes were approved at the April Council meeting.	

Page 1 of 4

ACCESS AND INCLUSION ADVISORY PANEL MINUTES



Wednesday 14 May 2025 6.00 pm – 7.30 pm Online Meeting

Item		Summary Summary	Action officer
	Business Arising Action	- Canimary	7 delion officer
	Register	Business Arising Action Register noted.	
5.	Walking Strategy presentation and discussion	Council has developed the Waverley Walking Strategy to prioritise pedestrianisation in Waverley.	
	Hoa Wu and Simon Mueller	The Walking Strategy sets out a long-term vision where walking is safe, convenient, and supports independent access for people of all ages and abilities. It should be noted that 'walking' in transport planning means mobility for everyone, including the use of mobility aids.	
		Over a third of all trips in Waverley are on foot and when combined with public transport, walking accounts for over half of all trips in Waverley.	
		There are seven strategic goals and ten focus areas. The specific focus areas for disability access are continuous travel paths and a kerb ramp program.	
		Design for people with vision impairment has also been considered. The use of Tactile Ground Surface Indicators (TGSI) alert people with vision impairment of changes within the streetscape environment and provide direction to safe crossings / transport. The installation of TGSIs can cause challenges due to a range of factors. They can cause trip hazards and impede wheelchair users, people using walkers, and pram users. Other visual cues and design alternatives will be considered to improve the streetscape for people with vision impairment.	
		A key focus of the strategy is on slowing traffic to 40km/ph with 30km/ph as an aspirational target, and education aimed at getting drivers to slow down and to be aware of pedestrians.	
		Panel Discussion Flush finish intersections and continuous footpaths, where the footpath and road are at the same level can	

Page **2** of **4**

ACCESS AND INCLUSION ADVISORY PANEL MINUTES



Wednesday 14 May 2025 6.00 pm – 7.30 pm Online Meeting

Online Meeting		
Item	Summary	Action officer
Item	be dangerous for people with vision impairment, particularly if TGSIs or other visual / textual cues are lacking. Gutters, kerbs and kerb ramps are also important guidance for people who are vision impaired. Wheelchair users said flush finishes make it easier for them to cross at intersections. It was agreed differing needs and use is a challenge to overcome because a suitable solution for one group can cause a barrier for others. It was agreed that inappropriate placing of café seating on footpaths can be hazardous. It was noted that Switzerland is an example where positive driver behaviour enables young children to walk to school safely. Action: To establish a working group to look at solutions for different users and make recommendations. Work could	Action officer
	include identifying circumstances where Council could prioritise certain treatments for maximum benefit, explore how obstructions on footpaths are best dealt with eg: café tables, bikes, garbage bins. The draft Waverley Walking Strategy will be considered by Council on the 20 May 2025 and if approved, will be placed on public exhibition. All community panel members are encouraged to provide feedback and send to their networks once on public exhibition. The Presentation is attached. Action: Council officers to send link to panel members when the Waverley Walking Strategy is on public exhibition. Councillor Spicer thanked Hao Wu and Simon Mueller for attending and community members for their input.	Annabelle Hayter Annabelle Hayter
6. General Business Chris Bath and Annabelle Hayter	a. Topics for Discussion at Future Meetings Based on the range of issues raised at the last meeting, it is proposed to focus on the following areas: 1. Walking infrastructure improvements	

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ACCESS AND INCLUSION ADVISORY PANEL MINUTES



Wednesday 14 May 2025 6.00 pm – 7.30 pm Online Meeting

	-	COUNCIL
Item	Summary	Action officer
	Flush finishes, TGSIs, kerb ramps, footpath obstructions. 2. Beach and pool access Improve information, equipment access, explore options with organisations for access to accessible pools. 3. Housing – universal design Look into how the Liveable Housing Design Standards could be supported and what could be done to promote accessible single housing and low-density housing. 4. Inclusive Employment Strategies within Council and to support local businesses. The identified focus areas will require community education campaigns to address associated attitudinal barriers. There is a significant amount of work involved in each of these areas which will need to be prioritised. Council's Community Programs team will facilitate this; however, it will need involvement of panel members. Action: To send information to community members to express interest in working groups.	Annabelle Hayter and Community Panel members
	 b. The Bike Strategy is on public exhibition. Comments are encouraged. Action: Community Programs to send a link to the Have your Say page. c. A question was asked if information can be shared with networks. Response: Any information on Council's Have Your Say or on Council's websites can be shared with networks. Information discussed in meetings not publicly accessible is confidential and cannot be shared. See Terms of Reference sections: 6.3 & 6.4. 	Annabelle Hayter
7. Next Meeting	24 September 2025 at 6.00 pm online Action: September meeting invitation to be sent to Debbie Goddard.	Annabelle Hayter
8. Meeting Closed	7.40 pm	

Page 4 of 4

WAVERLEY

REPORT CM/7.2/25.07

Subject: Arts, Culture and Creativity Advisory Committee

Meeting - 22 April 2025 - Minutes

TRIM No: A23/0398

Manager: Tanya Goldberg, Acting Director, Community, Culture and Customer

Experience

Director: Tanya Goldberg, Acting Director, Community, Culture and Customer

Experience

RECOMMENDATION:

That Council notes the minutes of the Arts, Culture and Creativity Advisory Committee meeting held on 22 April 2025 attached to the report.

1. Executive Summary

Council's Arts, Culture and Creativity Advisory Committee (ACCAC) provides input and advice to Council on arts and culture activities in Waverley and related issues. The committee met on 22 April 2025 and the minutes of that meeting are attached to this report.

2. Introduction/Background

The most recent meeting of the ACCAC was held online on 22 April 2025.

3. Relevant Council Resolutions

Nil.

4. Discussion

Minutes of the ACCAC's meeting on 22 April 2025 have been endorsed by committee members who were in attendance and are attached to this report for Council's noting.

5. Financial Impact

Nil.

6. Risks/Issues

Nil.

7. Attachments

1. Arts, Culture and Creativity Advisory Committee - 22 April 2025 - Minutes 🕹

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Arts, Culture and Creativity Advisory Committee Meeting

MINUTES

22 April 2025

Meeting was held online and commenced at 7.30pm

Attendees

Michaela Boland, Nerida Campbell, Sam Marshall, Antonia Pesenti, Cr Michelle Stephenson (Chair), Cr Katherine Westwood, Ben Thompson, Tanya Goldberg

Guests

Jacqui Cowell, Manager Arts and Culture; Chris Bendall, Artistic Director Bondi Pavilion, Cr Joshua Spicer, Cr Ludovico Fabiano

Apologies

Aleema Ash, Alex Bowen, Donna Hewitt, Isabell Hudson, Cr Paula Masselos, Cr Will Nemesh, Benjamin Schostakowski

	Item	Discussion	Who
1	Welcome and apologies		Chair
2	Local Creative Collaborations program	 2023 & 2024 overview and review presented, 2025 update and approach, including successful Round 3 participants, and introduction of Artist Studio space and Music Studios Discussion re length of time in studio. Balance of professional artist usage with community usage and messy spaces at Pav missed since refurbishment. Consider extending timeframe for Artist Studio for up to 6 weeks. Discussion regarding Waverley Local Artist Register registrations and promoting this and other opportunities more widely. 	Chris Bendall, Artistic Director

CM/7.2/25.07- Attachment 1 Page 37

3 Jacqui Cowell, 2025 festival program presentation Manager Arts and Bondi Festival Locals promotion opportunity through Waverley Business Forum and Bondi Chamber Culture of Commerce, potential for positive engagement with local businesses including the new markets opportunity for locals, ensuring first opportunity to participate in stalls. Bondi Festival 2025 Very strong, positive response to program from members, noted as an ambitious artistic program with a good balance of shows. Something for everyone, with addition of free activities and markets. Good alignment with Council priorities. 4 • Permanent memorial plans, Council decision and committee workshop. Request for feedback from Tanya Goldberg, EM, Arts Culture committee on examples of memorials and suggestions of artists. and Events Discussion focused on: Location will inform input into the type of memorial and potential artist. Noting that detail on location can't be confirmed yet as needs to be determined in collaboration with stakeholders. Bondi Junction Westfield Preference expressed for selecting artists rather than putting out to public tender tragedy Preference expressed for Australian artists Key themes about women victims and need for mental health care. Preference expressed for a female artist. Garden space / mental health space, a place for reflection and respite, not just an artwork. Pressed flowers were such a great part of the one-year anniversary, would be good to keep this intimate, curved, sweeping, softer space (not angular). Consider intersection with Bondi Junction masterplan General Business None.

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CM/7.2/25.07- Attachment 1 Page 38

WAVERLEY

REPORT CM/7.3/25.07

Subject: Multicultural Advisory Committee Meeting - 8 April

2025 - Minutes

TRIM No: A25/0221

Manager: Annette Trubenbach, Executive Manager, Community Services

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

RECOMMENDATION:

That Council notes the minutes of the Multicultural Advisory Committee meeting held on 8 April 2025 attached to the report.

1. Executive Summary

This report provides information about Council's Multicultural Advisory Committee (MAC) meeting held on 8 April 2025. The minutes of the meeting are attached to this report.

2. Introduction/Background

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

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

3. Relevant Council Resolutions

Nil.

4. Discussion

This report updates Councillors on items discussed at the MAC meeting held on 8 April 2025. The minutes, once noted, will be placed on Council's website.

This meeting concluded the current term of the MAC. The chair acknowledged the contribution of the committee and thanked them for their participation.

Recruitment is currently taking place for a new term, with the first meeting to be held on 12 August 2025.

5. Financial Impact

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

6. Risks/Issues

Nil.

7. Attachments

1. Multicultural Advisory Committee - 8 April 2025 - Minutes 👃

MULTICULTURAL ADVISORY COMMITTEE MINUTES

Tuesday 8 April 2025 6pm – 7:15pm



1. Welcome and Acknowledgement of Country

Acknowledgement of Country was conducted by Councillor Nemesh.

Present

Councillors		
Clr Will Nemesh	Mayor/Chair	
Clr Dov Frazer	Councillor	
Clr Ludovico Fabiano	Councillor	
Council Officers		
Ben Thompson	Director, Community, Culture and Customer Experience	
Annette Trubenbach	Executive Manager, Community Programs	
Madly Bodin	Community Development Officer, Diversity	
Rebecca Rodwell	Manager, Community Planning & Partnerships	
Community Member/Organisations		
Anna Friedman	Community Member	
Raphael Crowe	Community Member	
Linda Deutsch	Expert	
Valentina Baú	Community Member	
Margaret Teed	Sydney East Community College	

2. Apologies

Baris Atayman, Emily Bogue, Lana Kofman, Marcia Monje de Castro, Robert Farotto, Rozy Dorizas, Emily Scott, Clr Lewis, Clr Masselos, Clr Spooner, Clr Stephenson, Clr Westwood

3. Acceptance of previous minutes & business arising

The minutes were accepted via email.

No business arising.

4. Declarations of Pecuniary and Non-Pecuniary Interests

NIL



5. Update on Strategy to Combat Antisemitism and follow-up actions

The MAC was thanked for their contribution. The strategy was informed by the Mayoral roundtable with included 15 community and religious groups and the Mayor's Social Cohesion forum. It was endorsed by Council at the March meeting.

Waverley Council has also endorsed its submission to the Parliamentary Inquiry into Antisemitism.

Work is underway to compile the non-Waverley specific parts of the strategy into a document that would support other councils with their work in combatting antisemitism.

Mayor Will Nemesh noted that Waverley Council was the first Council to adopt such a strategy in Australia. He noted that antisemitic attacks have largely subsided as arrests and charges have been made and commended the police for their work, which often goes unseen.

Neighbouring councils have already received the strategy. Mayor Will Nemesh will present the strategy to other councils at the Australian National Mayors forum to be held on the Gold Coast in September 2025.

MAC members discussed the strategy and how it can be utilised and implemented.

6. Culture Waves (Youth Social Cohesion Project) Update

The Culture Waves program started in February and is still being rolled out. Key stats:

- 34 applications
- 22 young people still engaged in the program
- 23 young people engaged with mentoring sessions
- 7 Friday workshops held
- 10 mentors engaged
- 33 mentoring sessions held so far.

MAC members discussed and provided feedback on the mentoring component. MAC members were pleased to hear an update about the program and its positive impact.

7. Cultural Diversity Strategy 2021 – 2031

Global table

This event was held earlier this year to coincide with Harmony Week. Comments reviewing the event:

- The new set up of the stage worked better.
- The audience was more engaged.
- Feedback from the food vendors was very positive.
- Extended hours were tested to make the most of daylight saving but it seems the event attracted most attendances between 11am and 4pm.

Social Cohesion Grant Opportunity

2

MAC Minutes 8 April 2025



Waverley Council applied for a social cohesion grant in late February. As per the grant guidelines, funding was sought to trial different activities that would focus on:

- Connecting adults across cultures locally.
- Testing a condensed version of Culture Waves for young people based in the Waverley area and an area in Western Sydney.
- Engaging with sports leaders and other community leaders on a specific program designed by Welcoming Clubs.
- · Exploring ways to embed community development principles in our existing regular events

Waverley Council confirmed that Culture Waves would be offered again next year and delivered by Council staff as no external funding can be made available to support this initiative.

8. Summary of achievements during the MAC term

A summary of the main actions undertaken during the MAC term was distributed. MAC members discussed the achievements for the term and their reflections on being on the MAC.

The Mayor and Council Officers thanked MAC members for their time and their contribution made throughout the term.

Council will be recruiting new members for the next term in May/June and will share the details in due course

MAC members are encouraged to complete the feedback survey that will be circulated after the meeting.

9. Events Coming Up

Information was shared with MAC members about upcoming events and activities.

10. Other Business/Correspondence

Margaret thanked Waverley Council for partnering again with the Sydney East Community College to organise the 3rd mock interview event, to be held in June.

Meeting Closed 7:16pm

REPORT CM/7.4/25.07

Subject: Rates and Charges Policy - Adoption

TRIM No: A25/0951

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services

WAVERLEY

RECOMMENDATION:

That Council adopts the Rates and Charges Policy attached to the report.

1. Executive Summary

A review of the Rates and Charges Policy has been undertaken to ensure the that policy is kept up to date with the relevant legislation and to ensure effective controls are in place to manage ratepayers' accounts.

2. Introduction/Background

The Rates and Charges Policy aims to provide sustainable long-term income to Council while not imposing undue financial hardship on property owners. This policy was adopted by Council on 22 June 2021.

The policy is reviewed at least every four years and to ensure that it is in accordance with the *Local Government Act* 1993 and the *Local Government (General) Regulation 2021*.

The policy provides guidelines regarding:

- Levying of Council rates and charges.
- Recovery processes for outstanding rates and charges.
- Application of pension rebates.
- Hardship support available to those in the community experiencing significant financial or personal events preventing them from paying.

3. Relevant Council Resolutions

Nil.

4. Discussion

In the 2025 review, officers are recommending the following changes:

- Clause 4.3 Domestic Waste Service Charges Wording has been amended slightly to account for potential food organics that will be implemented during the period of the policy.
- Section 4.4 Domestic Waste Availability Charge This is a new section to align with the 2025-26 Pricing Policy, Fees and Charges and allows Council to charge an availability charge to vacant land and those properties that are inaccessible to Council's waste vehicles.

The changes were discussed with the Executive Leadership Team on 26 June 2025 and have been incorporated into the marked-up policy attached to this report.

The revised policy is reviewed with an aim to provide guidelines and support to staff in managing rates and charges.

5. Financial Impact

The financial impact on Council through the adoption of this policy provides a sustainable long-term income while being mindful to not impose undue hardship on property owners.

6. Risks/Issues

Without a Rates and Charges Policy, the levying and collection of monies via rates and charges may not be accounted for and collected in a timely manner.

7. Attachments

1. Rates and Charges Policy 🕹



Rates and Charges Policy



CM/7.4/25.07- Attachment 1 Page 46

Department	Finance
Approved by	Council
Date approved	<xx 2024="" january=""></xx> July 2025
File reference	A16/0865
Next revision date	June 2029
Relevant legislation	Local Government Act 1993 Local Government (General) Regulation 2021
Related policies/ procedures/guidelines	Council Rating and Revenue Raising Manual Department of Local Government (2007) OLG Debt Management and Hardship Guidelines (2018)
Related forms	

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1. Background

Council aims to set rates and charges that provide a sustainable long-term income but do not impose undue hardship on property owners, and are set in accordance with the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

2. Purpose

To provide a framework for actively managing the council rates and charges, giving due regard to the following:

- efficient and effective collection of council rates and charges
- contemporary and flexible options to collect money from ratepayers
- fair and equitable treatment of ratepayers, including those facing hardship
- work with ratepayers in hardship when collecting money
- improve financial sustainability of the Council, including performance in managing outstanding rates and charges
- to fulfil the statutory requirements with the Local Government Act, Regulations and privacy laws.

3. Scope

This policy applies to all Council employees, contractors and Councillors. It provides a framework on the generation, collection and management of Council rates and charges and is aligned with the relevant legislation.

3.1 Rates and Charges

Council is committed to a rates and charges process that is both ethical and transparent. The rating determinations will be made in accordance with the relevant legislation and will be applied in a uniform basis. All personal information, intellectual property, and information of a confidential or proprietary nature will be securely maintained and will not be disclosed unless required by Federal or State legislation.

3.2 Debt Recovery

Council has a responsibility to recover any outstanding rates and charges in a timely, efficient and effective manner.

Council aims to ensure effective control over debts owed to Council, including overdue rates, charges and interest, and to maintain debt recovery procedures for the efficient collection of receivables and management of outstanding debts, including deferment and alternative payment arrangements.

3.3 Hardship Assistance

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of hardship applications applying the principles of social justice, fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements. It applies to all applications for waiving, deferment and alternative payment arrangements, or writing off of rates, annual charges and interest accrued on such debts.

This policy provides a framework for responding to applications from owners/ratepayers and other clients experiencing genuine hardship with the payment of their rates and charges in accordance with the Act and Regulation.

Privacy will be maintained in accordance with the *Privacy and Personal Information Protection Act* 1998.

4. Content

Council has adopted the following rate and charging policy setting under the Act.

4.1 Rates Structure

Rate revenue will be levied on the basis of 'ad-valorem' valuation of land and minimum rate levies determined annually by Council.

The Business Category is subject to sub-categorisation on the basis of section 529(2) (d) of the Act, which provides Council with the authority to determine a rate sub- category by the centre of activity. For the Waverley local government area the centre of activity is Bondi Junction and any land not within the defined area is Ordinary. Land determined to be subject to the business category that falls within the 1996 LEP, Bondi Junction defined area, and satisfying the business criteria of sections 518 and 529 (2) (d) of the Act will be subject to Business – Bondi Junction rate. Any other land that is compliant with the business criteria of Section 518 will be determined to be subject to the Business – Ordinary rate. A map detailing the rate categories and sub-categories is available for further enquiries.

Rates and charges will be calculated in accordance with the Council adopted Operational Plan and the Revenue Policy. Ordinary and special rates will take into account the land value supplied by the Valuer General with the relevant base date as at the date the rate was made and levied.

4.2 Supplementary Amendments to Rates

In accordance with the quarterly billing requirements (section 562 of the Act) after the date of strata plan registration amended rates notices will be issued from the subsequent financial quarter to the individual parcel of rateable land.

When the Valuer General's Office provides formal notification of a valuation amendment due to consolidation or subdivision (section 562 of the Act) amended rates notices will be issued effective from the date effect, from the subsequent financial quarter to the individual parcel of rateable land.

Rates will be applied to new parcel/s, on a pro-rata basis, from the first day of the subsequent financial quarter in which the subdivision or consolidation was registered. Conversely, rates will be reversed off the original (parent property/s) from the last day of the financial quarter in which the plan was registered.

4.3 Domestic Waste – Service Charges Charges

For the purposes of raising the Domestic Waste Charge under section 496 of the Act within the Waverley area, Council deems an eligible assessment for which the service is available to be a parcel of land, which satisfies the residential criteria of section 516 of the Act. The charges will be billed on the annual rates and charges notice and may be paid by the quarterly billing method in accordance with 562(3) of the Act.

Assessments, which are vacant parcels of land, are subject to domestic waste management charges in accordance with section 496 of the Act. Council will supply to single dwelling houses at the ratepayers' agreement four bins as follows -:

For paper and cardboard recycling – 1 blue lid bin

For other recyclable materials – 1 yellow lid bin

For household waste - 1 red lid bin

For garden-organics – 1 green lid bin (Optional)

Council will supply to residential flat buildings at the ratepayers' agreement mobile garbage bins (MGB) to store waste and recycling generated at the property. The number of MGBs provided to each property is determined by the residential waste and recycling generation rates listed in the table below. For garden organics, 1 green lidded MGB per residential flat building is provided to properties where this type of waste is generated.

Dwelling Type	Generation rate rubbish (L/dwelling/week)	Generation rate recycling containers (L/dwelling/week)	Generation rate recycling - paper cardboard (L/dwelling/week)
Single Dwelling (House)	120	60	60
bedroom or studioMulti Unit Dwellings	80 120	40 <u>60</u>	40 <u>60</u>
2 + bedroom unit	120	60	60

The secondary waste charge is available to all rateable land where the service is provided at the request and agreement of the ratepayer and the charge is calculated in accordance with the number of waste bins supplied by Waverley Council as per Pricing Policy, Fees and Charges.

Please note, food organic collections are likely to be implemented during the period of this policy

4.4 Domestic Waste – Availability Charge

This charge applies where a property is rated residential and is vacant (no dwelling has been established or a dwelling lawfully demolished with domestic bins have been returned to Council).

This charge also applies to properties rated residential where the property is inaccessible to Council's waste collection vehicles, and the property owners arrange their own private contractor to collect waste and recycling.

This charge ensures that all ratepayers contribute to waste drop-off services and Clean Up collections provided by Council.

Please note, food organic collections are likely to be implemented during the period of this policy

4.54 Stormwater Management Service Charge

The stormwater management service charge is levied under section 496A of the Act. It is intended as a mechanism for Councils to raise income to invest in improving the stormwater systems in urban areas. It is in addition to what is raised through general rates and other charges. Council applies the levy to cover some or all of the cost of providing stormwater management services.

The levy is capped under the Regulation at \$25 per property for residential properties and \$12.50 for lots in a strata scheme that is categorised as residential. Commercial properties will be charged at \$25 per 350 m2 of land area per property. A minimum charge of \$5 will be applied to strata commercial property when the levy calculation is less than \$5. Refer to Clause 125AA of the Regulation for details.

4.65 Rate Reductions and Exemptions

There will be no discount for early payment of rates and charges.

Council will provide a reasonable range of cost effective options for Ratepayers to make their payments. However, in providing these options Council will pass on any credit card service fees to the card holder undertaking the transaction.

Exemptions from Ordinary Rates will apply in accordance with sections 554 - 559 of the Act.

Eligible pensioner property owners are entitled to a statutory rate rebate not exceeding \$250 per annum in accordance with section 575 of the Act. Council also provides an additional rebate of \$50



(section 582 of the Act) to eligible pensioners as per the resolution 1012.12.1 11(a) of Council at the meeting held on 14 December 2010.

Council will allow overdue rates and charges by pensioners to be accrued to a maximum of 19 years. No action will be taken to recover outstanding amounts until the property is sold, passes to the beneficiary of the estate or the ratepayer is no longer an eligible pensioner. (See section 9 below).

Section 567 of the Act allows for the write off of interest in the following circumstances:

- the person was unable to pay the rates or charges when they became due and payable for reasons beyond the person's control, or
- the person is unable to pay the accrued interest for reasons beyond the person's control,
 or
- payment of the accrued interest would cause the person hardship.

A ratepayer may make written request for Council to consider waiving an amount of interest that has accrued on their rates account. Council will consider these requests on a case-by-case basis.

Interest will be considered for write-off in the case of a first time defaulter who objects to the accrual on the basis that they have a good payment history and the amount of interest is immaterial. These requests must be received in writing and decisions will be made in good faith as a once off.

If a request relates to an approved payment arrangement, interest accrued will only be written-off if and when the payment arrangement has been paid as agreed.

A pensioner may make a request to the Council to make payments outside of the scheduled instalment dates each year. In agreement with the pensioner, the Council will write-off interest accrued throughout the year providing the pensioner pays the equivalent of the current year annual rates and charges amount by 30 June of the relevant rating year.

Interest accrued while funds are misallocated will be reversed when the funds are allocated to the correct account. An example of this is when a payment is misallocated to an incorrect account because a ratepayer uses an incorrect customer reference number when making a BPAY payment. Interest will be reversed if it accrues as a result of an error made by the Council.

4.76 Interest Charges

Council will raise interest charges on overdue rates at the maximum interest rate set by the Minister for Local Government.



4.87 Postponed rates

Council is obliged to postpone rates each year where the Valuer General has provided an Attributable Value for a property. As per section 585 of the Act, Council will write-off, after five years, rates postponed.

4.98 Recovery of overdue rates and charges

Council rates and charges are paid in a single instalment or by quarterly instalments. If a payment is made by single instalment it is due on 31 August, and if it is paid by quarterly instalments it is due by 31 August, 30 November, 28 February, and 31 May. On or before 31 October, 31 January and 30 April, Council will send reminder notices (separately from the rates and charges notice) to each person paying by quarterly instalments; see section 562 of the Act.

Where rates and charges are not finalised in accordance with the Act, recovery of outstanding rates and charges will be pursued in accordance with the following principles:

- (1) Council will aim to collect all rates and annual charges by the end of each rating year;
- (2) A fair and reasonable approach to recovery will apply;
- (3) Council will individually assess cases of financial hardship;
- (4) Council will not reduce rates or annual charges, but will consider alternative available approaches to dealing with cases of financial hardship;
- (5) Council will consider a scheme of periodical payment outside the due dates in cases of hardship or extenuating circumstance;
- (6) Council will utilise the services of Mercantile Agents where required;

Council will apply the provisions of the Act relating to the sale of land to recover overdue rates, charges, and interest when appropriate (sections 713-726). Section 713 provides that in the case of any land (excluding vacant land which can be sold with only 1 year's rates and charges overdue), where rates and charges have been unpaid for more than five years, the Council may sell the land, subject to the conditions specified in section 713.

In the case of vacant land where rates and charges have been unpaid for more than one year but not more than five years, the Council may sell the land subject to the conditions specified in section 713.

Council will issue recovery notices and correspondence as follows:

(1) Reminder Notices will be issued after the due date for each quarterly rate instalment if payment has been not finalised the outstanding rates and charges.



(2) A Notice of Legal Action will be directed if the rate account remains overdue after the issue of the Reminder Notice.

(3) A notice of proposed legal action will be issued by the mercantile agent notifying that a proceedings will be commenced at the Local Court on a specific date if the payment of the overdue rates and charges is not made.

4.109 Hardship assistance to ratepayers and customers

Council recognises that ratepayers may experience hardship in some circumstances in paying rates, annual charges, and associated costs. The Act provides for the following assistance to ratepayers and customers:

- (1) Periodical payment arrangements for overdue rates and charges (Section 564);
- (2) Writing off or reducing interest accrued on rates or charges (Section 564 & 567);
- (3) Waiving, reducing or deferring the payment of the increase in the amount of rate payable because of hardship resulting from general revaluation of land in Section 601 of the Act may be considered;
- (4) Waiving, or reducing rates, charges and interest of eligible pensioners. (Section 575, 582) may be considered;

Council will consider each application for assistance under the principles outlined in paragraph 4.24.

A ratepayer may be eligible for consideration for Hardship Assistance in the payment of overdue rates, charges and interest where:

- (1) The person is unable to pay due rates, charges or accrued interest when due and payable for reasons beyond the person's control; or
- (2) Payment when due would cause the person hardship.

In determining eligibility, Council will use the criteria used by Centrelink for granting of a pensioner concession card, including the assets and income test. Council may also require a request in writing including a statement of reasons, reasonable proof of financial hardship, details of assets, income and living expenses, and such other information required to make a valid assessment. It may also request the ratepayer attend an interview to assist Council in the understanding of the issues causing hardship.

4.110 Hardship assistance by periodical payment arrangements



Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payment arrangements for due and payable rates, and charges. Council or the ratepayer may initiate a proposal for a periodical payment agreement. In accordance with section 568 of the Act, payments will be applied towards the payment of rates and charges in the order in which they became due.

4.112 Hardship assistance by writing off accrued interest and costs

Council applies interest rates to the maximum allowable under section 566 of the Act. However Council may write off accrued interest and costs on rates or charges payable by a person under Section 567 of the Act and the Regulation where:

- (1) The person was unable to pay the rates or charges when they became due for reasons beyond the person's control, or
- (2) The person is unable to pay accrued interest for reasons beyond the person's control, or
- (3) Payment of the accrued interest would cause the person hardship.

Eligibility for this assistance and Council's determination will be in accordance with the Administrative Guidelines – Debt Recovery – Rates and Annual Charges.

4.132 Hardship assistance due to certain valuation changes

If a rate increase is approved in excess of IPART's determination of the LGCI, Council will, subject to a resolution by Council at the commencement of the financial year under Section 601 of the Act, consider applications for r ate relief from any ratepayer who incurs a rate increase following a new valuation of land, if the new rate payable causes the ratepayer to suffer substantial hardship. The Council may on consideration of such an application write off an amount of up to \$150.00 of ordinary rates where:

- 1) The applicant's ordinary rate has been increased in the year of a general revaluation by more than \$200 from the previous financial year's ordinary rate levied, and where the rate payer is either:
 - (a) a person in receipt of a pension, benefit or allowance under Chapter 2 of the Commonwealth Social Security Act 1991 or a service pension under Part 3 of the Veterans' Entitlement Act 1986 of the Commonwealth and who is entitled to a Commonwealth Pensioner Concession Card - as prescribed in Clause 134 of the Regulation; or

(b) a person whose income and assets are not in excess of the Commonwealth Government requirements to qualify for a Commonwealth Pensioner Concession Card.

4.143 Assistance to Eligible Pensioners

For the purpose of this policy an eligible pensioner is a person in receipt of a pension, benefit or allowance under Chapter 2 of the *Commonwealth Social Security Act 1991* or a service pension under Part 3 of the *Veterans' Entitlement Act 1986* of the Commonwealth and who is entitled to a Commonwealth Pensioner Concession Card, as prescribed in clause 134 of the Regulation. If Centrelink removes the entitlement of a person to a pension under these provisions, they will not be entitled to a pensioner rate concession and will need to reapply to Council. Should a ratepayer fail to reapply, rebates will not be granted until such application is made, and for a period of two years only.

Pensioner concessions for rates and charges are available under sections 575-584 of the Act. To receive the concessions, an eligible pensioner must apply to Council for a reduction in the ordinary rates and charges for Domestic Waste Management of 50 percent provided this does not exceed \$250 (section 575 of the Act).

Council also provides an additional rebate of \$50 (section 582) to eligible pensioners as per the resolution 1012.12.1 11(a) of Council at the meeting held on 14 December 2010.

Under section 577 of the Act, in cases of hardship, Council may extend the pensioner concession to ratepayers who jointly occupy a dwelling and are jointly liable for the rates and charges with an eligible pensioner, if it considers it proper to do so.

The Act does not provide for the deferral of pensioner rates and charges, apart from the provisions for a formal agreement for periodical payments. However, Council may allow for a delay of recovery proceedings in some cases subject to an interest charge calculated in accordance with section 566 of the Act.

4.154 Deferral of recovery proceedings against Eligible Pensioners

Council recognises the number of pensioner ratepayers in the community, and is concerned with the difficulties some eligible pensioner ratepayers may have in meeting their rate payments.

Section 712 of the Act provides that proceedings for recovery of a rate or charge may be commenced at any time within nineteen years from the date when the rate or charge became due and payable. The Department of Local Government Rating and Revenue Manual advises that councils have discretion to accrue rates, charges and applicable interest against a



pensioner's estate. The Department advises if councils wish to utilise this discretion, agreement is required from the pensioner ratepayer.

Where the eligible pensioner requests a delay in recovery action to allow outstanding rates, charges, and interest to accrue against their estate, and is willing to enter into an agreement, Council will:

- (1) Provide the eligible applicant pensioner ratepayer with a copy of the Pensioner Deferral Application that will require the disclosure of relevant financial information. The ratepayer must complete the application in order to prevent proceedings commencing.
- (2) Provide an annual rates notice of all outstanding rates, charges, and interest as well as appropriate instalment reminders.
- (3) Not commence recovery action until there is a change in ownership of the property, either or both ratepayers leave the property (except where the pensioner is in a care facility on a temporary basis being less than 12 months) or either or both become ineligible for a concession. Should any of these events occur, rates and charges will become due and payable.
- (4) However, given the constraints as set out in section 712 of the Act, Council will require pensioners to commence the payment of overdue rates and charges, such that their total debt to Council does not exceed nineteen years.
- (5) Should the pensioner be unable to adhere to the above, Council may commence recovery proceedings for any debt in excess of nineteen years.

The following conditions will apply to Council's agreement to defer recovery action:

- (1) Interest will accrue on the deferred rates and charges in accordance with the Act.
- (2) The application to allow accrual of rates against future estate or sale of the property must be in writing, signed by each owner or person having an interest in that land. A letter of confirmation is to be provided each financial year to ensure the ongoing agreement between the ratepayers and the Council.
- (3) An eligible pensioner ratepayer must notify Council if the pensioner no longer uses it as his/her principal place of living or rents it out, such notification must be provided by the pensioner within 30 days of vacating the premises.
- (4) Council may revoke the deferral of recovery action of rates or charges against land in any of the following circumstances and all overdue rate or charges and interest will become payable immediately when:



- (a) the pensioner sells the property, or
- (b) when the pensioner ceases to occupy the property as his/her principal place of living, or
- (c) when the pensioner rents the property out.
- (d) when the ratepayer is no longer an eligible pensioner.
- (5) However, where an eligible pensioner does not enter into such an agreement Council will advise the eligible pensioner of their right to negotiate a periodical payment arrangement. Where an agreement on deferral or a periodical payment arrangement is not entered into, debt recovery of rates and annual charges will apply as per this policy.

4.165 Writing off of Rates, Charges and Interest

Council may write off rates, charges or interest in accordance with this policy, the Act and Regulation:

- a) Write off rates and charges in accordance with clause 131(4) of the Regulation:
 - If there is an error in the assessment, or
 - If the amount is not lawfully recoverable, or
 - As a result of a decision of a court, or
 - If the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.
- b) Write off of accrued interest in accordance with section 567 of the Act is outlined in paragraph 1.21.

An annual report on rates and charges written off by the General Manager will be tabled to an appropriate ordinary Council meeting at the beginning of the new financial year for the previous financial year.

5. Review

This Policy will be reviewed every four years or as required in the event of legislative changes or requirements. The Policy may also be changed as a result of other amendments. Any amendments to the Policy must be way of a Council resolution.

6. Definitions

<This section is aimed at providing definition for terms that have particular meaning or have a need for some interpretation related to the particular policy (i.e. unique to that policy). Only define terms that are actually used in the document. Definitions should be used sparingly, and it is not necessary</p>

to define common terms (such as 'Council') or to list terms where the meaning is self-evident. Policy authors should ensure that terms are used consistently across the policy suite>

Term	Definition
Act	Local Government Act, 1993 (NSW)
Hardship	Hardship is any situation where an individual is having difficulty paying legally owed debt. This can result from life changes (for example, because of illness, unemployment or changed financial circumstances) restricting the short -term capacity to pay
Pensioner	An eligible pensioner as defined in clause 134 of the Local Government (General) Regulations
Regulation	Local Government (General) Regulation (2005)
Write Off	The accounting procedure for cancelling a debt that is no longer collectable resulting in its removal from the ratepayer's balance sheet account
Stormwater management service	A service to manage the quantity or quality, or both, of stormwater that flows off land, and includes a service to manage the re-use of stormwater for any purpose

REPORT CM/7.5/25.07

Subject: Code of Conduct - Adoption

TRIM No: SF25/333

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services



RECOMMENDATION:

That Council:

1. Adopts the Code of Conduct attached to the report (Attachment 1).

- 2. Adopts the Procedures for the Administration of the Code of Conduct attached to the report (Attachment 2).
- 3. Officers prepare a report to Council once the new model Code of Conduct and Procedures are released by the Office of Local Government.

1. Executive Summary

Council must review its Code of Conduct within 12 months after each local government election. The Code must incorporate the provisions of the model code prescribed by the Office of Local Government (OLG). OLG is currently reviewing the councillor conduct framework, which will affect the model code and model procedures. The outcome of that review has not been announced. It is therefore recommended that Council readopts its current Code of Conduct and Procedures pending the release of the new models, thereby complying with Council's obligation to review the Code of Conduct.

2. Introduction/Background

Council officials, including Councillors and staff, are bound by the Code of Conduct.

Section 440 of the *Local Government Act* requires councils to adopt a code of conduct that incorporates the provisions of the model code prescribed by OLG. The adopted code may include provisions that supplement the model code, but they must be consistent with the model.

Section 440AA of the Act similarly requires councils to adopt procedures for the administration of the code of conduct that incorporate the provisions of the model procedures.

Council's current Code of Conduct and Procedures were adopted in December 2022.

In accordance with section 440(7) of the *Local Government Act 1993*, Council must review its Code of Conduct within 12 months after each local government election

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 November 2024	CM/10.1/24.11	That Council approves the submission to the Office of Local Government attached to the report (Attachment 2) on the Councillor Conduct and Meeting Practices Discussion Paper, subject to the following amendments: 1. Page 27 of the urgent business, clause 14, fourth
		dot point – Amend to read as follows: 'Standing when the Mayor enters the meeting room. The aim should be to make meetings more accessible, collaborative and representative.'
		 Page 26 of the urgent business, clause 7, third subpoint – Amend to read as follows: 'Should not include current councillors or any former councillor who has been the subject of a Code of Conduct investigation that has determined that there has been a breach of the Code of Conduct and made a recommendation that the respondent to the complaint be formerly censured for the breach under section 440G of the Local Government Act 1993.' Page 25 of the urgent business, clause 6 – Add the following det point:
		following dot point: 'Councillors should have to declare if they are employed by a property developer or if they derive income or remuneration from a property developer.'
Council 13 December 2022	CM/7.1/22.12	That Council: 1. Adopts the Code of Conduct attached to the report (Attachment 1).
		Adopts the Procedures for the Administration of the Code of Conduct attached to the report (Attachment 2).

4. Discussion

In September 2024, OLG released a discussion paper on Councillor conduct and meeting practices. According to OLG, the current councillor conduct framework 'is not delivering on the needs for transparency or the necessary degree of respect in the community for the role that councillors have.' Some of the issues raised in the paper include:

• Poor councillor behaviour, particularly at meetings.

• A large volume of frivolous complaints, which are often weaponised for political reasons.

- An unsatisfactory and protracted complaints management process.
- A lack of transparency in council decision-making.

Council approved a submission to OLG in response to the discussion paper in November 2024.

The review of the councillor conduct framework will affect the content of the model code and model procedures. OLG is yet to release the outcome of its review or the new model codes, and no time frame has been provided. It is therefore recommended that Council readopts its current Code of Conduct and Procedures pending the release of the new models, thereby complying with Council's obligation to review the Code of Conduct within12 months after the local government election.

Officers will prepare a report to Council on an amended Code of Conduct and Procedures based on the new model codes once they are released by OLG, which is expected later this year.

OLG has advised that the proposed changes to the conduct framework will only apply to Councillors, with no changes proposed to the provisions applicable to staff. It is therefore likely that the current Code of Conduct will be split into two codes.

There is no requirement to exhibit the Code of Conduct or Procedures.

5. Financial Impact

There is no unbudgeted cost to Council to review and adopt the Code of Conduct and Procedures.

6. Risks/Issues

There is a statutory requirement for Council to review its Code of Conduct within 12 months after the election even if no changes are proposed. If Council does not readopt its current Code and Procedures, they will continue to apply regardless.

7. Attachments

- 1. Code of Conduct (under separate cover)
- 2. Procedures for the Administration of the Code of Conduct (under separate cover)

REPORT CM/7.6/25.07

Subject: Code of Meeting Practice - Adoption

TRIM No: SF25/332

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services



RECOMMENDATION:

That Council:

1. Adopts the Code of Meeting Practice attached to the report.

2. Officers prepare a report to Council once the new model Code of Meeting Practice is released by the Office of Local Government.

1. Executive Summary

Council must adopt a Code of Meeting Practice within 12 months after each local government election. The Code must incorporate the mandatory provisions of the model code prescribed by the Office of Local Government (OLG). OLG is currently reviewing the model code as part of its broader review of the councillor conduct framework. The outcome of that review has not been announced. It is therefore recommended that Council readopts its current Code of Meeting Practice pending the release of the new model, thereby complying with Council's obligation to review the Code of Meeting Practice.

2. Introduction/Background

Section 360 of the *Local Government Act 1993* requires councils to adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by OLG. The adopted code may incorporate the non-mandatory provisions of the model as well as supplementary provisions, which must be consistent with the model.

Council must adopt a Code of Meeting Practice within 12 months after each local government election. Before adopting the code, Council is required to publicly exhibit it for 28 days and invite submissions for 42 days.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 18 February 2025	CM/7.9/25.02	That Council approves the submission to the Office of Local Government attached to the report (Attachment 3) on the consultation draft of the new Model Code of Meeting Practice.
Council 26 November 2024	CM/10.1/24.11	That Council approves the submission to the Office of Local Government attached to the report (Attachment

		2) on the Councillor Conduct and Meeting Practices Discussion Paper, subject to the following amendments:
		Page 27 of the urgent business, clause 14, fourth dot point – Amend to read as follows:
		'Standing when the Mayor enters the meeting room. The aim should be to make meetings more accessible, collaborative and representative.'
		2. Page 26 of the urgent business, clause 7, third subpoint – Amend to read as follows:
		'Should not include current councillors or any former councillor who has been the subject of a Code of Conduct investigation that has determined that there has been a breach of the Code of Conduct and made a recommendation that the respondent to the complaint be formerly censured for the breach under section 440G of the Local Government Act 1993.'
		3. Page 25 of the urgent business, clause 6 – Add the following dot point:
		'Councillors should have to declare if they are employed by a property developer or if they derive income or remuneration from a property developer.'
Council 21 June 2022	CM/7.4/22.06	That Council adopts the Code of Meeting Practice attached to the report.

4. Discussion

In September 2024, OLG released a discussion paper on Councillor conduct and meeting practices. Council approved a submission to OLG in response to the discussion paper in November 2024.

In December 2024, OLG issued a consultation draft of the new Model Code of Meeting Practice. According to the Minister for Local Government, the proposed amendments to the model code are designed to deliver the following outcomes:

- Promote transparency, integrity and public participation.
- Promote the dignity of the council chamber.
- Depoliticise the role of the general manager.
- Simplify the Model Meeting Code.

Council approved a submission to OLG on the draft model code in February 2025.

OLG is yet to release the outcome of its review of the Model Code of Meeting Practice or the broader review of the councillor conduct framework. It is therefore recommended that Council readopts its current Code of Meeting Practice pending the release of the new model, thereby complying with Council's obligation to review the code within 12 months after the local government election.

Officers will prepare a report to Council on an amended Code of Meeting Practice based on the new model code once it is released by OLG, which is expected later this year. The code will be publicly exhibited at that time.

5. Financial Impact

There is no unbudgeted cost to Council to review or adopt the Code of Meeting Practice.

6. Risks/Issues

There is a statutory requirement for Council to review and exhibit its Code of Meeting Practice within 12 months after the election even if no changes are proposed or the changes are not substantial. It is considered impractical—and may be confusing for the community—to exhibit the current, unchanged code given that a new model is forthcoming. An amended code will be publicly exhibited once OLG releases the new model.

7. Attachments

1. Code of Meeting Practice (under separate cover)

REPORT CM/7.7/25.07

Subject: Councillor Expenses and Facilities Policy - Exhibition

TRIM No: SF25/1958

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services



That Council:

1. Publicly exhibits the draft Councillor Expenses and Facilities Policy attached to the report for 28 days.

2. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

Council must adopt a Councillor Expenses and Facilities Policy within 12 months of each term of Council. Officers have reviewed the current policy and are recommending changes. The changes are not extensive and primarily reflect existing arrangements. It is recommended that Council publicly exhibits the amended policy before adopting it.

2. Introduction/Background

In addition to receiving an annual fee, Councillors may be reimbursed for expenses they incur in undertaking their civic duties. Council may also provide Councillors with facilities. However, Council must not pay expenses or provide facilities otherwise than in accordance with a policy adopted in accordance with the *Local Government Act 1993*.

Council's current Councillor Expenses and Facilities Policy was adopted in December 2022. It is based on the Office of Local Government's (OLG) template, which was released in June 2017.

Section 252 of *the Local Government Act* states that Council must adopt a Councillor Expenses and Facilities Policy within 12 months of each Council term. Officers have reviewed the current policy and are recommending some changes, which are not extensive.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council	CM/7.1/22.12	That Council:
13 December 2022		
		1. Adopts the Councillor Expenses and Facilities
		Policy attached to the report.
		2. Commits to supporting the ongoing professional
		development of Councillors.



4. Discussion

The aim of the review was to:

- Address issues that have arisen since the last review.
- Reflect existing arrangements.
- Provide additional facilities to Councillors.
- Further streamline the policy.
- Make minor housekeeping amendments.

The changes are set out in the table below. The amended policy is attached to the report, with changes shown in red.

Table 1. Changes to policy.

Clause	Change		
General travel arrangement and expenses (cl 6.2)	Delete the provision of Cabcharge tickets. These are rarely used and often have early expiry dates. Taxis also do not always accept Cabcharge tickets.		
Professional development (cl 6.25)	 Amend the period in which Council will provide an induction program to Councillors from the first 12 months of a term to the first six months. This is to correct an error in the OLG template. The statutory requirement is within six months. 		
Facilities (cl 9.1)	Delete pigeon-holes/lockers. Following the closure of Council Chambers, there are currently no pigeon-holes or lockers available to Councillors. These facilities were not widely used by former Councillors, particularly given the decline in post. Officers hand-deliver any letters to Councillors at Council meetings.		
Facilities (cl 9.1)	 Add the Waverley Library Car Park pass to the list of facilities provided to Councillors. The pass has been introduced following the closure of Council Chambers to provide nearby parking to Councillors attending meetings in Bondi Junction; in particular, Council/Council Committee meetings and briefings at the Boot Factory. 		
Facilities (cl 9.2)	Amend the meeting room booking process to recognise the role of the Executive Services team, and to include the facilitation of online meetings.		
Facilities (cl 9.4)	 Add the following additional facilities: Fitness Passport. 		

	 Access to vaccination program. Access to Employee Assistance Program (EAP).
	The Fitness Passport provides discounted access to fitness facilities and is currently only available to staff. The addition of the vaccination program and EAP is to reflect existing arrangements.
Additional facilities for the Mayor (cl 10.1)	Amend the clause to add the Waverley Library Car Park Pass to the mayoral vehicle.
Additional facilities for the Mayor (cl 10.3)	Amend the clause to enable the Mayor to enter into a Motor Vehicle Leaseback Agreement for the mayoral vehicle if desired. This would allow any private use of the vehicle to be accounted for in a leaseback fee (like staff), rather than on a per kilometre basis. The existing method (per kilometre deduction) remains as an option.
Additional facilities for the Mayor (cl 10.5)	Add appropriate refreshments for meetings and engagements. This is to reflect and recognise the longstanding practice of the Mayor's Office having a dedicated budget for refreshments for meetings between the Mayor and stakeholders and constituents.
Yearly allowances (cl 11.19)	Delete the clause. This clause, which is not in the OLG template, relates to the allocation of yearly allowances in the final financial year of a term. It should be deleted, as it does not reflect the budget and reduces flexibility for Councillors. Any IT or home office equipment purchased in the final financial year needs to be returned or bought back as per the policy.
Definitions (Appendix 2)	Amend the definition of 'appropriate refreshments' to clarify that alcohol may only be served with the approval of the General Manager and only by RSA-qualified persons.
	This reflects current practice. Alcohol is never served before Council meetings.

Consultation

Before adopting or amending the Councillor Expenses and Facilities Policy, Council must publicly exhibit it for at least 28 days unless the changes are not substantial (section 253 of the *Local Government Act*). The proposed changes are not considered substantial. However, it is recommended that Council exhibits the policy via Have Your Say to seek feedback.

The draft policy was endorsed by the Executive Leadership Team at its meeting on 3 July 2025.

5. Financial Impact

The amendments to the policy will not result in any changes to the Councillors' expenses budgets, which are accounted for in the 2025-26 budget.

No increases to budgets are proposed, as Councillors do not routinely exceed their budgets, other than professional development. Clause 11.3 of the policy allows Councillors exceed their budget for a particular expense if there are sufficient funds elsewhere in their budget. Officers will also review the adequacy of Councillors' expenses budgets as part of the 2026-27 budget process, with any changes requiring an amendment to the policy.

6. Risks/Issues

The policy is based on the OLG template and complies with OLG's Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW.

The statutory requirement to review and exhibit the policy ensures accountability and helps align the policy with community expectations.

7. Attachments

1. Draft Councillor Expenses and Facilities Policy &



Councillor Expenses and Facilities Policy



CM/7.7/25.07- Attachment 1 Page 72

Department	Governance
Approved by	
Date approved	
File reference	
Next revision date	
	Local Government Act 1993, sections 252 and 253
Relevant legislation	Local Government (General) Regulation 2021, sections 217 and 403
	OLG, Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW (2009)
	OLG Circular 09-36, Guidelines for Payment of Expenses and Facilities
Related policies/ procedures/guidelines	OLG Circular 05, 08 Legal assistance for Councillors and Council Employees
	Code of Conduct
	Procedures for the Administration of the Code of Conduct
Related forms	Councillor Expenses Claim Form



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Policy Summary

This policy takes effect on 1 January 2023 and enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and Local *Government (General) Regulation 2021* (the Regulation) and complies with the Office of Local Government's *Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW.*

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. The main expenses and facilities are summarised in the table below. Additional costs incurred by a Councillor in excess of these maximum amounts are considered a personal expense that is the responsibility of the Councillor. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$750 per Councillor	Per year
	\$750 for the Mayor	
	Note: allowances for the	
	use of a private vehicle will	
	be reimbursed by kilometre	
	at the rate contained in the	
	Local Government (State)	
	Award	
Interstate, overseas and long-	\$2,000 total for all	Per year
distance intrastate travel	Councillors	
expenses		
Accommodation and meals	As per the NSW Crown	Per meal/night
	Employees (Public Service	
	Conditions of Employment)	
	Reviewed Award 2009,	
	adjusted annually	
Professional development	\$2,500 per Councillor	Per year, except in the first
		12 months of a Council term
		where the second year's

		allowance can be expended
Conferences	\$30,000 total for all Councillors	Per year
ICT equipment	\$8,000 per Councillor	Per term The permissible ICT equipment allowance in the final 12 months of the term is to be a maximum of \$2,500 and only for the replacement or repair of existing equipment.
ICT usage	\$4,200 per Councillor	Per year
Carer expenses	\$40 per hour per Councillor (\$12,000 total per year for all Councillors)	As required for attendance at official business
Home office expenses	\$1,800 per Councillor	Per year, except in the first 12 months of a Council term where the second year's allowance can be expended
Parking permits	One Councillor Parking Permit per Councillor	Per term
Waverley Library Car Park Pass	One per Councillor	Per term
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Name badge	One per Councillor	Per term
Fitness Passport	One per Councillor	Per term
Access to vaccination program	As per program	As per program
Access to Employee Assistance Program	As per program	As per program
Council vehicle with fuel card, Councillor Parking Permit and Waverley Library Car Park Pass	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor	Two full-time staff	Not relevant

Part A - Introduction

1. Introduction

1.1 The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Waverley Council.

- 1.2 The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3 The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4 Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5 Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1 The objectives of this policy are to:
 - Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties.
 - Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties.
 - Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.
 - Ensure facilities and expenses provided to Councillors meet community expectations.
 - Support a diversity of representation.
 - Fulfil Council's statutory responsibilities.

3. Principles

- 3.1 Council commits to the following principles:
 - Proper conduct: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
 - Reasonable expenses: providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
 - Participation and access: enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
 - Equity: there must be equitable access to expenses and facilities for all Councillors.
 - Appropriate use of resources: providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
 - Accountability and transparency: clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

- 4.1 Councillors must not obtain or seek to obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council expenses, equipment and facilities by Councillors may occur from time to time.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where substantial private use occurs, Councillors must reduce their claim by the approximate percentage of private use or reimburse Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - Production of election material.
 - Use of Council resources and equipment for campaigning.
 - Use of official Council letterhead, publications, websites or services for political benefit.
 - Fundraising activities of political parties or individuals, including political fundraising events.

Part B - Expenses

5. General expenses

5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

5.2. Expenses or facilities not explicitly addressed in this policy will not be paid, reimbursed or provided except in extenuating circumstances and only where approved by the General Manager in consultation with the Executive Manager, Governance.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed up to a total of \$750 per year, and the Mayor may be reimbursed up to a total of \$750 per year (in addition to the use of the Mayoral vehicle; see section 10 of this policy), for travel expenses incurred while undertaking official business or professional development. This includes reimbursement for:
 - Public transport fares.
 - The use of a private vehicle or hire car.
 - Parking costs for Council and other meetings.
 - Tolls.
 - Taxi fares/ride-share. Upon request, a maximum of four Cabcharge tickets will be
 issued by the Governance department to a Councillor at any one time. No further tickets
 will be issued until all receipts associated with previously issued tickets have been
 submitted to the Covernance department.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the vehicle allowance rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking reimbursement for use of a private vehicle must set out the date, distance and purpose of travel being claimed.

Interstate, overseas and long-distance intrastate travel expenses

- 6.5. This clause has been deleted.
- 6.6. In accordance with section 4 of this policy, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councillors should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for Council and the local community. This includes travel to sister and friendship cities.
- 6.7. Total interstate, overseas and long-distance intrastate travel expenses for all Councillors will be capped at a maximum of \$2,000 per year. This amount will be set aside in Council's annual budget.
- 6.8. Councillors seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.9. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.10. The case should include:
 - Objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties.
 - Who is to take part in the travel.
 - Duration and itinerary of travel.
 - A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.11. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14. Bookings for approved air travel are to be made through the General Manager's office.

6.15. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

6.16. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.17. This clause has been deleted.
- 6.18. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside metropolitan Sydney.
- 6.19. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of clause 6.19.
- 6.21. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council-related meetings

- 6.22. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.23. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

6.24. Council is committed to supporting the continued professional development of Councillors. To this end, Council will set aside \$2,500 per Councillor per year to facilitate professional development. In the first 12 months of a Council term, the second year's allowance can be expended.

6.25. In the first 12 six months of a Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

- 6.26. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.27. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
 - Details of the proposed professional development.
 - Relevance to Council priorities and business.
 - Relevance to the exercise of the Councillor's civic duties.
- 6.28. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in clause 6.27, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences

- 6.29. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.30. Council will set aside a total amount of \$30,000 annually in its budget to facilitate Councillor attendance at conferences, including the Local Government NSW Annual Conference, the National General Assembly of Local Government and other similar forums where Councillors are attending on behalf of Council This allocation is for all Councillors and includes seminars held at conferences. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.31. Approval to attend a conference is subject to a Council resolution or a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
 - Relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties.
 - Cost of the conference in relation to the total remaining budget.



6.32. Council will meet the reasonable cost of registration fees, transportation (including any long-distance travel) and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to clauses 6.18–6.21.

Information and communications technology (ICT) expenses

- 6.33. Council will reimburse Councillors for expenses associated with:
 - ICT equipment up to a limit of \$8,000 per term for each Councillor, including:
 - Computers (desktops/laptops) and tablets.
 - o Printers and scanners.
 - Mobile phones.
 - o Accessories, e.g. keyboards, mice, hard drives, headphones, cases.
 - o Maintenance, support and insurance of ICT equipment.
 - Any other ICT equipment approved by the General Manager in consultation with the Executive Manager, Governance.
 - The permissible ICT equipment allowance in the final 12 months of the term (e.g. September to August inclusive) is to be a maximum of \$2,500 and only for the replacement or repair of existing equipment.
 - ICT usage up to a limit of \$4,200 per year for each Councillor, including:
 - o Phone plans.
 - Internet/data plans.
 - o SIM cards.
 - Software and software subscriptions.
 - Cloud storage.
 - Newspaper subscriptions (digital and/or hard copy).
- 6.34. Reimbursements will be made only for ICT equipment and services used for Councillors to undertake their civic duties, such as:
 - Receiving and reading Council business papers.
 - Relevant phone calls and correspondence.
 - Diary and appointment management.
- 6.35. This clause has been deleted.



Special requirement and carer expenses

6.36. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities include provision for:

- Councillors who are the principal carer of a child or an elderly, disabled and/or sick immediate family member.
- Councillors with a disability.
- 6.37. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of a child or an elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$40 per hour for attendance at official business (\$12,000 total per year for all Councillors).
- 6.40. Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.42. In addition to ICT expenses (clauses 6.33–6.35), each Councillor may be reimbursed up to \$1,800 per year for costs associated with the maintenance of a home office, including:
 - Stationery.
 - Printer ink cartridges.
 - Desks and chairs.
 - Filing cabinets.
- 6.43 In the first 12 months of a Council term, the second year's allowance can be expended.



7. Insurances

7.1. In accordance with section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this policy.

- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - A Councillor defending an action arising from the performance in good faith of a function under the Act provided that the outcome of the legal proceedings is favourable to the Councillor.
 - A Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor.
 - A Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or

her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

- 8.4. Council will not meet the legal costs:
 - Of legal proceedings initiated by a Councillor under any circumstances.
 - Of a Councillor seeking advice in respect of possible defamation, or in seeking a nonlitigious remedy for possible defamation.
 - For legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

Part C - Facilities

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
 - A Councillor common room appropriately furnished to include computers, a printer/scanner, accessories and phones. and pigeon-holes/lockers.
 - A Councillor Parking Permit, which entitles the holder to park in all Resident Parking Scheme areas, Council Authorised spaces and metered spaces for an unlimited time without payment, including Queen Elizabeth Drive and Park Drive, Bondi Beach, and Bronte Cutting.
 - A Waverley Library Car Park pass, which entitles the holder to park for an unlimited time without payment.
- 9.2. Councillors may book meeting rooms for official business in a specified Council buildings at no cost. Rooms may be booked through a specified officer in the Mayor's Office or other specified staff member staff in the Executive Services or Governance teams, who can also facilitate online meetings for Councillors.
- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

- 9.4. On request, Council will also provide the following to Councillors each year:
 - E-letterhead, to be used only for correspondence associated with civic duties.
 - Business cards up to a value of \$150 per year (on request).
 - One name badge per Councillor (on request).
 - Fitness Passport (on request).
 - Access to vaccination program.
 - Access to Employee Assistance Program.
- 9.5. This clause has been deleted.

Administrative Support

- 9.6. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's Office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 9.7. As per section 4 of this policy, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.
- 10. Additional facilities for the Mayor
- 10.1. Council will provide the Mayor with a maintained vehicle to a similar standard of other Council vehicles, with a fuel card, Councillor Parking Permit and Waverley Library Car Park Pass. The vehicle will be supplied for use on official business, professional development and attendance at the Mayor's Office.
- 10.2. This clause has been deleted.
- 10.3. The Mayor's expenses budget or annual fee will be reduced to cover the cost of any private travel calculated on a per kilometre basis by the rate set by the Local Government (State) Award or via a Motor Vehicle Leaseback Agreement.
- 10.4. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's Office.
- 10.5. Council will provide the Mayor with a furnished office and meeting space, including a computer (desktop/laptop), printer/scanner, accessories, phone and appropriate refreshments for meetings and engagements.

10.6. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

- 10.7. The number of exclusive staff provided to support the Mayor and Councillors will not exceed two full-time equivalents.
- 10.8. As per section 4 of this policy, staff in the Mayor's Office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D - Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following expenses may be sought after the expense is incurred:
 - General travel.
 - Carer.
 - ICT equipment and ICT usage. However, Councillors should consult the IT department before purchasing ICT equipment to achieve best value for money and to ensure that adequate security, maintenance and insurance are provided.
 - Home office.
- 11.4. Final approval for payments made under this policy will be granted by the General Manager or Executive Manager, Governance.

Direct payment

11.5. Council may approve and directly pay the cost of conferences, professional development and ICT equipment, with the amount deducted from the relevant Councillor expenses budget.

Reimbursement

11.6. All claims for reimbursement of expenses incurred:



Councillor Expenses and Facilities Policy

 Must be made on the prescribed form, supported by appropriate receipts and tax invoices as evidence of goods/services purchased and paid for.

• Should be submitted monthly, where possible, to the Governance department (see also clause 11.15).

Advance payment

- 11.7. This clause has been deleted.
- 11.8. This clause has been deleted.
- 11.9. This clause has been deleted.
- 11.10. This clause has been deleted.

Notification

- 11.11. If a claim is approved, Council will reimburse the Councillor through accounts payable within a month of the approval.
- 11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 11.13. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - The amount will be deducted from elsewhere in the Councillor's expenses budget, or
 - Council will invoice the Councillor for the expense, and the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's annual fee.

Time frame for reimbursement

11.15. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within six months of an expense being incurred. Claims made after this time

cannot be approved except in extenuating circumstances and only where approved by the General Manager in consultation with the Executive Manager, Governance. To assist end-of-year financial processes, all outstanding expenses should be submitted no later than two weeks following the financial year end.

Carry-over

11.16. Unexpended monetary amounts do not carry over year to year unless otherwise specified in this policy.

Yearly allowances

- 11.17. All yearly allowances commence on 1 July each year and are allocated each financial year.
- 11.18. In the first year of a term (e.g. from September to 30 June), a full year's allowance will be allocated.
- 11.19. In the final financial year of a term (e.g. from 1 July to August inclusive), the yearly allowance will be allocated on monthly basis.

Term allowances

11.20. Where the frequency of an expense or facility is specified 'per term', this equates to a fouryear term. Where a term is longer or shorter than four years, the allocation will be adjusted on a monthly basis.

12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

13.1. All unexpended facilities and/or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

13.2. Should a Councillor desire to keep any equipment obtained under this policy, they must purchase the equipment from Council. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

13.3. The prices for all equipment purchased by Councillors under clause 13.2 will be recorded in Council's annual report.

14. Publication

14.1. This policy will be published on Council's website.

15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required by the Act and Regulation.
- 15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website.

 These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16. Auditing

16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

Part E - Appendices

Appendix 1 – Related Legislation, guidance and policies

Relevant legislation and guidance

- Local Government Act 1993, sections 252 and 253.
- Local Government (General) Regulation 2021, sections 217 and 403.
- OLG, Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW (2009).
- OLG Circular 09-36, Guidelines for Payment of Expenses and Facilities.
- OLG Circular 05-08 Legal assistance for Councillors and Council Employees.

Related Council policies

- Code of Conduct.
- Procedures for the Administration of the Code of Conduct.

Appendix 2 - Definitions

Term	Definition
	Means food and beverages, excluding alcohol, provided by
A un un uinte un fun elemente	Council to support Councillors undertaking official business.
Appropriate refreshments	Alcohol may only be served with the approval of the General
	Manager and only by RSA-qualified persons
Act	Means the Local Government Act 1993 (NSW)
clause	Unless stated otherwise, a Ference to a clause is a reference to a
	clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model
	Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member
	of the governing body of Council who is not suspended, including the Mayor

General Manager	Means the General Manager of Council and includes their delegate or authorised representative
Incidental private use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long-distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in the policy summary
official business	 Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, including: Meetings of Council and Committees. Meetings of committees facilitated by Council. Civic receptions hosted or sponsored by Council. Meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.
professional development	Includes a seminar, conference, training course, program, event, or other education/development opportunity relevant to the role of a Councillor or the Mayor that may further their professional development, as well as membership of professional bodies
Regulation	Means the Local Government (General) Regulation 2021 (NSW)
this clause has been deleted	Means the clause from the Office of Local Government template from June 2017 has been deleted from Waverley's policy as it was not applicable to Waverley. This phrase has been used as replacement text to preserve the numbering throughout the policy
year	Means the financial year (i.e. the 12-month period commencing on 1 July each year), unless otherwise specified in this policy

REPORT CM/7.8/25.07

Subject: Councillor Expenses and Facilities - Annual Report

TRIM No: SF23/170

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services



RECOMMENDATION:

That Council notes the annual report on Councillor expenses and facilities for the period 1 October 2024 to 30 June 2025 attached to the report.

1. Executive Summary

This report provides details on the provision of expenses and facilities to Councillors over the preceding financial year, as required by the Councillor Expenses and Facilities Policy.

2. Introduction/Background

Council adopted the Councillor Expenses and Facilities Policy in May 2018 based on the Office of Local Government's (OLG) template. The policy requires Council to report on the provision of expenses and facilities to Councillors every six months. Council adopted an amended policy in December 2022, commencing on 1 January 2023.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 18 February 2025	CM/7.11/25.02	That Council notes the six-monthly report on Councillor expenses and facilities for the period 1 July 2024 to 31 December 2024 attached to the report.
Council 16 July 2024	CM/7.3/24.07	That Council notes the annual report on Councillor expenses and facilities for the period 1 July 2023 to 30 June 2024 attached to the report.

4. Discussion

Clause 15.2 of the Councillor Expenses and Facilities Policy states that:

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

The report is attached. It outlines each Councillor's expenditure against budget and the remaining budget for each expense category under the policy from 1 October 2024 to 30 June 2025, subject to the following points:

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• With the local government election on 14 September 2024, the reporting period commences on 1 October 2024, which is approximately when the results were declared. The period between 1 July 2024 and October 2024 was covered in the previous six-monthly report.

- The budgets for conferences, long-distance travel and carer expenses are not itemised per Councillor because the policy provides a total figure for all Councillors. The training budget covers Councillor induction and training for all Councillors.
- As the policy allows Councillors six months in which to submit claims for reimbursement, not all expenses incurred may be accounted for. They would be shown in the next report.
- A Councillor can incur an expense that exceeds the maximum limit for that expense if funds are available elsewhere in their budget, in accordance with clause 11.13 of the policy. The overspend is not reallocated.
- Fees and superannuation paid to Councillors are separate to expenses and facilities and are not included.
- The figures do not include GST.

The Councillors Expenses and Facilities Policy must be reviewed within the first 12 months of each term of Council; that is, by 14 September 2025. The policy has been reviewed and is the subject of a separate report on the July Council meeting agenda. No changes are proposed to the reporting process.

5. Financial Impact

All Councillor expenditure is within budget.

6. Risks/Issues

In accordance with the *Local Government Act 1993*, Council must only pay expenses and provide facilities in accordance with its Councillor Expenses and Facilities Policy. The policy states that Councillors must not obtain private or political benefit from any expense or facility. Councillors are required to sign a declaration to this effect when seeking reimbursement and account for any personal use. The requirement to report on expenses every six months and in the Annual Report also provides oversight.

7. Attachments

1. Councillor expenses - 1 October 2024-30 June 2025 👃

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Councillor expenses 1 October 2024 - 30 June 2025

			2024-25 Remaining
	2024-25		Funds
	Current		on
	Approved	Oct 24 - June 25	Current
Natural Account	Budget	Actuals	Budget
11016.Councillors Expenses	(80,867)	(62,905)	(17,962)
4498.Councillors Care Related Expenses	(12,000)	(972)	(11,028)
4508.Councillors – Long-distance travel	(2,000)	(110)	(1,890)
4514.Councillors - Conferences & Seminars	(30,000)	(26,206)	(3,794)
4673.Training Expenses	(36,867)	(35,617)	(1,250)
11038.Councillor Fabiano - 2024-2028	(17,250)	(9,967)	(7,283)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	(4,914)	(3,086)
4499.Councillors - ICT Usage Expense	(4,200)	0	(4,200)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	(5,053)	2,553
11039.Councillor Frazer - 2024-2028	(17,250)	(6,200)	(11,051)
4406.Councillors - Home Office Expense	(1,800)	(19)	(1,782)
4496.Councillors Equipment	(8,000)	(395)	(7,605)
4499.Councillors - ICT Usage Expense	(4,200)	(1,385)	(2,815)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	(4,401)	1,901
11040.Councillor Lewis - 2024-2028	(17,250)	0	(17,250)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	0	(8,000)
4499.Councillors - ICT Usage Expense	(4,200)	0	(4,200)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	0	(2,500)
11041.Councillor Masselos - 2024-2028	(17,250)	(6,726)	(10,524)
4406.Councillors - Home Office Expense	(1,800)	(272)	(1,528)
4496.Councillors Equipment	(8,000)	(1,970)	(6,030)
4499.Councillors - ICT Usage Expense	(4,200)	(162)	(4,038)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	(4,322)	1,822
11042.Councillor Merten - 2024-2028	(17,250)	(231)	(17,019)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	0	(8,000)
4499.Councillors - ICT Usage Expense	(4,200)	0	(4,200)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	(231)	(2,269)
11043.Councillor Nemesh - 2024-2028	(17,250)	(16,475)	(635)
4406.Councillors - Home Office Expense	(1,800)	(2,097)	438
4496.Councillors Equipment	(8,000)	(341)	(7,659)
4499.Councillors - ICT Usage Expense	(4,200)	(3,669)	(531)
4506.Councillors - General Travel Expenses	(750)	(364)	(386)
4512.Councillors - Professional Development	(2,500)	(10,003)	7,503
11044.Councillor Spicer - 2024-2028	(17,250)	(5,077)	(12,173)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	(4,411)	(3,589)
4499.Councillors - ICT Usage Expense	(4,200)	(602)	(3,598)
4506.Councillors - General Travel Expenses	(750)	(64)	(686)
4512.Councillors - Professional Development	(2,500)	0	(2,500)

11045.Councillor Spooner - 2024-2028	(17,250)	(1,235)	(16,015)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	0	(8,000)
4499.Councillors - ICT Usage Expense	(4,200)	0	(4,200)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	(1,235)	(1,265)
11046.Councillor Stephenson - 2024-2028	(17,250)	(7,838)	(9,412)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	(3,027)	(4,973)
4499.Councillors - ICT Usage Expense	(4,200)	(195)	(4,005)
4506.Councillors - General Travel Expenses	(750)	(80)	(670)
4512.Councillors - Professional Development	(2,500)	(4,535)	2,035
11047.Councillor Townsend - 2024-2028	(17,250)	(1,981)	(15,269)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	(1,574)	(6,426)
4499.Councillors - ICT Usage Expense	(4,200)	(297)	(3,903)
4506.Councillors - General Travel Expenses	(750)	(22)	(728)
4512.Councillors - Professional Development	(2,500)	(89)	(2,411)
11048.Councillor Westwood - 2024-2028	(17,250)	(8,560)	(8,690)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	(3,506)	(4,494)
4499.Councillors - ICT Usage Expense	(4,200)	(320)	(3,880)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	(4,733)	2,233
11049.Councillor Wy Kanak - 2024-2028	(17,250)	(205)	(17,045)
4406.Councillors - Home Office Expense	(1,800)	0	(1,800)
4496.Councillors Equipment	(8,000)	0	(8,000)
4499.Councillors - ICT Usage Expense	(4,200)	(55)	(4,145)
4506.Councillors - General Travel Expenses	(750)	0	(750)
4512.Councillors - Professional Development	(2,500)	(150)	(2,350)

REPORT CM/7.9/25.07

Subject: Local Government Conference 2025

TRIM No: A13/0314

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services

WAVERLEY

RECOMMENDATION:

That Council, in respect of the Local Government NSW (LGNSW) Annual Conference to be held on Sunday, 23 November, to Tuesday, 25 November 2025:

- Nominates the Mayor, Deputy Mayor, Cr [INSERT NAME], Cr [INSERT NAME] and Cr [INSERT NAME] to attend the Conference as voting delegates for motions and the LGNSW Board election.
- 2. Nominates Cr [INSERT NAME] and Cr [INSERT NAME] to attend the Conference as reserve voting delegates for motions and the LGNSW Board election.
- 3. Approves the attendance of the General Manager or nominee at the Conference.
- 4. Considers any motions for submission to the Conference at the September Council meeting.

1. Executive Summary

The 2025 Local Government NSW (LGNSW) Annual Conference will be hosted by Penrith City Council from Sunday, 23 November, to Tuesday, 25 November 2025, at Panthers Penrith and the Western Sydney Conference Centre.

Council is required to notify LGNSW of the names of five councillors attending the Conference as Council's voting delegates for motions and the LGNSW Board election, as well as any motions Council wishes to be considered at the conference. The deadline for notifying LGNSW of the names of voting delegates is Friday, 7 November 2025; the deadline for motions is Friday, 30 September 2025.

2. Introduction/Background

The LGNSW Annual Conference is the annual policy-making event for NSW councils. From 23 November to 25 November 2025, councillors come together to share ideas and debate issues that shape the way local government is governed and to set policy for the coming year.

Council-submitted motions will be debated and resolved to set LGNSW's advocacy priorities for the year ahead, while a tradeshow, workshops and training sessions are available to support delegates in their efforts to effectively represent their communities.

The election of the LGNSW Board, which occurs every two years, will be conducted at this year's conference.

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3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution	
Extraordinary Council	ME/7.3/24.10	That Council, in respect of the Local Government NSW	
(Mayoral Election)		Annual Conference to be held on Sunday, 17 November	
10 October 2024		to Tuesday, 19 November 2024:	
		Nominates the Mayor, Deputy Mayor and Crs Fabiano, Merten and Wy Kanak to attend the Conference as voting delegates for motions.	
		Approves the attendance of the General Manager at the Conference.	

4. Discussion

Program

The draft program for the Conference is available on LGNSW's website <u>here</u>.

Motions

Council can submit motions for consideration at the Conference. A motion endorsed at the Conference by a majority of voting delegates becomes a resolution. Resolutions form LGNSW policy and guide LGNSW's advocacy

LGNSW encourages councils to submit motions by Friday, 30 September 2025, to allow the motions to be assessed and included in the business paper. Under the LGNSW Rules, the latest date motions can be accepted for consideration at the Conference is 12 am Sunday, 26 October 2025.

Submitted motions must include accompanying evidence of Council's support for the motion. This is usually an extract from the minutes of the meeting at which Council resolved to submit the motion to the Conference. In the absence of a council meeting, the evidence can be a letter signed by the Mayor and General Manager

The LGNSW Board has resolved that motions will only be included in the business paper where they meet the following criteria:

- 1. Be consistent with the objects of the LGNSW Rules (Rule 4).
- 2. Demonstrate that the issue concerns or is likely to concern a substantial number of local governments in NSW.
- 3. Seek to establish or change a policy position of LGNSW and/or improve governance of the association (noting that the LGNSW Board is responsible for any decisions around resourcing and campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process).
- 4. Be strategic.
- 5. Be concise, clearly worded and unambiguous.
- 6. Not be focussed on just a small specific part of NSW.
- 7. Not encourage violation of prevailing laws.
- 8. Not seek to advantage one or several members at the expense of other members.
- 9. Motions of a similar objective...may be consolidated by LGNSW as a single item.

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10. Motions reflecting existing LGNSW policy...remain part of LGNSW's Policy Platform but will not be included for debate as they have already been considered by Conference. Should Council wish to submit any motions to the Conference, it will need to consider them for adoption at the Council meeting on 16 September 2025 via the usual notice of motion process. The LGNSW guide on submitting motions to the Conference is attached to this report.

LGNSW will issue the business paper for the Conference in the week commencing 10 November 2025.

Voting

Council is entitled to send five voting delegates for voting on motions and the LGNSW Board election in accordance with the LGNSW Rules. Council is required to advise LGNSW of the names of its nominated voting delegates by Friday, 7 November 2025.

A Councillor who has been nominated as a reserve voting delegate may attend the Conference even if the voting delegates are attending. The Mayor or General Manager must notify LGNSW if a delegate is to be substituted with a reserve delegate

5. Financial Impact

The costs associated with Councillors attending the LGNSW Annual Conference are covered in the Councillors' expenses budget, in accordance with the Councillor Expenses and Facilities Policy.

6. Risks/Issues

Should Councillors not attend the conference, they will miss an opportunity to come together with colleagues and to share ideas and debate issues that shape the way local government is governed and to set policy for the coming year.

7. Attachments

1. LGNSW Annual Conference 2025 - Motion Submission Guide &

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LGNSW 2025 Annual Conference Motion Submission Guide



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MOTION SUBMISSION GUIDE

1. Introduction

Each year, Local Government NSW (LGNSW) members submit a range of motions to the LGNSW Annual Conference. These motions relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues. They are debated and resolved by Conference delegates, with successful resolutions establishing LGNSW's policy positions and guiding LGNSW's advocacy priorities for the year ahead.

All LGNSW member councils are invited to submit motions to the Annual Conference, with the following guide outlining the motion development and submission process.

2. Deadlines

- Motion submission will open on Tuesday 1 July 2025
- Members are encouraged to submit motions <u>online</u> as early as possible before
 Tuesday 30 September 2025, to allow assessment of the motions and distribution
 of the Business Paper before the Conference.
- Under the LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is 12 midnight (AEDT) on Sunday 26 October 2025 (28 days prior to Conference).

3. Criteria for motion submission 2025

Members are encouraged to be mindful that each Annual Conference can only reasonably consider and debate around 100 motions in the available time. With the number of LGNSW members including councils and related entities (such as ROCs and JOs), LGNSW requests that members only submit motions that relate to their highest priorities.

The LGNSW Board has resolved that motions will be included in the Business Paper for the Conference only where they fit in with the following criteria.

Criteria for motions

To be included in the Business Paper, motions must:

- 1. Be consistent with the objects of the LGNSW Rules (Rule 4)
- 2. Demonstrate that the issue concerns or is likely to concern a substantial number of local governments in NSW
- Seek to establish or change a policy position of LGNSW and/or improve governance of the association (noting that the LGNSW Board is responsible for any decisions around resourcing and campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process)
- 4. Be strategic
- 5. Be concise, clearly worded and unambiguous
- 6. Not be focussed on just a small specific part of NSW
- 7. Not encourage violation of prevailing laws
- 8. Not seek to advantage one or several members at the expense of other members.

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Motions of a similar objective:

9. May be consolidated by LGNSW as a single item.

Motions reflecting existing LGNSW policy:

10. Remain part of LGNSW's Policy Platform but will not be included for debate as they have already been considered by Conference.

Before submitting motions for this year's Annual Conference, members are encouraged to the <u>LGNSW Policy Platform</u> to ensure the proposed motion wording does not reflect existing policy positions.

4. How to write a motion

Motions adopted at Conferences establish LGNSW policy positions and inform LGNSW's advocacy actions on behalf of the local government sector. LGNSW includes the exact wording of motions when writing to ministers, departments and agencies post-conference, so it is important that the wording of motions clearly outlines your council's policy intent or objective.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific department or minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

Examples of clearly-worded Annual Conference motions:

Local government representation on National Cabinet

That Local Government NSW lobbies the Australian Government for permanent local government representation on the National Cabinet.

Natural disaster funding, day labour

That LGNSW requests the Australian and NSW governments reinstate the claimable expense for the use of council staff during their normal working hours to attend to natural disaster relief and recovery funded works and reverse the present policy that effectively requires the mandatory use of contractors for recovery works.

Remuneration for assessment of State Significant Development

That Local Government NSW calls on the Department of Planning to remunerate councils for the time staff provide to review State Significant Development applications.

Short term rental accommodation

That Local Government NSW calls on the NSW Government to complete its review of the options in regard to short-term rental accommodation and provide a range of

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'model' options for councils to consider ensuring flexible and improved opportunities to improve the management and regulation of this land use in their local areas.

Skills shortages

That Local Government NSW:

- calls on the NSW and Federal Governments to provide incentives to address
 critical sector skills shortages effecting private and public investment, primarily
 in the fields of planning, engineering and building certification with these
 incentives to be in the form of scholarships, co-funding cadetships and reduced
 university course costs.
- 2. encourages all NSW to provide cadetship programs to build sector capacity in areas of critical sector skill shortages.

For more examples see Business Papers from past Conferences on the <u>LGNSW</u> website.

5. Demonstrating evidence of council support for motion

The member submitting the motion must provide accompanying evidence of support for the motion. Such evidence takes the form of an attachment note or extract from the minutes of the council meeting, at which the member council resolved to submit the motion for consideration by the Conference. In the absence of a council meeting, the evidence should be a letter signed by both the Mayor and General Manager.

6. How to submit a motion

LGNSW members are invited to submit motions through an <u>online portal</u> from **Tuesday 1 July 2025**.

Attachment A provides detailed instructions on how to submit motions via the online portal.

7. How LGNSW manages incoming motions

The LGNSW Board delegates the function of managing incoming motions for the Conference to a motions committee. The Chief Executive will refer motions to the committee and the committee will assess whether each motion meets or does not meet the Board-endorsed criteria. This assessment forms the final decision on which motions are included in the Conference Business Paper.

Prior to the committee making a final decision, LGNSW may contact the council that submitted the motion to seek clarity on its intent or wording.

Incoming motions which seek to change any long-held <u>Fundamental Principles</u> (Part A of the Policy Platform), will be highlighted in the Business Paper for members' information at time of voting.

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Motions which are consistent with existing LGNSW positions or current LGNSW actions, or that are operational and can be actioned without a Conference resolution, may still be printed in the Business Paper but will not be debated at the Conference.

8. Late motions

Late items are only to be included in the Business paper addendum if, in addition to the above criteria, the late items relate to highly urgent matters that have arisen after the deadline for the motion submission has passed.

In considering whether a late item relates to a highly urgent matter, the Board Motions Committee is to have regard to:

- (a) whether the late item has arisen after the deadline for motions has passed, and
- (b) whether the urgency of the matter justifies it being presented to voting delegates with short notice and limited opportunity to review and consider before they are required to vote on the motion.

9. What happens to motions at the LGNSW Annual Conference

Standing orders are outlined at the front of the Business Paper and adopted at the commencement of each Conference. They outline the manner in which the Conference deals with motions. The standing orders adopted at past conferences can be found in the business papers from previous conferences on the LGNSW website.

During debate on motions at Conference, the standing orders generally permit voting delegates to speak in support of or against each motion. Following a vote on a motion, the motion is either carried and becomes a resolution of the Conference, or it is defeated.

10. Post-conference: Updates to the LGNSW Policy Platform

LGNSW's <u>Policy Platform</u> consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. Importantly, the Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform consists of two parts: LGNSW's Fundamental Principles, and the more targeted Position Statements.

- Fundamental Principles are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at Annual Conferences.
- Position Statements contain LGNSW's more detailed positions on specific issues and guide LGNSW's work on, and response to, policy issues of the day. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise.

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Changing Fundamental Principles

Where a motion conflicts or may conflict with a Fundamental Principle, this will be clearly highlighted for delegates in the Conference Business Paper. If the motion is adopted as a resolution at Conference, then the relevant Fundamental Principle will be changed.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector.

Changing Position Statements

Following each Conference, LGNSW will review resolutions of that Conference to determine whether the intent of each resolution is adequately covered by existing Position Statements. Where the Position Statements do not adequately include the intent of a resolution, LGNSW will update an existing Position Statement or draft a new Position Statement for inclusion in the LGNSW Policy Platform.

LGNSW members will be informed of updates to the LGNSW Policy Platform.

11. Post-conference: Determining LGNSW Advocacy Priorities

Following the LGNSW Annual Conference, LGNSW will review the resolutions and identify key areas of focus to guide LGNSW's advocacy. These areas of focus are also informed by member feedback, the LGNSW strategic plan, position statements, emerging issues, and Board input.

LGNSW's Advocacy Priorities for the following year are then submitted for endorsement by the LGNSW Board.

As LGNSW undertakes advocacy actions on each of the Conference resolutions throughout the year, these actions and their outcomes will be reported to members.

12. Further information

For further information on the motion submission process, please contact LGNSW at policy@lgnsw.org.au.

13. Frequently Asked Questions

How do I know if my proposed motion is consistent with existing LGNSW policy positions?

The subject matter expert within your council may be best placed to identify this (for example, if the motion relates to a planning matter, this question could be answered by the Planning Manager). Subject matter experts are encouraged to review LGNSW's Policy Platform to gain an understanding of LGNSW's position on a particular matter to help identify whether your proposed motion is consistent.

What is the deadline for submitting motions?

Members are encouraged to submit motions as soon as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in

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line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is 12 midnight AEST on Sunday 26 October 2025 (28 days prior to Conference).

LGNSW can receive more than 300 motions for an Annual Conference. Submitting motions as early as possible helps LGNSW to manage the large volume of motions received within a short period of time and allows LGNSW to seek clarification on any motions if required.

However, the LGNSW Rules allow councils to submit motions with less than 28 days' notice and the LGNSW Board may, in some circumstances, allow these to be considered at Conference as a **late item** (but not included in the Business Paper).

I'm unsure which motion category or sub-category I should select in the online portal

If you are unsure, just select the category you think best fits. LGNSW can re-categorise the motion if necessary.

Who should be the council contact for motions?

We recommend the council contact is someone who is available during the months that motions are open, and able to respond promptly to communications between your council and LGNSW. Some councils have identified the General Manager and others have identified a Governance Manager – it is a decision for each council.

How can I amend my council's motion that I've already submitted?

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission. If you need to edit a submitted motion, please contact LGNSW at policy@lgnsw.org.au. You may need to provide evidence of support for the change (see section 5).

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ATTACHMENT A - STEP BY STEP GUIDE TO LODGING MOTIONS IN THE ONLINE PORTAL

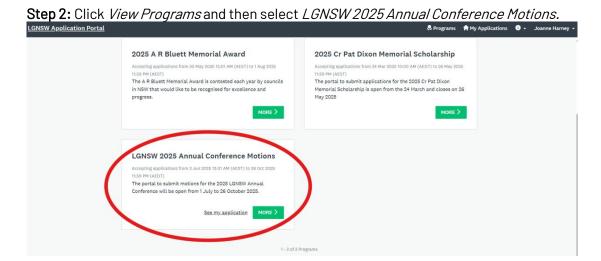
This section provides step-by-step instructions to assist council staff in lodging a motion via our online portal Survey Monkey Apply.

- Member councils are invited to submit motions for the LGNSW Annual Conference via <u>Survey Monkey Apply</u> from Tuesday 1 July 2025.
- Under LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is 12 midnight (AEDT) on Sunday 26 October 2025 (28 days prior to Conference).
- Once a motion has been submitted it cannot be edited without contacting LGNSW, so please review the content carefully before submission.

For further assistance contact LGNSW at policy@lgnsw.org.au

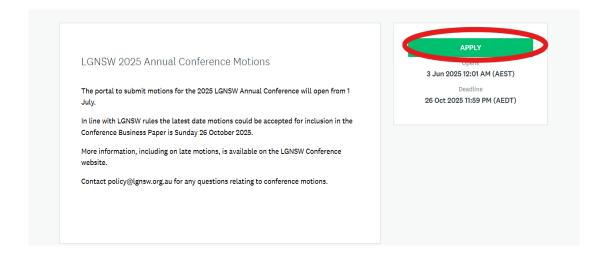
Step 1: Log into <u>LGNSW's online portal</u> using the same password you use to access the LGNSW member website. If you don't know your password, click "forgot password" to reset your password.

Note: you will need to register if you are logging in for the first time.

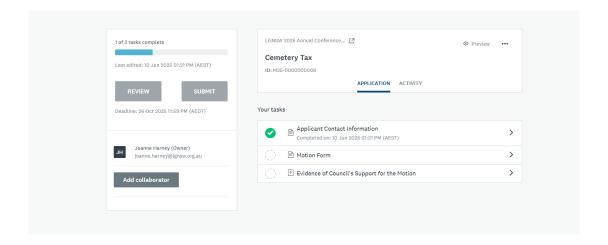


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Step 3: Click APPLY.

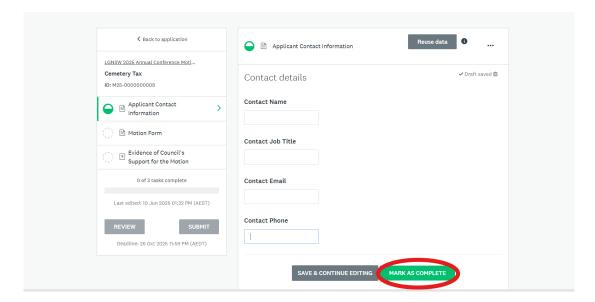


Step 4: Add your motion title (a few words). You will then be taken to the landing page which will show three tasks to complete:



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Step 5: Click on 'Applicant Contact Information' to add the contact information. This should be the relevant officer within your council who can respond to any questions from LGNSW about the motion promptly. Click MARK AS COMPLETE once finished.



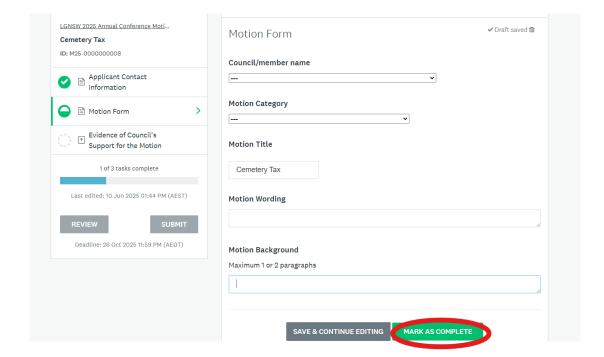
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Step 6: Click 'Motion Form' to add the motion details.

Motion category and sub-category assists with categorising motions and grouping related motions in the Conference Business Paper.

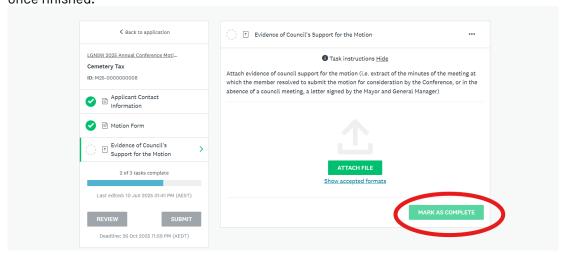
Motion wording should include a sentence or two which includes the call to action.

Background note should provide a paragraph or two to explain the context and importance of the issue to the local government sector. Click MARK AS COMPLETE once finished.

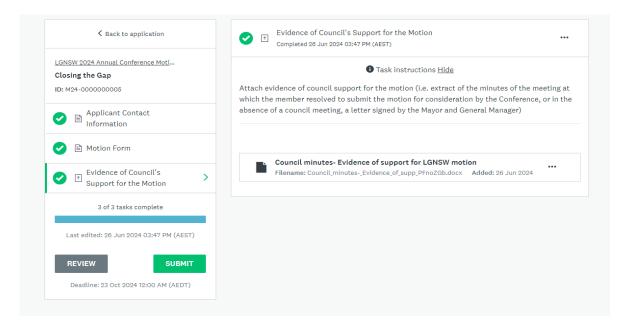


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Step 7: Click 'Evidence of Council's Support for the Motion' and attach the relevant file. This will usually be an extract of council meeting minutes. Click **MARK AS COMPLETE** once finished.

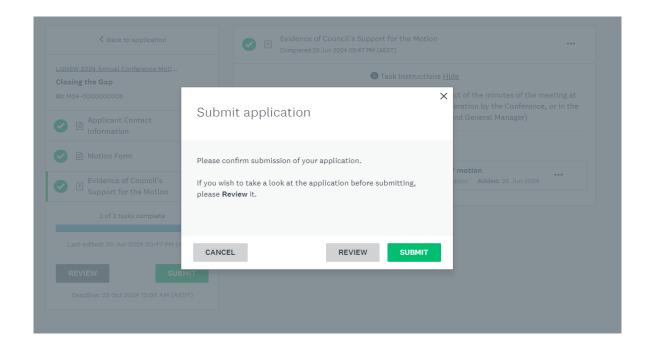


Step 8: Once you have completed all tasks (a green tick is displayed next to each task), click **SUBMIT**.

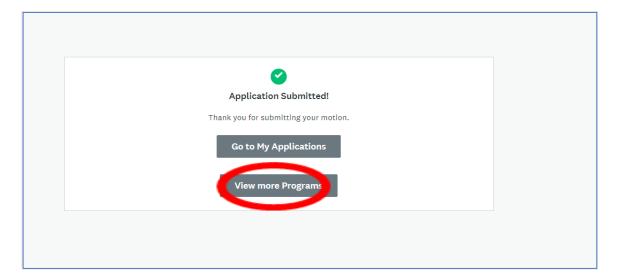


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Step 9: You will be asked to confirm submission of the motion. There is an option to review the motion before submitting. When you are ready, click **SUBMIT**.

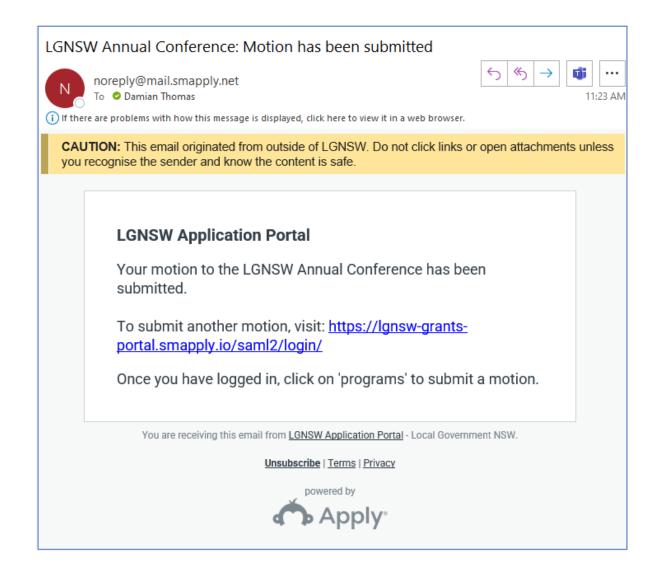


Step 10: If you are submitting multiple motions, click 'View more Programs'. This will take you back to the landing page to submit more motions.



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Step 11: An automated confirmation email will be sent to the email address listed in the 'Applicant Contact Information' section.



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REPORT CM/7.10/25.07

Subject: Petitions Policy - Adoption

TRIM No: SF25/1018

Manager: Richard Coelho, Executive Manager, Governance

Director: Tara Czinner, Director, Corporate Services



That Council adopts the Petitions Policy attached to the report.

1. Executive Summary

The Petitions Policy has been reviewed and simplified to make it easier for members of the public to lodge petitions and therefore collectively share their views with Council. The draft policy was considered at the Finance, Operations and Community Services Committee meeting on 1 April 2025 and publicly exhibited for 28 days. In response to the submissions, the petition lodgement requirements have been clarified and the sample petition lodgement form and petition template have been attached to the policy.

2. Introduction/Background

Council has a long history of accepting petitions. A formal Petitions Policy was first adopted in June 2009. The policy was last reviewed in April 2016, with one of the changes being to allow online petitions.

In May 2024, Council passed a resolution to investigate methods to provide online petitions.

An amended Petitions Policy was considered at the Finance, Operations and Community Services Committee meeting on 1 April 2025 and publicly exhibited for 28 days. The report did not recommend a dedicated online platform for petitions because it would reduce flexibility and there are already suitable options available.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution	
Finance, Operations and Community Services Committee 1 April 2025	FC/5.2/25.04	That Council:1. Publicly exhibits the draft Petitions Policy attached to the report for 28 days.	
		Officers prepare a report to Council following the exhibition period.	
Council	CM/8.2/24.05	That Council:	
21 May 2024		Notes that the Australian Parliament and NSW	
		1. Notes that the Australian Partiament and NSW	



				ament ne petit	have established mechanisms for tions.				
		2. Investigates methods to provide online petition to Council, with officers to prepare a report to Council with recommendations no later than the August 2024 meeting of the Finance, Operation and Community Services Committee.							
		3.	Cons	siders	as part of the investigation:				
			(a)		suitability of existing/popular online on platforms.				
			(b)	petiti	easibility and costs of providing online ons on a Council website similar to the and Federal parliamentary petitions.				
			(c)		ther amendments to Council's Petitions y would be necessary.				
Operations	OC/5.4/16.04	That	Coun	cil:					
Committee 19 April 2016		1.	. Adopts the Petitions Policy attached to thi subject to the following changes:						
						(a)	(a)	(attac state unde	Petition Lodgement Form and Petition ched to the Policy) to include ments that demonstrate consent and erstanding from persons signing the ion that:
				(i)	All personal details are provided to Council in accordance with the Privacy and Personal Information Protection Act 1998 for considering the subject of the petition and to verify its authenticity.				
				(ii)	Petitions and related documents received by Council may be publicly available under the Government Information (Public Access) Act 2009.				
			(b)	The F	Petitions Policy be extended as follows:				
				(i)	For electronic petitions, to require that all petitioners provide their full address. Point 4 on page 3 of the Policy would therefore be amended to read 'The full name, address (including postcode), and email address of those people who support the e-petition.'				

	2.	Provides copies of the Petitions Policy to all precinct conveners.
	3.	Officers investigate and report to Council on:
		(a) Including for all petition types an additional column and nomenclature for address category so that residents, landowners, business people, users of Council services, visitors, or non-locals can be distinguished from each other. This could either be mandatory or optional.
		(b) The costing, feasibility and timing of Council hosting e-petitions on its website or developing a web portal.
		(c) The actions and likely timing of the NSW Government introducing legislation for epetitions to local government.
		(d) Council's May 2013 resolution on Electronic Lobbying and submissions, following consultation with precinct groups and the community on these matters.

4. Discussion

Summary of changes

As advised in the previous report, the Petitions Policy has been rewritten and simplified. The main changes are as follows:

- Defining petitions.
- Simplifying the lodgement requirements and making them more flexible to encourage community participation. This also reduces the personal information collected, consistent with the *Privacy and Personal Information Protection Act 1998*.
- Having the same requirements for petitions regardless of format (paper or online).
- Clarifying that the policy does not apply to petitions relating to development applications and matters that are being publicly exhibited or consulted on by Council. These petitions are addressed through separate processes.
- Clarifying that Councillors can table petitions via the notice of motion process.

Public exhibition

The policy was publicly exhibited for 28 days from 3 April 2025 to 2 May 2025 via Council's Have Your Say page.

The Have Your Say page was promoted via *Waverley Weekly* issued on 15 April 2025. The Precinct executives were also notified via email on 4 April 2025.

The Have Your Say page had 282 views, with 11 submissions received. The submissions are summarised and grouped in the table below with officer responses.

Table 1. Submissions and responses.

Theme	Submission	Response
Petition template	 Council should have a template that people can use. The document should contain a proforma as an appendix. The form and template are not part of the draft Policy and cannot be found on the Council website. 	A lodgement form and template will be attached to the policy, consistent with the current policy. These documents will also be made available on a new petitions page on Council's website.
Consistency with online platforms and the information required	 The policy must align with third party petition systems like Change.Org in terms of identifying information. Perhaps, the policy needs to be more contemporary and allow for Charge.org type petitions? 	The lodgement requirements in the new policy have been made more flexible to encourage community participation and to accommodate online platforms, which have varying requirements. Change.org petitions will comply with the new policy (they do not currently comply).
Clarity regarding mandatory and optional requirements for information	 Clarify that only the name, postcode and signature are required for the chief petitioner and each person supporting the petition for a petition to be acceptable. The policy suggests that an email address, for example, can replace all of the 'name, postcode and signature'. If it is intended that either the email address or phone number could replace the signature, then it needs to be written differently. Needs to be clearer as to what is mandatory and what is optional information required. Is the information required for the chief petitioner different from that required for supporting petitioners? 	The lodgement requirements have been clarified. At a minimum, a supporter must supply their name. They must also provide some other identifying information, such as address and signature. The petition lodgement form and petition template are not mandatory, and this has been clarified.
Defamatory and offensive material	 Too much power given to General Manager to decide what is defamatory or offensive. Bounds of 'offensive material' exclusion in cl 4.3 needs to be more specific. 	This is an existing provision to ensure that petitions are lawful and not offensive. It is a high threshold, and a petition would only be rejected on this basis in exceptional circumstances.
Communication and consultation	Council should be more proactive at consultation with community so they	Council's Community Engagement Strategy outlines

	 do not have to organise petitions. Encourage residents to liaise with their relevant Precinct first before lodging submissions to avoid doubling 	how and when Council will engage the community on decisions and projects. Petitions are one of the many ways in which the community can
	up and to strengthen the impact of petitions and Precincts.	communicate with Council.
		Council promotes the role of Precincts in facilitating resident involvement in Council decision-making processes. Residents can organise petitions with or without a Precinct's involvement.
Transparency	 The policy may prevent locals participating in democracy and opposes transparency. 	The new policy makes it easier to lodge petitions than the current policy.

Internal submissions

Internal feedback was received regarding:

- The volume of traffic and infrastructure petitions and their impact on programmed activities.
- Whether a minimum number of signatories should be prescribed for a petition to be considered.

Receiving a petition does not commit Council to action. It is up to Council decide at a Council or Council Committee meeting what action, if any, it will take in respect of a petition. If Council decides to take action, this will be subject to operational priorities, budget and risk, and any action can be incorporated into existing or future investigations and reviews.

A minimum number of signatories is not recommended, as the number may depend on the issue—for example, a localised issue may only receive a few signatories—and an issue can still warrant consideration regardless of the level of support (for example, pedestrian safety).

Post-exhibition changes

The following changes to the policy have been made in response to the public submissions:

- Clarifying the lodgement requirements. At a minimum, a supporter must supply their name, as
 well as some other identifying information, such as address and signature. The exhibited
 requirements could have been interpreted as not requiring a supporter to provide their name.
 It has also been clarified that the petition lodgement form and petition template are not
 mandatory.
- Attaching the recommended petition lodgement form and petition template to the policy to make the documents more accessible and to encourage compliance.

The amended policy is attached to the report, with changes from the exhibited version shown in red.

Petitions web page

There is currently no page on Council's website about petitions. Following the adoption of the new policy, a dedicated petitions page will be created containing the new policy, the sample lodgement form and the petition template. This will make it easier for community members to access information about petitions and encourage compliance with the policy.

5. Financial Impact

There is no unbudgeted cost to Council to review or adopt the Petitions Policy, to consider petitions generally or to create a new petitions page on Council's website.

6. Risks/Issues

The Petitions Policy was last reviewed in 2016. The current policy is too restrictive, meaning that some petitions do not technically comply despite sufficient identifying information being provided. For example, Change.org petitions do not comply because the full address of supporters is not required.

For this reason, petitions that do not comply with the policy are put to Council regardless, for Council to determine whether to accept them. Making the lodgement requirements less onerous will reflect Council's current practice so that most petitions comply.

One risk of making the policy too flexible is that it will be harder to verify the authenticity of signatories in some cases. To mitigate this risk, the amended policy allows the General Manager to reject a petition if it does not sufficiently comply with the policy. However, neither the current nor amended policy requires petitioners to be residents. This allows anyone who has an interest in the Waverley local government area to engage with Council.

7. Attachments

1. Petitions Policy <a>J



Petitions Policy



Department	Governance
Approved by	Council
Date approved	
File reference	A25/0360
Next revision date	July 2029
Relevant legislation	Local Government Act 1993 (NSW)
Related policies/ procedures/guidelines	
Related forms	Petition lodgement form Petition template

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1. Background

A petition is a formal request from more than one person for Council to take action or not take action in a particular matter. Petitions are one of the ways in which the community can collectively share its views, ideas and concerns with Council.

Petitions are not specifically covered by legislation. However, some of the guiding principles for councils under the *Local Government Act 1993* are to:

- Act fairly, ethically and without bias in the interests of the local community when exercising their functions.
- Recognise diverse local community needs and interests when making decisions.
- Actively engage with their local communities.

2. Purpose

The purpose of this policy is to ensure that:

- The views of the community are communicated to Councillors and officers and considered in the decision-making process.
- Each petition is treated consistently and in a timely manner.

3. Scope

This policy applies to petitions submitted to Council; persons submitting petitions; and Councillors and officers who deal with petitions.

This policy does not apply to petitions that relate to:

- Development applications. These petitions will be treated as submissions and considered as part of the development assessment process.
- Matters that are being publicly exhibited or consulted on by Council. These petitions will be considered as part of the community engagement process.



Petitions Policy

4. Content

4.1 Petition lodgement requirements

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.

Petitions must contain:

- 1. A clear statement identifying the subject of the petition.
- 2. The name—and some other identifying information such as; address, postcode, postcode and signature, (or other identifying information such as an email address or or phone number—) of the chief petitioner and of each person who supports the petition.

Council accepts online petitions.

A sample petition lodgement form and petition template are <u>attached to this policy and are also</u> available on Council's website. <u>They are not mandatory.</u>

4.2 Submitting petitions

Petitions can be submitted in the following ways:

- Email: info@waverley.nsw.gov.au
- Post: Waverley Council, PO Box 9, Bondi Junction NSW 1355.
- At Council's Customer Service Centres.
- Via a Councillor, who may forward it to officers or table it through a notice of motion.

4.3 Reporting petitions to Council

Petitions will generally be reported to the next available Council or Council Committee meeting for consideration.



Petitions Policy

A petition will not be reported to Council if in the opinion of the General Manager it:

- Is defamatory.
- Contains threatening or offensive material.
- Proposes action that is unlawful or concerns a matter that Council is not authorised to determine.
- Does not sufficiently comply with this policy.

If the petition is to be reported to Council, officers will advise the chief petitioner of the date of the meeting at which the petition will be considered.

If the petition is not reported to Council, officers will notify the chief petitioner of the General Manager's decision and the reasons for it.

4.4 Outcome of petitions

Council will decide at a Council or Council Committee meeting what action, if any, it will take in respect of the petition. Council's decision can be accessed in the minutes of the meeting, which are available on Council's website.

5. Review

This policy will be reviewed at least every four years.





Petition Lodgement

OFFICE USE ONLY								
Reference No.								
About this form Use this form to lodge a this form.	a petition. The per	rson lodging th	ne petition is the 'cl	nief petitioner'.	The petit	ion is to	be attached to	0
Chief petitioner of	letails							
Date of Application:			Applicant	a's Reference:				
Title:	□Mr	□Mrs	□Ms		☐ Other			
First Name:			Family N	Name:				
Name of organisation/g	group (if applicab	le):						
Address:								
Suburb:			State:		Pos	t Code:		
Email Address:								
Daytime Telephone No	. (Home/Work):				Mol	bile No:		
Subject of petitio	n							
Petition details								
Number of persons wh	o have signed the	petition:						
Number of signed page	es attached:							
Declaration								
I declare that the inform	nation given is tru	e and correct						
Applicant's Signature					Date	1	/	
CM reference: D24/121058 Las	st updated: 31/10/2024							1/2
Postal address PO Box 9, Bondi Junction NSW ABN 12502583608	1355 Bondi Jun Bondi Pav	vilion Customer Se	ervice Centre, 55 Spring St rvice, Queen Elizabeth Dri	ve, Bondi Beach NSV	W 2026	E info@\ T (02) 90		
You can contact us through the if you are deaf or have a hearing the second sec			slating and Interpreting 50		TTT/Voice 133 677	Calls	Speak & Lister 1300 555 727	1

CM/7.10/25.07- Attachment 1

Waverley Council

Application for Petition Lodgement

How to lodge this application

You can lodge your completed application form and any required supporting documents:

Email: info@waverley.nsw.gov.au

Mail: Waverley Council PO Box 9 Bondi Junction NSW 1355

In person: At any of Council's Customer Service Centres:

• Bondi Junction Customer Service Centre, 55 Spring St, Bondi Junction NSW 2022

• Bondi Pavilion Customer Service (Welcome Centre), Queen Elizabeth Drive, Bondi Beach NSW 2026

Other: By sending it to a Councillor (link to councillor page for contact details)

Privacy notice

Waverley Council (55 Spring Street, Bondi Junction NSW 2022) is collecting and holding your personal information for the purpose of processing your request or application. The intended recipients of your personal information are Council officers and other service providers necessary to process your request or application, if applicable. We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or required to do so by law. If you do not provide your personal information, we may be unable to process your request or application. To access or correct your personal information, please contact info@waverley.nsw.gov.au or call 9083 8000. For further details on how Council manages your personal information, please refer to the Privacy Management Plan on our website: waverley.nsw.gov.au/privacy

CM reference: D24/121058 | Last updated: 31/10/2024

2/2

Petition		
SUBJECT OF PETITION	ON	
ACTION REQUESTE	D	
We, the undersigned	l, petition Waverley Council to:	
Name	Address	Signature
		5.3

Maximum of 10 signatories per page (attach additional pages as necessary).

PRIVACY NOTICE

Waverley Council (55 Spring Street, Bondi Junction NSW 2022) is collecting and holding your personal information for the purpose of processing your request or application. The intended recipients of your personal information are Council officers and other service providers necessary to process your request or application, if applicable. We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or required to do so by law. If you do not provide your personal information, we may be unable to process your request or application. To access or correct your personal information, please contact info@waverley.nsw.gov.au or call 9083 8000. For further details on how Council manages your personal information, please refer to the Privacy Management Plan on our website: waverley.nsw.gov.au/privacy

WAVERLEY

REPORT CM/7.11/25.07

Subject: Community Engagement Strategy - Adoption

TRIM No: A24/0110

Manager: Adam Hassan, Executive Manager, Customer Experience and

Communications

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



That Council adopts the Community Engagement Strategy attached to the report.

1. Executive Summary

Council approved placing the Community Engagement Strategy on exhibition for 28 days. During the 28-day consultation period, Council officers requested feedback from the community to understand if the new strategy aligned with their expectations. Results of the exhibition period indicated the community were satisfied with the proposed strategy, noting there was only feedback from one resident.

2. Introduction/Background

In July 2023, Council adopted the current Community Engagement Strategy following public exhibition. As per the requirement for the strategy to be reviewed for the new term of Council, officers undertook a review and tabled recommended changes to the strategy. The proposed Community Engagement Strategy was endorsed for exhibition on 6 May 2025, for a 28-day period. The exhibition period has concluded, and results of the activities undertaken are provided below for discussion.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution		
Finance, Operations	FC/5.1/25.05	That Council:		
and Community				
Services Committee		Publicly exhibits the draft Community		
6 May 2025		Engagement Strategy attached to the report		
		(Attachment 1) for 28 days.		
		2. Officers prepare a report to Council following the		
		exhibition period.		
Council	CM/7.6/23.07	That Council adopts the Community Engagement Policy		
18 July 2023		and Strategy attached to the report.		

4. Discussion

The 28-day period of exhibition commenced on 12 May 2025 via Council's Have Your Say website. Council officers informed precinct executives of the open consultation and advertised the consultation by inclusion in Council's *Waverley Weekly* newsletter.

Results of the exhibition period indicated the community were satisfied with the proposed strategy inclusive of the recommended changes, noting the following response was received.

This policy should have further consultation first with the precincts. We need a much more significant radius of notifications. This will ensure the community is aware and it is not hidden away for the convenience of Council and developers. The community planning advocate should help promote a greater proactive response from the community.

Council officers within the planning team have clarified the amendments, and administrative edits in the table below are suggested to accord with industry practices and applicable legislation.

Table 1. Changes to strategy.

Recommended change	Why	Section	Page
In Type A section, delete reference to 'site notice'	Administrative error, as this in not required in the table for Type A on page 21. This type of development has the least impact of all, so a site notice is not required and is an increase to the current Community Engagement Strategy requirements in the 2023 document for Type A development. To clarify, a site notice should not be required for Type A applications. The fees and charges for 2025-26 have also not included site notices for Type A applications, so it seems the two documents do not align.	5	22
Add dot point that reads: 'Council reserves the right to renotify amended plans where there may be no further impact, but for information purposes only and for a time period that Council officers deem adequate'	Administrative and intended to cover the circumstances where amendments do reduce the impact, but given there were submissions originally it provides those objectors an update of changes made. This can be beneficial to ease the stress on neighbours objecting to a matter when their issues have been overcome with amendments (particularly important in court cases).	6	27
Section 4.56 modifications. Amend column in table to read: 'No notification required for minor modification/s with no impact/s. Dependent on scope of modification/s and associated impact/s, Type A, B or C will apply based on type of	Administrative error that reduces notification requirements for matters that are minimal or no impact to court consent modifications, particularly those that correct an error or misdescription as is done in examples above under section 4.55(1). This ensures these types of applications can be assessed in a timelier manner.	6	28

development and to the		
discretion of an		
authorised Council	ļ	
officer'.		

5. Financial Impact

Nil.

6. Risks/Issues

Proposed amendments to the Community Engagement Strategy ensure alignment with current planning regulations and processes. Failure to endorse these updates presents a number of risks, including the potential for non-compliance with legislative requirements, increased exposure to third-party legal challenges (Class 4 appeals) and reputational impacts if Council is perceived as not keeping pace with industry standards. There is also a broader service delivery risk, as ambiguity in language and procedure may affect the community's understanding of Council's planning processes. The proposed amendments seek to address these concerns by improving clarity, updating terminology in line with industry practices and providing greater certainty and transparency to the community.

Since the strategy was implemented, the strategy has served as a strong foundation to our engagement with the community. However, practical application has identified areas where refinement would support more consistent interpretation and delivery—particularly in the development assessment context. These issues have informed the recommended amendments, which are designed to enhance compliance, align with contemporary planning practices, and strengthen community confidence in Council's engagement processes.

7. Attachments

1. Community Engagement Strategy (under separate cover)

WAVERLEY

REPORT CM/7.12/25.07

Subject: Community Services and Cultural Grants - 2025-26

TRIM No: A20/0375

Manager: Annette Trubenbach, Executive Manager, Community Services

Director: Tanya Goldberg, Acting Director, Community, Culture and Customer

Experience

RECOMMENDATION:

That Council:

1. Under the Community Services and Cultural Grants Program 2025-26, grants a total of \$315,261 to the organisations set out in the attachment to the report.

2. Includes Wairoa School as a nominated organisation under the Community Services and Cultural Grants Program for a further three years until June 2028.

1. Executive Summary

In response to an invitation issued to nominated organisations in May 2025, Council has received proposals from 14 organisations for grants under its Community Services and Cultural Grants Program from local not-for-profits delivering a range of participatory programs and services that address the needs of families and young people, tenants, people sleeping rough, and people who may be isolated as a result of frailty, disability or other social disadvantage.

The proposals received are summarised in Attachment 1 together with information from each organisation's 2024-25 acquittal. Officers recommend that Council approves grants to the organisations in the amounts listed in Attachment 1 to a total value of \$315,261 for 2025-26.

2. Introduction/Background

Council's Community Services and Cultural Grants Program aims to provide targeted, sustained support to organisations providing identified social, cultural and recreational benefits to Waverley's community that align with Council's Community Strategic Plan and complement the services provided directly by Council. The Community Grants Policy approved by Council at its March 2020 meeting requires that officers invite nominated organisations to apply once annually with an application to include an acquittal of their grant for the previous year.

Nominated organisations are not-for-profits that facilitate participatory cultural and other development activities and deliver core community services in Waverley. In May 2025, officers issued 14 local organisations with an invitation to submit grant proposals for the 2025-26 financial year, and all responded. The proposals received are summarized in Attachment 1, together with information from each organisation's 2024-25 acquittal.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution		
Council 16 July 2024	CM/7.4/24.07	That Council, under the Community Services and Cultural Grants Program 2024-25, grants a total of \$313,364 to the organisations set out in the attachment to the report.		
Council 21 February 2023	CM/7.11/23.02	 In accordance with the Community Services and Cultural Grants Program's 'Pathways to Inclusion in Waverley Life' initiative, grants \$19,000 to Wairoa School in 2022–23 for its Bondi Pavilion music program, subject to the school developing a detailed implementation plan in collaboration with Council officers. Includes Wairoa School as a nominated organisation under the Community Grants Policy until the end of the 2025 school year to enable the school to apply annually for funding to develop the music program. 		
Council 17 March 2020	CM/7.4/20.03	That Council adopts the Community Grants Policy attached to this report.		
Council 19 November 2019	CM/7.7/19.11	 Publicly exhibits the Community grants Policy attached to this report (Attachment 2) Adopts the Community Services and Cultural Programs Grants guidelines attached to this Report (Attachment 3). Notes that the Social Sustainability Strategy under development will provide further guidance for Council and Waverley's community on the type of projects/ activities for which funding could be sought. 		

4. Discussion

The Waverley local government area (LGA) is known for its strong network of community services, made up of a combination of direct Council services and non-government organisations that operate with Council support. Council has been working with the organisations listed in Attachment 1 over many years to support the maintenance of specialist networks of volunteers, and to ensure that quality professional services are available to local residents in times of need. Partnerships with other agencies expand Council's capacity, and provide access to the community connections, resources, knowledge and expertise of those specialist agencies.

Overview of applications and recommendations

Table 1 provides an overview of the recommendations for continued grant funding made in this report. To maintain the value of Council's assistance, each grant recommended includes a 2.8% CPI increase. As described in the following section, this year the Bondi and Districts Chamber of Commerce was invited to submit a proposal and the Bondi Toy Library did not seek a grant. Officers sought an acquittal from Wairoa School and, due to the demonstrated success of its program, recommend endorsement of a further three years grant funding.

Table 1. Overview of applications and recommendations

Organisation	Program	Grant Received 2024-25	Grant Recommended 2025-26
Volunteer and network support			
Australian Kiteflyers Society	Festival of the Winds	20,640	21,218
Waverley Bondi Beach Band	Rehearsal Program	5,320	5,469
Waverley Randwick Philharmonic Society	Rehearsal Program	5,320	5,469
Waverley Historical Society	Annual Exhibition Program	5,160	5,304
City East Community College Mentor Program	Local Networking Event	5,160	5,304
Bondi and District Chamber of Commerce	Workshop Program	-	15,000
Older people, access and inclusion			
Wairoa School	Bondi Pavilion Music Program	20,216	20,782
The Junction Neighbourhood Centre	BJ Community Hub	20,216	20,782
Randwick Waverley Community	Transport Seniors	20,305	20,874
Transport	Programs		
Housing and homelessness			
Wayside Chapel – Norman Andrews House	'Drop in' Services	51,600	53,045
Eastern Area Tenants Service	Tenant Information & Advice	20,206	20,772
Families, children and young people			
WAYS Youth and Family	Education, Recreation & Support Safe Summer Survival	87,885 4,256	90,345 4,375
Bondi Toy Library	Toy Library Services	21,280	-
Bondi Beach Cottage	Integrated Support for Women	20,640	21,218
Bondi Beach Playgroups	Sessional Play Groups	5,160	5,304
Total			315,261

Bondi and Districts Chamber of Commerce

In April this year, Council endorsed a proposal to provide the Bondi and Districts Chamber of Commerce with an annual grant of \$15,000 for a period of three years, administered through the Community Grants Program. The Chamber of Commerce works with local businesses to promote a thriving local economy, including initiatives that promote planning, connections and networking. The

Chamber has a strong track record of partnering with Council on a wide range of activities and has submitted a proposal for joint workshops that will promote inclusion, engagement, and innovation.

The Bondi Toy Library

The Bondi Toy Library, a small local incorporated association, has provided a toy lending service on a subscription basis to families in Waverley since 1982. At the end of 2023, the Toy Library relocated from its long term premises at Bondi Beach to the Waverley Library in Bondi Junction. Although the Toy Library's operations recommenced successfully from the Library, periods of disruption, starting with COVID-19, significantly reduced its subscriber base. Like many small not-for-profits, after COVID-19 the Committee experienced persistent difficulties in recruiting new members for its management committee.

Council officers worked collaboratively with the Toy Library's Management Committee to devise a solution that would retain the service for the community. Waverley Library offered to take over service provision as a component of its Children's Library Service. In May 2025, the Toy Library held a general meeting of its members who voted unanimously to wind up the association and transfer its assets (toys and games) to Waverley Library.

Operating as part of Waverley Library will maintain the toy borrowing service that many families value, enable extension of opening hours of the Toy Library to provide access for more families and enable the inclusion of toys in Children's Library activities, such as Story Time, to expand awareness of the service.

Wairoa School

Based in Waverley, Wairoa School is a NSW Department of Education school, with 72 students from kindergarten to year 12, which meets the educational needs of students unable to participate in mainstream schooling due to moderate to severe disability. Following an expression of interest process conducted in 2022, the school was awarded a grant for three years for its Pathways to the Pavilion Program, a music program designed to enhance access for its students and their families to mainstream recreation activities at the Bondi Pavilion and surrounds.

As reported in detail in Attachment 1, the Program has proven tremendously successful in promoting access to the community facilities provided at the Bondi Pavilion for the school's students and their families. The Program has resulted in regular student visits to the Pavilion to play and record music, the inclusion of their music creations in lesson plans for the whole school and professional recordings to share with the broader community. Students and staff will present their project at the SEPLA (Special Education Principals and Leaders Association) Conference in July 2025, showcasing the power of inclusive arts practice, and have been invited to perform at the NSW Primary Principals' Conference later in the year.

Given the success of the Pathways to the Pavilion Program in promoting access to the Bondi Pavilion and inclusion in the recreation opportunities it offers, and Wairoa School's demonstrated capacity to build on that success, officers recommend that Wairoa School is awarded a grant of \$20,782 for the coming year and receives continued endorsement as a nominated organisation until June 2028.

5. Financial Impact

Sufficient funds are available in the 2025-26 budget to cover the Community Services and Cultural Grants Program allocations recommended in this report. The grants recommended can be made available following Council's approval.

The recommendations contained in this report are made following consultation with specialist Community Development Officers and the Major Events Team.

6. Risks/Issues

Risk assessment is included as a component of the assessment of grants applications. No significant risks are associated with the recommendations made in this report.

7. Attachments

1. Community Services and Cultural Grants Program Proposals 2025-26 &

Attachment 1

File Ref: A20/0375

July 2025

Community Services and Cultural Grants Program: List of Grants Proposed for 2025/26

Grants proposed for 2025/26 under Council's community grants program will ensure the delivery of a range of services to the local community that meet outcomes described in Council's plans and support identified needs groups in Waverley. The amounts recommended are based on 2024/25 grants plus 2.8% CPI.

Organisations and Activities Supported

Australian Kiteflyers Society

The Australian Kiteflyers Society was formed in 1977 to foster and encourage the art of kite flying. The Society has worked in partnership with Waverley Council to deliver a 'welcome to Spring' in the form of a *Festival of the Winds* held on Bondi Beach annually over three days for nearly 50 years. The Society has responded to Council's invitation to apply for a grant for the 2025 Festival and reported on the 2024 Festival.

The Festival provides a unique opportunity for the public to share in the joy and wonder of an enormous range of kites flying, their use as an art canvas, and the power of the wind. The Festival also provides the opportunity for groups with a cultural tradition of kite flying to share their tradition with the broader public.

The Festival of the Winds 2024, held 6-8 September, involved 26 kite flyers and international guests, who all volunteered their time to present displays of kites and kite flying on the beach. Saturday 7 provided the best wind conditions making Saturday's 'Family Day' the highlight of the event.

The Festival also included food, live music, workshops for kids, and opportunities for members of the pubic to launch their own kites from the beach. Over three days, the Festival attracted more than 80,000 people of all ages and abilities.

The Society is planning a similar program for the 2025 Festival to be held 12-14 September in partnership with Council. This year's Festival will include delivery of *The Winds of Sumpango* featuring the giant kites of the Association de Barriletes de Sumpango Sacatepequez, Guatemala, a UNESCO recognised part of Guatemala's cultural heritage.

Grant Recommended: \$21,218

Waverley Bondi Beach Band (Bondi Brass)

The Waverley Bondi Beach Band aims to provide a lifelong performance opportunity for players from school to mature aged. Its members conduct the Australian School Band and Orchestra Festival and perform at significant local events. The Band relies on volunteers, and Council's grant enables the group to fund its regular rehearsals. The Band has responded to Council's invitation to apply for a grant for 2025/26 and reported on its activities in 2024/25.

The Band reports that it utilised Council's grant to provide professional musical direction for 40 rehearsals held over the course of 2024/25, involving 50 musicians. The Band performed at significant local events including Waverley's Anzac Day Service, Carols by the Sea, and Festival of the Winds and held three free concerts performed at local community venues. The Band continued its outreach activities, which included contact with local schools, Wayside's Norman Andrews House, and Club Bondi.

Organisations and Activities Supported

Waverley Bondi Beach Band (Bondi Brass) continued

The Band plans a similar program for the coming year and seeks continued Council support for its rehearsal program. The Band advises that finding an affordable venue for rehearsal and storage of its music collection and instruments remains its key challenge for the coming year.

Grant Recommended: \$5,469

Waverley Randwick Philharmonic Society

The Waverley Randwick Philharmonic Society aims to provide performance opportunities for classical musicians of all ages, and performance experience for young conductors and soloists. The Society incorporates the Eastern Sydney Chamber Orchestra, and the Eastern Sydney Chamber Choir. It relies on volunteers, and Council's grant enables the group to fund its rehearsals. The Society has responded to Council's invitation to apply for a grant for 2025/26 and reported on its activities in 2024/25.

The Society reports that it conducted 70 rehearsals at St Mary's Anglican Church over the course of the year, and that:

- In collaboration with the Mosman Symphony Choir, the Orchestra and Choir performed Mozart's Great Mass in September at the Mary Immaculate Church in Waverley, and at the Mosman Art Gallery, providing performance opportunities for recently graduated vocal soloists
- Members participated in the Sydney Sing Out Schools Spectacular in November raising funds for the Westmead Children's Hospital
- The Orchestra and Choir supported St Mary's Christmas Carols Service in December to a full house
- Throughout the year, members provided several small concerts for residents of local aged care homes.

The Society plans a similar program for the coming year and seeks continued Council support for its rehearsal program.

Grant Recommended: \$5,469

Waverley Historical Society

Founded in 1962, the Waverly Historical Society has a focus on researching and preserving the old buildings and artifacts that reflect Waverley's local history. The Society's volunteers research, source artifacts from their networks for, and mount an exhibition at Waverley Library once annually to share this local history with the community.

To provide the Society with certainty and facilitate planning, in 2023, Council endorsed regular funding of the Society's exhibitions through the Community Grants Program. The Society has responded to Council's invitation to apply for a grant for 2025/26 and reported on its activities in 2024/25.

The Society reports that it held an exhibition *Celebrations and Reflections on Churches and Synagogues in Waverley* in the Library in September 2024, which included a display of photos and memorabilia, a tour of local places of worship, and exchange of ideas with the Jewish Historical Society.

Organisations and Activities Supported

Waverley Historical Society continued

The Society's planned exhibition for 2025/26 Waverley's Parks is scheduled for September 2025 and includes an associated calendar and journal featuring stories by historians and locals with a passion for preserving and sharing knowledge of Waverley's local history.

Forward planning for the Society's September 2026 exhibition *Waverley's Art Deco Heritage – Buildings and Corner Shops*, that will include production of a calendar and journal, is also underway.

Grant Recommended: \$5,304

City East Community College - Mentor Program

The City East Community College's Mentor Program supports professional work-ready migrants and refugees to reach their employment potential by matching mentees with volunteer mentors from their profession. The program has strong synergies with Waverley where 19.6% of residents work in professional, scientific, and technical services, and 41.7% are overseas born. Many of the mentors in the program live and/ or work in Waverley. Since its inception in 2016, the program has matched 750 job seekers with volunteer mentors, and 65% of mentees have achieved work in their profession within 5 months.

City East hosts an annual networking evening each November that brings together mentees and local mentors to share their stories, make new connections, and inspire others. In 2023, Council endorsed regular funding of the College for this annual event through its Community Grants Program. The College has responded to Council's invitation to apply for a grant for 2025/26 and reported on its activities in 2024/25.

Council's grant enabled the college to run the networking evening at the Margaret Whitlam Community Room in November 2024 attended by 100 people with ages ranging from 25-65, and to produce a digital story, *Jack and Ariane*, recording the experience of mentee Jack who worked to gain employment in his field of expertise with support from mentor Ariane. Over the last year, Council staff also participated in two group mock interview events with jobseekers from the Program.

The College is planning a similar program of activity for 2025/26 and seeks Council's continued support for its networking evening and the production of a new digital story.

Grant Recommended: \$5,304

Bondi and Districts Chamber of Commerce

The Bondi and Districts Chamber of Commerce works with local businesses to advance opportunities and solutions for a thriving local economy that is inclusive and globally competitive, including initiatives that promote planning, connections and networking. The Chamber has a strong track record of partnering with Council on a wide range of activities such as the Bondi Festival.

In April this year, Council endorsed a proposal to provide the Chamber with an annual grant of \$15,000 for a period of three years, administered through the Community Grants Program. The Chamber has responded to Council's invitation to apply for a grant for 2025/26 with a proposal that draws on the results of its survey of members and consultation with community stakeholders.

Organisations and Activities Supported

Bondi and Districts Chamber of Commerce continued

Over the course of the coming year, the Chamber proposes to conduct three workshops in collaboration with Council that aim to strengthen Waverley's social cohesion and economic performance:

- Employment pathways for people living with disability
- Bondi Festival promotion of Bondi Festival Local
- Bondi Shark Tank An Innovation event.

Grant Recommended: \$15,000

Wairoa School

Based in Waverley, Wairoa School is a NSW Department of Education school, with 72 students from Kindergarten to Year 12, which meets the educational needs of students unable to participate in mainstream schooling due to moderate to severe disability. Following an expression of interest process conducted in 2022, the School was awarded a grant for three years for its *Pathways to the Pavilion Program*, a music program designed to enhance access for its students and their families to mainstream recreation activities at the Bondi Pavilion and surrounds.

The program engaged a small cohort of students with an interest in, and aptitude for music to create original scripts and melodies about going to the Pavilion to learn and have fun. The scripts and music were rehearsed and recorded at the Pavilion recording studio and incorporated into lesson plans for the whole school. The students' musical creations were premiered before a full house at the Bondi Pavilion Theatre on 20 June 2024.

Building on the success of the Pathways program, the school launched the *Tracks Project* in the second half of 2024, aiming to ensure that every student could take part in music making. *Tracks* began with small group ukulele sessions and music improvisation in the Guya Courtyard, often followed by sensory exploration on Bondi Beach. These real-world experiences were brought back to the school using hundreds of photos to transform a space into a replica of the Pavilion and its surrounds. This ensured full access to the creative process for students with mobility challenges or complex support needs.

The *Tracks Project* resulted in the co-creation of four original songs centred on movement, rhythm, and feet — themes that allowed for physical expression, sound-making, and AAC (Augmentative & Alternative Communication) integration. All songs were professionally recorded in the Pavilion's studio with students participating using both voice and AAC tools. Students and staff will present *The Tracks* project at the SEPLA (Special Education Principals and Leaders Association) Conference in July 2025, showcasing the power of inclusive arts practice, and have been invited to perform at the NSW Primary Principals' Conference later in the year.

With a grant in the coming year, the School would continue to develop its inclusive arts programs, aiming to include every student and provide opportunities for gifted students, through a range of programs including: Songwriting and Composition, Key Word Signing and Visual Supports, Music Recording and Production, and Digital Storytelling and Reflection.

Given the success of the *Pathways to the Pavilion* Program in promoting access to the Bondi Pavilion, and inclusion in the recreational opportunities it offers, and Wairoa School's demonstrated capacity to build on that success, officers recommend that Wairoa School receives continued endorsement as a nominated organisation for three years until June 2028, and is awarded a grant of \$20,782 for the coming year.

Grant Recommended: \$20,782

Organisations and Activities Supported

Junction Neighbourhood Centre Inc. (JNC)

Waverley's local neighbourhood centre, Echo, amalgamated with the Junction Neighbourhood Centre in 2012. JNC celebrated its 50th Anniversary in 2024. JNC operates a 'drop in' Centre from a Council building at 59 Newland Street Bondi Junction, and for some years has actively pursued partnerships with other agencies to make the centre a community services outreach 'Hub'. The Hub is staffed 4 days a week, and Council's grant supports the employment of JNC's Community Engagement Coordinator, who works from the Hub 2 days per week.

JNC has reported that 2024/25 was a challenging year with the Hub temporarily relocated to the Waverley Library from April – October 2024 to enable Council to address structural damage to the building caused by the roots of a large adjacent Fig tree. Access to services and facilities at the Library was limited, constraining JNC's capacity to deliver its programs. To the extent possible, JNC continued to deliver 'drop in' programs targeting older and vulnerable people including 'Let's get digital' phone, lap top, and tablet Sessions, Form Filling Assistance, Resume Support, and English conversation classes. JNC continued to maintain 'up to date' local crisis directories.

Upon its return to the Hub, JNC undertook localised awareness activities including a series of morning teas and BBQs to welcome clients back to the centre, resumed full programming, and began to re-establish partnership arrangements to enable the delivery of 'face to face' outreach provided by: JNC's Staying Home Leaving Violence Service, ATO Tax Help, Bridge Housing, Health NSW, and Services Australia.

In the last several months, JNC's Form Filling Assistance service has proven to be an invaluable point of referral for people facing a housing crisis and needing information and practical and emotional support to complete NSW Housing's electronic application forms. JNC provides local people with a welcoming and easily accessible location for 'person to person' help.

In the coming year, JNC plans to continue to deliver its existing programs and expand its networks with partner agencies. JNC will continue to implement the strategic plan it developed in association with the Hargreaves Institute, and to utilise the Harwood Public Innovation tools, 'Ask' and 'Community Conversation' to inform further planning for its Bondi Junction 'Hub'.

Grant Recommended: \$20,782

Randwick Waverley Community Transport Inc. (RWCT)

RWCT is a regional community transport provider providing access to transport for people who cannot access mainstream transport options because of frailty or disability. The service enables people to remain connected and active in their communities.

Council's grant pays for vehicles and drivers who support weekly programs at the Waverley Community and Seniors Centre, and a monthly social outing for frail older members of the Greek speaking community. RWCT reports that during the year it conducted a total of 12 group social 'day outings' with an average participation of 17 people per trip, and regular weekly return trips to activities at the Seniors Centre carrying an average of 13 people per week.

In the coming year RWCT proposes to continue to provide transport for activities associated with the Waverley Community and Seniors Centre and to develop programs as needed in consultation with Council's Manager Older People and Access.

Grant Recommended: \$20,874

Organisations and Activities Supported

Wayside Chapel (Norman Andrews House)

Through Norman Andrews House, in Roscoe Street Bondi, the Wayside Chapel delivers 'drop in' services to rough sleepers, and other disadvantaged people in Waverley, including a community café and food garden, practical assistance, supplies and services such as showers, laundry and personal care products, a range of social and skills based activities, and medical, legal, counselling, referral and case coordination services.

Wayside is a key contributor to the Eastern Suburbs Homeless Coalition, and part of the Therapeutic Support Team providing fortnightly outreach patrols in Bondi. Council's grant supports the employment of the Coordinator for Norman Andrews House, and in 2023 Council endorsed an increase in their grant to help keep pace with rising costs. Wayside has responded to Council's invitation to apply for a grant for 2025/26 and reported on its activities in 2024/25.

Wayside reports that over the last year it supported 45-50 visits per day, with visitors aged 18-85, about 65% men and 32% women, with 50% of visitors identifying as Waverley residents. Wayside provided care coordination for 204 individuals and undertook 150 outreach visits. It provided essential services including 15,774 meals through its café, 1,247 showers and 681 laundry washes. It also offered a range of activities to reduce isolation and loneliness, including: a regular community lunch, bingo, gardening, yoga, music and painting groups; and theatre and movie trips.

Wayside plans to maintain service operations in the coming year, and will review, revise and update its strategic plans to ensure that its activities continue to meet the needs of its visitors into the future.

Grant Recommended: \$53,045

Eastern Area Tenants Service Inc. (EATS)

The Eastern Area Tenants Service (EATS) is a not-for-profit that provides information, advice and advocacy for renters across the Eastern Suburbs, prioritising assistance to those who are most vulnerable. EATS contributes to Council's Homeless Coalition, supports the DFV roster at Waverley Court, and provides representation for tenants at the NCAT tribunal. Council's grant supports the development of resources targeting local need, including web based resources, outreach and information seminars.

EATS reports that over the past year it provided assistance to 660 renters living in Waverley, with rent increases, no-grounds eviction, and 'getting their bonds back' being the most common challenges for which tenants sought help.

In 2023/24 EATS worked in partnership with Council to offer a series of webinars on tenants' rights in practice, with sessions run in June, September, and February. The first session provided a general overview of tenants' rights, the second provided tips on negotiating with your landlord, and the third provided information about the NSW Civil and Administrative Tribunal (NCAT) which can issue binding orders on landlords and tenants. The sessions were recorded and made available on Council's web site.

In the coming year, EATS proposes to build on the previous webinar series in partnership with Council, with new sessions developed to cover recent changes NSW tenancy laws resulting from the Residential Tenancies Amendment Act 2024.

Grant Recommended: \$20,772

Organisations and Activities Supported

WAYS Youth and Family Services

WAYS Youth and Family is a Waverley based NGO, working with young people aged 9-24 and their families across the Eastern Suburbs to create positive life pathways through an integrated service model incorporating WAYS Secondary High School for young people who have disengaged from school; Bondi Drop in Youth Space providing recreational activities, after school care and school holiday programs; and WAYS Wellness Centre providing counselling and training services.

Council's Community Services grant contributes to the employment of a CEO for the service, and to the operation of the youth space. WAYS reports that, considered across all programs, local participation remains strong at around 61%. The outputs WAYS reports for 2024/25 include:

- WAYS Secondary: 69 students enrolled (26% local) with a strong participation rate. Of those completing their HSC in 2024, 54% enrolled at university and 24% enrolled at TAFE. Of those who left school in Years 9, 10 & 11: 40% returned to a mainstream secondary school and 9% commenced an apprenticeship
- WAYS Wellness Centre: held two 4 week Effective Parenting groups with participation of 18 parents in each group and partnered with Council to conduct a Parenting evening; provided counselling and case Management.
- After School, School Holiday, Sport and Music Programs: Delivered after school programs for 123 children, school holiday programs with 834 attendances and 46 excursion days, and three music performances at the Bondi Markets. Contributed to a number of targeted Council initiated events including The Bondi Beach BBQ, and Skate Jam
- WAYS Youth Training delivered a Life Skills Course and Qualification courses in Cert II
 Community Services, Cert III Business, Cert III Retail, Cert IV Community Services and the
 Diploma of Community Services with 51% of participants achieving full qualification
- High School Development Programs: Conducted Two x Managing Rage Workshops with 15 participants; 2 x Managing the Bull Workshops with 13 participants; One Love Bites Workshop with 13 participants, a number of small group career opportunities workshops; and an annual regional workshop Advancing Student Growth Mindset and the Science of Resilience attended by 86 students years 9-12
- Homelessness Program: A new Program supported by the Chappell Foundation which identifies young people at risk of homelessness and supports them and their families, through counselling and case management, to identify and avoid triggers that generate family conflicts, with the aim of keeping young people at home. The program also aims to help those who are homeless to find and keep stable housing.

In the coming year WAYS plans to implement a similar program. WAYS reports that update of its 5 year Strategic and Business Plan is underway with a workshop scheduled for September.

Grant Recommended: \$90,345

A WAYS Safe Summer

Council has provided a small grant to support the WAYS Safe Summer Program for many years. In 2023, Council endorsed regular funding of the WAYS Safe Summer Program administered through its Community Grants Program. WAYS has responded to Council's invitation to apply for a grant for summer 2025 and reported on the Program's achievements over summer 2024.

Organisations and Activities Supported

A WAYS Safe Summer continued

'A WAYS Safe Summer' is a peer education program which aims to provide health promotion and education regarding STIs, the importance of getting tested, safe sex practices, and the risks associated with alcohol and other drugs through outreach at beaches over summer.

The Program employs young people as peer educators and trains them to provide information to other young people relating to sexual health. The team consists of a coordinator, paid and volunteer peer educators, all under the age of 25 years.

Once trained, they are able to discuss the health program with other young people and make referrals to services as required. The Program partners with sexual health specialists, and receives funding from the South East Illawarra Health Service HARP unit.

WAYS reports that the Program's 4 peer educators undertook 4 weekend outreach sessions over the summer of 2024 at Bondi, Bronte and Tamarama beaches, and distributed 1,846 Health Packs including referral cards and 'relatable information' on mental health, sexual health, alcohol and other drugs, and harm minimisation strategies. Peer educators reported that they found the young people they engaged with to be open to discussion about how they could help their friends, and keen to expand their knowledge of effective management of risky behaviours to minimise harm.

Grant Recommended: \$4,375

Bondi Toy Library

The Bondi Toy Library, a small local incorporated association, has provided a toy lending service on a subscription basis to families in Waverley since 1982. At the end of 2023, the Toy Library relocated from its long term premises at Bondi Beach to the Waverley Library in Bondi Junction. In April 2024, the Toy Library held a combined celebration of 40 years of service with a 'grand reopening' in its new space at the Waverley Library.

In the Library, the Toy Library offered three sessions a week on Monday, Tuesday and Thursday mornings, making available 800 toys and games suitable for children 4 months – 6 years old. The service provides for families with limited space for toy storage at home, families aiming to reduce plastic waste, and families without the means to provide access to a wide range of toys.

Although The Toy Library's operations recommenced successfully from the Library, long periods of service disruption, first due to COVID-19 and then the relocation from its Bondi Beach premises, significantly reduced its subscriber base. Like many small Not-for-Profits, after COVID-19, the Committee experienced persistent difficulties in recruiting new members for its management committee.

Council officers worked collaboratively with the Toy Library's Management Committee to devise a solution that would retain the service for the community. The Waverley Library offered to take over service provision as a component of its Children's Library Service. In May 2025, the Toy Library held a general meeting of its members who voted unanimously to wind up the Association and transfer its assets (toys and games) to the Waverley Library.

Operating as part of the Waverley Library will maintain the toy borrowing service that many families value, enable extension of opening hours of the Toy Library to provide access for more families, and enable the inclusion of toys in Children's Library activities, such as *Storytime*, to promote awareness of the service.

No Grant Sought

Organisations and Activities Supported

Bondi Beach Cottage (BBC)

Bondi Beach Cottage is a Waverley based NGO providing family support services, including counselling, case work and coordination, occasional child care, and support groups targeting post natal depression, relationships and parenting.

BBC receives funding from DCJ for provision of specialist counselling and casework services for women escaping domestic and family violence and is a member of the Eastern Suburbs Domestic Violence Network. In 2021 BBC completed a service review and restructure with outcomes including the introduction of a new evidence-based clinical model which integrates trauma and DFV counselling.

Council's grant helps to fund a generalist counsellor, who manages the service's integrated client intake model, undertaking assessments and planning the delivery of appropriate services including support groups, and individual counselling. BBC works in partnership with other local family support agencies including Karitane, JNC, and Lokahi.

BBC reports that the service:

- Helped 142 women escape and recover from violence, including 356 hours of specialist counselling
- Provided 152 hours of free child care to women attending counselling or other wellbeing appointments
- Trained social work students in best practice responses to domestic and family violence, and supported 2 practice placements
- Spearheaded the training of 40 local allied health professionals in the Safe and Together Model
- Established a communities of practice model with all local specialist DFV counsellors, and
- Supported the functioning of the local service network.

In the coming year, BBC plans to maintain delivery of its program of coordinated, integrated, group and individual client intake services including individual and group counselling, and other activities that strengthen local capacity to support women and children experiencing trauma. BBC seeks continued Council support.

Grant Recommended: \$21,218

Bondi Beach Playgroups

Many families in Waverley live in apartment buildings which provide children with limited access to play space. Bondi Beach Playgroups provides volunteer lead playgroup sessions that enable local parents and care givers to get together while their children play. Sessions are run across three venues located in Wairoa Avenue North Bondi, Francis Street Bondi, and Kimberley Reserve Vaucluse. The group charges a small fee of \$4 per session. Council's grant is utilised to support running costs, and to update equipment.

Over the last couple of years Bondi Beach Playgroups has implemented a number of initiatives that have contributed to strong growth in the number of people volunteering as session leaders, the number of families participating, and regular attendance:

Induction for new volunteers, a step by step 'how to' manual, quarterly volunteer meetings and regular support through a WhatsApp group have resulted in an increase in volunteer numbers to 20 active session leaders. Over the last year, these leaders offered 365 play sessions, involving 1,266 families

Organisations and Activities Supported

Bondi Beach Playgroups continued

• The use of a QR Code for 'check in' enables Playgroups to track session attendance. Over the last year there were 4,303 'check ins' at sessions.

Bondi Beach Babies sessions, designed for infants (12-18 months) have become well established since their inception in 2023. They provide a calm supportive environment that fosters early development and peer connection for new parents, especially valuable for parents new to the area or without other support networks.

The group has continued to contribute to activities undertaken in partnership with Council, including regular *Storytime* events, 'pop up' play spaces at the *Boot Factory Opening* and *Volunteer Expo* at the Bondi Pavilion, and collaborated with other groups including the Bondi Markets, and other local businesses. They report that these activities have expanded awareness of Playgroups in the community.

Playgroups used Council's grant to replace/ upgrade equipment including play, craft and storage equipment, and A frame signage for play sessions underway. It seeks continued Council support to maintain and build on its activities in the coming year.

Grant Recommended: \$5,304

REPORT CM/7.13/25.07

Subject: Multicultural Advisory Committee - Membership

TRIM No: A25/0221

Manager: Annette Trubenbach, Executive Manager, Community Services

Director: Tanya Goldberg, Acting Director, Community, Culture and Customer

Experience

RECOMMENDATION:

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- 2. Appoints the following members to the Multicultural Advisory Committee for a term of two years from August 2025 to August 2027:
 - (a) Community representatives/residents:
 - (i) Angela Wong.
 - (ii) Anna Friedman.
 - (iii) Elena Saikova.
 - (iv) Emmanuel Desproges.
 - (v) Florence Kolb.
 - (vi) Katrina Wong.
 - (vii) Raphael Crowe.
 - (viii) Rozy Dorizas.
 - (b) Subject matter experts/service representatives:
 - (i) Jingmin Ren.
 - (ii) Lana Kofman.
 - (iii) Robert Gregory.



1. Executive Summary

Expressions of interest (EOI) were invited for membership of the Multicultural Advisory Committee (MAC) for a term of two years. The EOI was open from Monday, 26 May, to Sunday, 22 June 2025.

Eleven eligible applications for a maximum of twelve positions were received and reviewed by Council officers, with oversight by the Director, Community, Culture and Customer Experience. All applications were assessed as eligible for membership, displaying a strong interest and commitment to diversity. This report seeks Council approval of recommendations for committee membership of four returning members along with six new applicants as listed above.

2. Introduction/Background

The Multicultural Advisory Committee Terms of Reference provide for a term of membership of two years. The most recent term ended in May 2025. The Mayor thanked all members in writing for their contributions. Committee members were also acknowledged for their commitment and support at the last meeting in April 2025.

The EOI for membership of the MAC was open from 26 May to 22 June 2025 and widely promoted via:

- Have Your Say subscribers.
- Wentworth Courier.
- Council's newsletters and networks.
- Facebook and Instagram.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution	
Finance, Operations	FC/5.1/23.04	That Council appoints the following individuals to the	
and Community		Multicultural Advisory Committee for a term of two years	
Services Committee		from May 2023 to May 2025:	
4 April 2023		Community representatives/residents:	
		(a) Emily Bogue.	
		(b) Raphael Crowe.	
		(c) S Marie Denizard.	
		(d) Linda Deutsch.	
		(e) Rozy Dorias.	
		(f) Robert Farotto.	
		(g) Anna Friedman.	
		(h) Marcia Monje.	
		2. Subject matter experts/service representatives:	
		(a) Baris Atayman.	

	1		
		(b) Valentina Bau.
		(c) Lana Kofman.
		(d) Margaret Teed.
Council 21 February 2023	CM/7.9/23.02	That Council adopts the Terms of Reference for the Multicultural Advisory Committee attached to this report.	
Operations and Community Services Committee 2 March 2021	OC/5.1/21.03	That Council appoints the following individuals to the Multicultural Advisory Committee for a term of two years, from March 2021 to March 2023:	
		1. Co	ommunity representatives/residents:
		(a) Robert Farotto.
		(b) Ludovico Fabiano.
		(с) Tito Scohel.
		(d) Rozy Dorias.
		(e) Emily Bogue.	
		(f)	Raphael Crowe.
		(g) Valentina Bau.
		(е) Rachel Tanny.
		2. St	ubject matter experts/service representatives:
		(a) Patricia Jenkings.
		(b) Lana Kofman.
		(c) Margaret Teed.
		(d) Linda Deutsch.

4. Discussion

The maximum number of committee members is 12, comprising:

- Up to eight community representatives/residents.
- Up to four subject matter experts/representatives of relevant services.

Thirteen applications were received for membership of the committee, with two not meeting criteria. Of the 11 eligible applications, four were current MAC members and seven were new applications.

Because the number of applicants was less than maximum membership permitted, the recommendation is to accept all applications for the membership term. The applicants represent a range of organisations, skills and experience and personal and professional backgrounds.

All applicants have displayed a strong interest in and commitment to support and advocate for Waverley's culturally diverse community.

5. Financial Impact

The MAC operates within budgeted Council resources.

If Council approves the recommendations of this report, the first meeting with the new committee will be held in August 2025.

In accordance with the MAC terms of reference, Council will seek new members in 2027 at the end of the two-year term.

6. Risks/Issues

A potential risk identified is that the applicants decline the appointment or are unable to meet the requirements of the terms of reference. Appointment of any members outside of this process would be through Council resolution.

7. Attachments

1. EOI summary and evaluation (confidential)

WAVERLEY

REPORT CM/7.14/25.07

Subject: Homelessness and Emergency Response Plans

TRIM No: SF22/4968

Manager: Annette Trubenbach, Executive Manager, Community Services

Director: Tanya Goldberg, Acting Director, Community, Culture and Customer

Experience

RECOMMENDATION:

That Council:

1. Endorses the amendments to the Homelessness in Public Places Protocol relating to extreme weather events, as set out in the report.

- 2. Notes the existing Emergency Management Planning Frameworks for identifying, coordinating and responding to extreme weather events, and recognises Eastern Suburbs Homelessness Assertive Outreach Collaboration (ESHAC) as the primary local network providing operational responses for people experiencing homelessness in Waverley, Woollahra and Randwick.
- 3. Notes the recent updates to the Climate Risk and Resilience Plan, as set out in the report, that included operational responses during extreme weather events in relation to vulnerable people.

1. Executive Summary

This report updates Council on local emergency coordination and responses to extreme weather events for individuals experiencing homelessness across the eastern suburbs. Council officers have liaised with Eastern Suburbs Homelessness Assertive Outreach Collaboration (ESHAC) and Randwick and Woollahra Councils to confirm the approach to extreme weather conditions is consistent across the region.

2. Introduction/Background

At its meeting on 18 March 2025, Council resolved to support the development of uniform local emergency response plan for homeless people in public places across the eastern suburbs during weather emergencies. The purpose of a local emergency response plan is to support the coordination of specialist support services and accommodation providers to respond to the needs of homeless people in extreme weather. Additionally, the resolution requests a review of Council's Homelessness in Public Places Protocol to align with the development of emergency responses. Council officers have meet with Woollahra and Randwick Councils to confirm their approach to emergency planning. Response to extreme weather events have also been discussed at meetings of ESHAC.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution		
Council	CM/8.10/25.03	That Council:		
18 March 2025		1.	emer even withi	ports the development of uniform local regency response plans in extreme weather ts for individuals experiencing homelessness in the Waverley local government area and ern Suburbs, including and not limited to:
			(a)	Working with and across Eastern Suburbs councils including Eastern Suburbs Homelessness Assertive Outreach Collaboration (ESHAC) to formulate response procedures and guidelines plans.
			(b)	Reviewing Council's Homelessness in Public Places Protocol to reflect any updates to include the local emergency response plan.
		2.		ers prepare a report to Council no later than 2025 with:
			(a)	An update on the development of an Eastern Suburbs local emergency response plan.
			(b)	Any recommended changes to Council's Homelessness in Public Places Protocol.
		3.	Hom unifo	es to the Federal and State Ministers for elessness indicating support for a nationally orm approach to the roll-out of emergency onse plans.
		4.	Infor	ms the following stakeholders of this motion:
			(a)	Federal Member for Wentworth, Allegra Spender MP.
			(b)	State Member for Vaucluse, Kellie Sloane MP.
			(c)	State Member for Coogee, Marjorie O'Neill MP
			(d)	The Mayor of Woollahra, Cr Sarah Swan.
			(e)	The Mayor of Randwick, Cr Dylan Parker.
			(f)	CEO of Jewish House, Rabbi Mendel Kastel OAM.
			(g)	All Waverley Precincts.

4. Discussion

A local and uniform approach to extreme weather events is established through the NSW State Emergency Management Planning Framework which consists of local plans and specific sub plans. Waverley shares a joint local plan with Woollahra Council and Randwick Council holds a similar plan.

In April 2025, in response to a similar motion, Randwick Council resolved that its Emergency Management Plan address extreme weather responses including for homeless people, and supported further actions to be included in its Resilience Strategy framework, which once completed will be shared with Federal and State Ministers for Homelessness.

Local Emergency Management Plans (EM Plan) form part of the State Emergency Planning Framework, which outlines responsibility of councils and State Government agencies for all emergencies, including extreme weather. In response to extreme weather conditions, State Government agencies lead the response. Councils play a support role and take actions as directed by the delegated State Government agency.

Ambulance NSW is the agency responsible for heatwave emergencies and recently published the NSW Heatwave Sub Plan. This sub plan outlines heatwave emergency response, introduces a warning system, and community education and preparedness, including for vulnerable community members. It is also linked to the Greater Sydney Heat Smart City Plan. The State Emergency Service (SES) is the combat agency for storms, floods and tsunamis. The SES has produced local flood, storm and tsunami plans, including community education and preparedness campaigns.

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The EMPLAN is complemented by sub plans and supporting plans – such as local emergency plans held by Councils. The State Emergency Management Committee (SEMC) provides leadership, direction and advice for strategic and operational emergency management in NSW. The committee is made up of representatives from emergency services and other government agencies.

Resilient Sydney Framework

Waverley Council is a member of Resilient Sydney, a collaboration of all 33 metropolitan councils of Greater Sydney that has recently amended and re-launched a city-wide Resilience Strategy 2025-2030. Key themes include 'Be ready – A city where people and organisations are prepared for emergencies'; and 'One city – A city with coordinated governance that people trust. '

The Resilient Sydney Framework addresses responses to extreme weather for the community, including vulnerable individuals, and is actioned within Council's Climate Risk and Resilience Plan. Woollahra and Randwick are developing similar resilience plans.

Council's Climate Risk and Resilience Plan specifically identifies that extremes in heat, rainfall and storms are key events that could impact people experiencing homelessness. Following a recent review, the plan details that during extreme weather events, and as directed, operational responses are delegated to ESHAC to coordinate and mobilise resources. This includes work to ascertain capacity for outreach and accommodation support.

Homelessness responses

Eastern Suburbs Homelessness Assertive Outreach Collaboration

Randwick, Woollahra and Waverley Councils proactively address homelessness and are members of the Eastern Suburbs Homelessness Assertive Outreach Collaboration (ESHAC), which is an internationally recognised model for addressing street homelessness.

ESHAC is a collaborative made up of State Government, local government and non-government agencies who work together to co-ordinate assertive outreach services, specialist support and accommodation for people experiencing street homelessness in the Eastern Suburbs. ESHAC meets monthly and is convened by the Department of Communities and Justice (DCJ) – Homes NSW. Member agencies include councils, specialist homelessness health and mental health services, social workers, centre-based supports and accommodation providers.

Homelessness in the east

The number of people experiencing street homelessness fluctuates. However, the number in the Eastern Suburbs is small in comparison to the City of Sydney. The latest street count indicated 35 people were experiencing homelessness in public places across the eastern suburbs. This number is consistent with street counts conducted in previous years.

Table 1. Homelessness street Count – February 2025.

Waverley	Randwick	Woollahra	City of Sydney
23	9	3	346

The lower number of homeless people makes it easier for outreach services to monitor their health and wellbeing, and to provide supports and information including about extreme weather conditions. People sleeping rough in the east are usually known to these specialist services as they regularly visit locations where vulnerable people have been observed and reported.

Operationalising responses

In reviewing current practises and protocols, the following actions are embedded within regular ESHAC operations to minimise risk of harm to homeless people.

- Information and options to access centre-based services and temporary accommodation are promoted by outreach services and supported by Council's community education efforts.
- High-risk locations are identified, and people discouraged from locating in these areas.
- Safe havens/cool areas are identified and promoted such as where to locate shelter, shade and water.
- Medical assistance is made readily available, and staff are trained to recognise heat stress and exhaustion/heat stroke.
- Resources are distributed in response to heatwave conditions; e.g. bottled water, masks, sunscreen
- The mobilisation of extra staff, including Council staff, as capacity allows and as required.

Heatwave protocol

A heatwave protocol has been adopted across the eastern suburbs which sets out preparedness actions, the level of response and responsibilities. Council's climate change risk assessment documents the risks to homeless people from increased heat, heat waves and storms. The control

measure is committing Council to continued collaboration with key service providers, including ESHAC in activating the Heat Wave Protocol. In accordance with State Emergency Management Planning, member agencies of ESHAC will be mobilised to provide a response to the needs of homeless people in an emergency or extreme weather event. This includes contact with accommodation providers regarding their capacity to accommodate homeless people in need of shelter.

Homelessness in Public Places Protocol

Council's protocol aims to ensure that people experiencing homelessness in Waverley's public places are treated appropriately, with compassion and respect. A primary role of Council is to ensure public spaces in the Waverley local government area are clean, safe and can be accessed and enjoyed by everyone, including people who are homeless.

Following the review, it is recommended that the protocol is updated as follows:

During extreme weather events (including extreme cold), and as directed:

- Operational responses are delegated to ESHAC to coordinate and mobilise resources. This
 includes work to ascertain capacity for outreach and accommodation support and aligns with
 the Waverley Climate Risk and Resilience Plan which details response actions in relation to
 vulnerable cohorts in the community.
- Homeless people will be able to remain in a place of shelter or safe haven during the extreme weather event if there is no risk to themselves or others.

Further to this, discussions progressed about Council supporting communications and a coordinated effort to promote the work undertaken by organisations such as locally based Jewish House and Wayside that provide significant support to those experiencing homelessness, and to promote ways for the local community and businesses to support these organisations.

5. Financial Impact

Homelessness responses are primarily addressed within existing budgets; however, it is a State Government responsibility.

6. Risks/Issues

Various designated agencies are tasked with providing alerts, oversight and management of emergency responses. Member agencies of ESHAC play a role in supporting the needs of homeless people in an emergency or extreme weather event. The main thrust in ensuring preparedness and responsiveness in emergency situations is Council's ability to assist with capacity strengthening and service coordination efforts undertaken by designated government agencies. Clearly articulated information and referral strategies as well as targeted community education, particularly relating to vulnerable groups in our community are important success measures and mitigate against risks.

7. Attachments

Nil.

REPORT CM/7.15/25.07

Subject: Head On Photo Festival - 2025-2027

TRIM No: A25/0489

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

WAVERLEY

Venues

Director: Tanya Goldberg, Acting Director, Community, Culture and Customer

Experience

RECOMMENDATION:

That Council:

1. Approves the annual Head On Photo Festival as a High Impact 2 event in November for the period 2025–2027.

- 2. In accordance with section 356 of the *Local Government Act 1993*, grants \$60,313 (including GST) of in-kind support and \$20,750 (including GST) in cash to Head On Foundation Ltd each year to support the delivery of Head On Photo Festival in 2025, 2026 and 2027, with:
 - (a) The value of in-kind support to increase in line with Council's annual fees and charges in 2026 and 2027.
 - (b) The value of cash support to be capped at \$20,750 in 2025, 2026 and 2027.
- 3. Authorises the General Manager or delegate to execute an event licence with Head On Foundation to deliver Head On Photo Festival for the period 2025–2027.

1. Executive Summary

The annual Head On Photo Festival is proposed to return to Bondi Pavilion and Bondi Beach for three weeks in November 2025.

As a popular annual event for the local and creative community, it is proposed that Council enter into a three-year licence agreement with Head On Foundation to provide guaranteed support through a combination of in-kind and cash support for the licence period of 2025–2027.

2. Introduction/Background

Established in 2004, Head On Foundation is Australia's premier non-profit organisation for photography, producing the annual Head On Photo Festival in Sydney and a year-round program of events and collaborative projects.

Head On Photo Festival has been delivered at Bondi Beach since 2020 and provides a vibrant addition to the precinct in November each year. The festival features free exhibitions, including the highly visible installation of curated photographic images along the length of Bondi Beach promenade, and

an exhibition in Bondi Pavilion Art Gallery. An opening night event and a program of talks and workshops are also delivered at Bondi Pavilion during the three weeks of the festival.

In addition to the existing Head On Photo Awards, from 2025 a Mayor's Prize for Photography Excellence will also be awarded to the value of \$5,000, further adding to the support provided to emerging and established photographers.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution		
Council	CM/6.1/25.03	That Council:		
18 March 2025		Notes the significant artistic contribution of the Head On Foundation and Moshe Rosenzveig OAM (founder and creative director) in the field of photography and visual art.		
		Further notes the ongoing successful partnership between Head On and Waverley Council.		
		3. Provides financial support of \$10,000 for the operations of the festival and \$5,000 for a Mayor's Prize for Photography Excellence.		
		4. Includes this support in the upcoming 2025–26 Budget.		
		5. Writes to Head On Foundation advising them of this mayoral minute.		
Council	CM/11.1/24.05	That Council:		
21 May 2024		1. Treats the report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.		
		 Approves the following program of High Impact 2 events scheduled for the period 1 July 2024 to 30 June 2025 and the indicative fees set out in the report: 		
		(a) Bondi Festival (including extended tenure of Ferris wheel)		
		(b) City2Surf		
		(c) Festival of the Winds		
		(d) Sculpture by the Sea		

	T	1		
			(e)	Head On Photo Festival
			(f)	Outdoor Cinema (Dolphin Court)
			(g)	Dudley Page New Year's Eve
			(h)	Summer of Surf Series
			(i)	Mardi Gras Bondi Beach Party
			(j)	Ocean Lovers Festival
			(k)	North Bondi RSL ANZAC Day Dawn Service Ceremony.
		3.	comp final f	orises the General Manager or delegate to plete negotiations, including determining the fees, and to execute licence agreements with corganisers.
Council	CM/7.7/23.05	That	t Counc	cil:
16 May 2023		1.	even	oves the following program of High Impact 2 ts scheduled for the period 1 July 2023 to 30 2024:
			(a)	Bondi Festival (including extended tenure of Ferris wheel).
			(b)	City2Surf and Beach Catering Program.
			(c)	Festival of the Winds.
			(d)	Sculpture by the Sea.
			(e)	Head On Photo Festival.
			(f)	Dudley Page New Year's Eve.
			(g)	Summer of Surf Series.
			(h)	Outdoor Cinema (Dolphin Court).
			(i)	Latin American Festival.
			(j)	Ocean Lovers Festival.
			(k)	North Bondi RSL ANZAC Day Dawn Service Ceremony.
		2.	outlir	s that all scheduled High Impact events ned in Attachment 1 of the report are ired to submit a COVID-19 Safety Plan and

	comply with Council's Events Policy and Event Management Guidelines.
3.	Approves the event fee structure for Outdoor Cinema 2024, as set out in the report.
4.	Approves the event fee for the City2Surf Marquee Beach Catering Program 2023 to be delivered by City2Surf event organisers, as set out in the report.
5.	Authorises the General Manager, or delegate, to amend, finalise and execute licence agreements with event organisers as necessary and as noted in the report.

4. Discussion

Council has provided in-kind support to Head On Photo Festival to offset venue and promotional costs on an annual basis since 2020. Entering into a three-year event licence will provide stability for event organisers enabling them to better plan and deliver the festival for the community each November 2025–2027. The addition of \$10,000 in cash towards operational costs and \$5,000 for a Mayor's Prize for Photography Excellence will further enhance the festival, provide additional opportunities for emerging and established photographers and highlight Council's increased support of the event. This financial support has been included in Council's budget following the decision of Council.

The festival successfully activates Bondi Beach promenade in the lead up to summer and provides the community with an opportunity to experience the work of local and international photographers for free. The exhibition also activates Bondi Pavilion Art Gallery with high quality photography and is also free and accessible to all.

5. Financial Impact

The following table outlines the proposed financial support provided to Head On Foundation. Cash support has been allowed for in the 2025–26 Bondi Pavilion operational budget.

Table 1. Financial support.

Service/Venue Hire Fee – In Kind Support*	Description	Amount incl GST 2025
*Fees and charges as per Pricing Policy in effect at the time of Event. The following fees and charges are as per the anticipated 2025-2026 pricing policy	Not-for-profit 50% discount rate applied to all fees and charges where applicable	
Banners on Bondi Beach promenade railings 3–30 November 2025, and equivalent period in 2026 and 2027	Low Impact Event 21–30 days, Peak Season (Oct–Mar)	\$29,925

	T+	1 4 2 2 2 1
32 x Campbell Parade banner	\$96.50 per banner/per week,	\$9,264
poles for flags three weeks	assumes a 3-week period x 32	
4–25 November 2025, and	banner poles	
equivalent period in 2026 and		
2027		
Council/Bondi Pavilion	Website listing and social media	\$1,000
marketing support	inclusion	
10 x one-day (total) parking	Event Operations Parking fees –	\$587.50
permits for use across bump-	Queen Elizabeth Drive & Park	
in and bump-out period	Drive = \$58.75 per day	
30 x one-day (total) parking	The form of the start	\$1,762.50
permits during exhibition		ψ 1,7 σ <u>=</u> 1.5 σ
period		
Bondi Pavilion, Art Gallery	\$429 per week x 4 weeks venue	\$1,716
3–30 November 2025, and	1	φ1,710
	fee	
equivalent period in 2026 and		
2027		
Bondi Pavilion, Yalagang	Weekly = \$612.50	\$2,143.75
Room 5–30 November 2025,		
and equivalent period in 2026		
and 2027		
Venue hire costs x 3.5 weeks		
Bondi Pavilion, Garu and	\$5.75/sqm per day x 1,700sqm =	\$9,775
Guya Courtyards opening	\$9,180	
launch		
7 November 2025, 9–12am,		
and equivalent period in 2026		
and 2027		
Bondi Pavilion, High Tide	Off peak 7am–5pm weekdays rate	\$217
Room opening launch	per hour = \$31	'
7 November 2025, 9–12am,	Event function rate 4pm–12am =	\$675
and equivalent period in 2026	\$675	4373
and 2027	4676	
Bondi Pavilion, Ocean Room	Peak 5pm–close weekdays, all day	\$186
opening launch	on weekends and public holidays	φιου
	= \$31 per hour	
7 November 2025, 4–10pm,	- \$5 i per flour	
and equivalent period in 2026		
and 2027	Example mate full decision	фc7г
Bondi Pavilion, High Tide	Event function rate, full day rate =	\$675
Room	\$675	A===
including Guya Courtyard	Event function additional hourly	\$550
8 November 2025, 9am–	rate, 5–10pm = \$103.75 per hour	
10pm, and equivalent period	Access to 100sqm of Guya	
in 2026 and 2027	Courtyard = \$305.50	\$305.50
Bondi Pavilion, High Tide	Event function rate, full day rate =	\$675
Room	\$675	
including Guya Courtyard	Event function additional hourly	\$550
9 November 2025, 9am–	rate, 5–10pm = \$110 per hour	
10pm, and equivalent period	Access to 100sqm of Guya	
in 2026 and 2027	Courtyard = \$305.50	\$305.50
		\$60,313
	Subtotal	1.300.31.3

Service/Venue Hire Fee – Direct Costs	Description	Amount incl GST
Festival financial support 2025, 2026, 2027	Financial contribution to support operations of the festival (Licensee to invoice Licensor in 2025, 2026, 2027)	\$10,000
Mayor's prize 2025, 2026, 2027	Financial contribution provided for the Mayor's Prize for Photography Excellence (Licensee to invoice Licensor in 2025, 2026, 2027)	\$5,000
Art Gallery artwork installation 2025, 2026, 2027	This is a direct cost paid to an external contract installer. Council will contribute up to \$3,000 (inc GST) towards the installation of artwork using Council's preferred supplier. Any additional cost is the responsibility of the Licensee	\$3,000
Campbell Parade banner installation and removal fee 2025, 2026, 2027	This is a direct cost paid to an external contract installer. Council will contribute \$2,750 (inc GST) towards the installation/removal of banners noting that this may not cover all 32 banners sites and any additional cost to increase the number of banners is the responsibility of the Licensee	\$2,750
	Subtotal (2025, 2026, 2027)	\$20,750
	Grand total (2025)	\$81,063

6. Risks/Issues

Head On Photo Festival is a well-received annual event attended by the local community and there is minimal risk to Council in entering into a three-year event licence with Head On Foundation. The inkind and cash support is allowed for in annual planning and budgeting processes and will enhance delivery of this Council-supported annual event.

Photographic competitions have the potential to contain sensitive subject matter. However, as part of the licence agreement all imagery must be submitted to Council for approval prior to being printed to ensure all content is appropriate for public exhibition.

7. Attachments

Nil.

WAVERLEY

REPORT CM/7.16/25.07

Subject: Planning Proposal - Council Chambers

TRIM No: A25/0637

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

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

RECOMMENDATION:

That Council:

1. Prepares a planning proposal to rezone the Council Chambers site from SP2 Infrastructure to RE1 Public Recreation, listing 'public administration building' as an additional permitted use under schedule 1 of the *Waverley Local Environmental Plan 2012*.

- 2. Officers prepare a report to Council by November 2025 with a planning proposal suitable for seeking a Gateway determination from the NSW Department of Planning, Housing and Infrastructure.
- 3. Defers the decision on changing the reserve purpose and preparing a plan of management pending the outcome of initial consultation with the community on the future of the site.

1. Executive Summary

This report outlines the statutory planning, zoning, and land management issues relevant to the Council Chambers site on Bondi Road, Bondi Junction. It provides advice on potential future uses of the site, associated obligations as Crown land, and the processes required to enable redevelopment.

The report seeks Council's endorsement to proceed with a planning proposal and notes that formal steps to commence a change in reserve purpose or plan of management will form a separate report to Council following the consultation on options with the community.

2. Introduction/Background

The Council Chambers site is zoned SP2 Infrastructure under the *Waverley Local Environmental Plan 2012*, with the zoning map identifying the purpose as 'public administration building.' Permissible development is limited to that purpose or development that is ancillary to it.

The site is owned by the Crown and is managed by Council. Its status as Crown Land designated as a 'Council Chambers site' restricts the use of the land to this gazetted purpose.

The following report is intended to provide Council with information on the process required to rezone the site and amend its gazetted purpose so that it can be used for the purposes of recreational or community facilities.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution		
Council 29 April 2025	CM/8.3/25.04	That Council: 1. Notes that the current zoning of the Council Chambers		
		 on Bondi Road is SP2 Infrastructure. Notes that any future uses for the Council Chambers site are to be limited to land uses compatible with the location and surrounding recreational and open space zoning. Initiates a planning proposal to rezone the Council Chambers site from SP2 Infrastructure to RE1 Public Recreation. 		
		4. Officers prepare a report to Council no later than July 2025 on a draft planning proposal to rezone the Council Chambers site from SP2 Infrastructure to RE1 Public Recreation and other options available to Council to rezone the site.		
Council 18 February 2025	CM/8.5/25.02	That Council: Notes the Waverley Council Chambers on Bondi Road is closed and no longer used for Council administration.		
		2. Notes the Councillor briefing in January 2025, with further consideration of the matter to take place through the Strategic Property Review Committee.		
		3. Informs the community that consultation on the future of the site is scheduled to take place in mid-2025, with consideration of short-term use while the plan is being formulated.		
		4. Informs all Precincts of this motion and publishes it on Council's website.		

4. Discussion

The site

The Council Chambers is located on Bondi Road and adjoins Waverley Park and a Reservoir owned by Sydney Water. The current Council Chambers building in predominantly located on Lot 32 DP 1087365 and encroaches slightly onto the Sydney Water land (Lot 1 DP 1035985). The park, substation and Chambers sites are all Crown land. Council manages the Chambers site and Park on behalf of the Crown. The Reservoir site is owned by Sydney Water. Further details on the site are summarised below.

Table 1. Site details.

Lot and DP	Description	Notes	Crown reserve details (where relevant)
32/1087365	Council Chambers (The Site)	 Crown Land gazetted in 1913 for the purpose of a 'Council Chambers site', with Waverley Council appointed as Trust Manager. Zoned SP2 – Infrastructure, with the mapped purpose of 'public administration building' 	 Reserve Name: Waverley Park Purpose: Council Chambers site Manager: Waverley Council Gazetted Date: 3 Sept 1913 Area: 1,685.9 m²



Figure 1. Site context plan (source: Nearmaps with annotations Waverley Council, 2025).



Figure 2. Site plan (source: Nearmaps with annotations by Waverley Council, 2025).

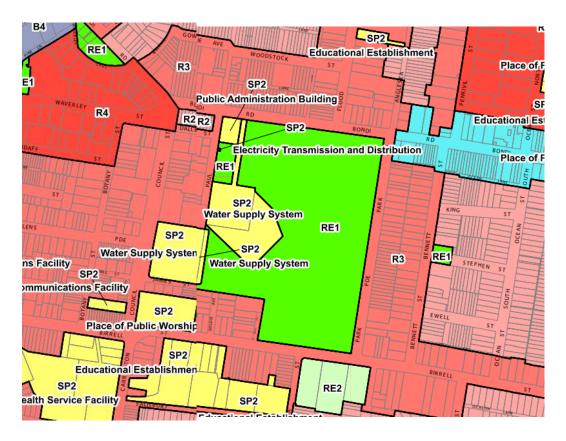


Figure 3. Zoning map (source: NSW Legislation, 2025).



Figure 4. Crown Lands map (source: Waverley Council, 2025).

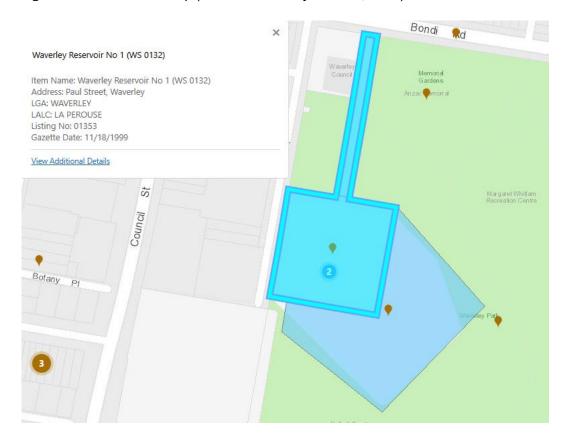


Figure 5. Waverley Reservoir No 1, State Heritage Inventory Map (source: NSW state Heritage Register, 2025).

Planning and legislative context

Waverley LEP

The planning controls that apply to the land are primarily governed by the *Waverley Local Environmental Plan (LEP) 2012*. The relevant zoning provisions and definitions are set out below.

The Council Chambers site (Lot 32 DP1087365) is zoned SP2 – Infrastructure under the Waverley LEP. This zone is intended to facilitate infrastructure and related land uses. This is a closed zone, meaning that any use that is not listed as permitted is prohibited.

Permissible uses and zoning objectives of the current and proposed zone are summarised below.

Table 2. Permissible uses and zoning objectives.

Zone	Permissible Uses	Prohibited Uses
SP2 Infrastructure (Public Administration Building) (current zoning)	Aquaculture, Roads, Public administration building (as mapped use).	Any development not specified as permissible.
		Any development not specified as permissible, including Public Administration Buildings.

The term 'community facility' is relevant to the proposed development and is defined under the Waverley LEP 2012.

This definition clarifies what uses may be considered under that land use type:

community facility means a building or place—

- a) owned or controlled by a public authority or non-profit community organisation, and
- b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Planning proposal pathway

Should Council wish to proceed with rezoning the site, the standard planning proposal process would apply under the *Environmental Planning and Assessment Act 1979*, which requires the following steps be followed over approximately 12 to 18 months:

- Officers seeking advice of Waverley Local Planning Panel.
- Council considers and resolves to support a Planning Proposal and seek Gateway.
- Gateway determination, which may impose conditions.
- Public exhibition and review of submissions.
- Finalisation and publication of the LEP amendment.

Planning proposals may either amend land use or add an additional permitted use on a specified site to Schedule 1 of the LEP.

Rezoning changes the zone and replaces the list of permitted uses with those allowed under the new zone. Rezoning the Chambers Site to RE1 may offer alignment with adjacent land (e.g. Waverley Park), but it also removes the current permissibility of a public administration building, which may limit flexibility if Council wants to retain options for future civic or administrative use.

It is therefore recommended that any future planning proposal seeks to rezone the Chamber site to RE1 and also add public administration building as an additional permitted use on the site.

Crown land and legal considerations

Under the *Crown Land Management Act 2016* and the *Local Government Act 1993* (LG Act), any Crown land managed by a Council must be managed as if it were community land. This imposes specific obligations on how the land is categorised, planned for, and ultimately used or developed.

The Council Chambers site is Crown land that forms part of Reserve No. R1000105. This reserve was established in 1913 for the purpose of a 'Council Chambers site', with Waverley Council appointed to manage the land.

Before any development, lease or license is finalised, the following steps are required:

- Step 1 Amend land categorisation. Currently, the site is categorised as 'Council Chambers site' and could be amended to 'general community use' or similar. Council assigns a new land categorisation to reflect the intended future use of the site (e.g. General Community Use). A map showing the categorisation boundaries is prepared, and Council submits formal written notice of the assigned categorisation to Crown Lands. Crown Lands reviews the categorisation and confirms whether it is consistent with the reserve purpose before Council proceeds to prepare a plan of management (PoM).
- Step 2 Prepare plan of management. The drafted PoM would be submitted to Crown Lands for review, before being exhibited, updated (in responding to submissions) and then endorsed by the Minister before being adopted.

A plan of management is a formal document that sets out how the community land can be used, maintained, and developed. There is currently a PoM in place for Waverley Park. However, there is no PoM in place for the Chambers site. If the site were converted to a community use, a new PoM would be required for the new use.

Until an amended PoM is in place, Council is generally not allowed to change the way community land is used, construct new development or issue long-term leases or licences—unless the activity is minor and exempt. This is because section 44 of the LG Act prevents any change in the nature or use of community land before a PoM is adopted.

Importantly, although the RE1 zone would permit a range of uses, a development application, lease or license may not proceed lawfully unless the use is expressly authorised by the PoM.

Assumed chronology and time frames

The table below outlines a high-level sequence of actions required to facilitate development of the site, including approximate timeframes. Actions 1 to 4 may occur independently. However, Council will not be able to seek development approval or enter into a lease or license until complete.

Table 3. Time frame.

Step	Action	Additional Detail	Estimated Timeframe / may occur simultaneously
1	Prepare and finalise planning proposal	Draft PP, exhibition, Gateway process, final LEP amendment	9 - 12 months
2	Re-gazettal process	Amend Crown Reserve purpose to allow for intended land use	9 - 12 months
3	Obtain Native Title Manager advice	Advice under <i>Crown Land Management Act</i> 2016 and <i>Native Title Act</i> 1993 (Cth)	3 months
4	Prepare new or amended plan of management (PoM)	New PoM reflecting proposed use. • Prepare the PoM (6 months) • Exhibit PoM and obtain Ministerial consent (12 months)	12 -18 months
5	Prepare, lodge and independently assess/ Panel determination of DA	Prepare and assess development application	12 - 18 months

5. Financial Impact

Council officers will manage and coordinate the project internally, and prepare the planning proposal, minimising overall delivery costs. However, resources are required in relation to obtaining Native Title Manager Advice and the preparing a plan of management, which may be addressed in a further report to Council.

6. Risks/Issues

There are several risks and issues that Council should be aware of before proceeding with the chang of reserve classification and rezoning, including:

- Each process (planning, reservation and PoM has its own legal triggers and approvals. If not sequenced correctly, multiple consultations may be required which may cause confusion in the community.
- Failure to meet procedural and statutory requirements could lead to legal appeal.
- Alignment with existing and proposed strategic projects such as the Bondi Junction Vision and Master Plan.

7. Attachments

Nil.

WAVERLEY

REPORT CM/7.17/25.07

Subject: Planning Agreement Policy (Amendment No. 6) -

Adoption

TRIM No: SF25/1774

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

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

RECOMMENDATION:

That Council adopts the Planning Agreement Policy (Amendment No. 6) attached to the report.

1. Executive Summary

Draft Amendment No. 6 to the Planning Agreement Policy 2014 proposes changes in response to Council report (PD/5.1/24.11) analysing the interrelationship between the Planning Agreement Policy and Affordable Housing Contributions Scheme in the context of the current urban development trends in Waverley as well as recent changes in the NSW planning system.

The draft amendment was placed on public exhibition between 27 May to 25 June 2025. 158 people visited the page during this time, and four submissions were received.

Two minor post-exhibition amendments are proposed, removing inconsistencies identified in the Policy and providing clarity.

2. Introduction/Background

Council's Planning Agreement Policy (Attachment 1) 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.

Council resolved at its meeting in November 2024 (PD/5.1/24.11) in part to analyse 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, via a prioritising funding for infrastructure and projects. In response, officers presented a report to the April 2025 Council meeting, whereby Council resolved to support a number of amendments as outlined in section 3 below.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution	
Council	PD/5.1/24.11	That Council:	
29 April 2025		Publicly exhibits the draft Planning Agreement Policy (Amendment No. 6) attached to the report (Attachment 1) for 28 days, with the following amendments:	
		(a) Deleting the 25% maximum standard affordable housing allocation.	
		(b) Deleting the Waverley Public Benefit Register and instead relying on works identified in Council's Development Contributions Plan.	
		(c) Clarifying that planning agreements can be approved by Council or Council Committee, and that affixing the Council seal is not required.	
		Officers prepare a report to Council following the exhibition period.	
Strategic Planning	PD/5.1/24.11	That Council:	
and Development Committee 12 November 2024		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.'	
		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:
 - 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.

4. Discussion

The following changes were proposed in Amendment No. 6 of the Planning Agreement Policy 2014:

Deleting the 25% maximum standard affordable housing allocation

VPAs have historically been a primary mechanism for generating income to Council's Affordable Housing Reserve, whereby 25% of the contribution levied is dedicated to Council's Affordable Housing Reserve. The remaining 75% is dedicated to the Planning Agreement Reserve, for spending on capital works (streetscape upgrades, parks, public assets, etc)

However, it is expected that the number of offers to enter into a VPA will decline in future years. The uptake of floor space ratio (FSR) bonuses provided under the *State Environmental Planning Policy*

(Housing) 2021 (Housing SEPP) is likely to reduce FSR exceedances whereby associated VPA value capture cannot be levied. Meanwhile, the AHCS is expected to provide a consistent and increased source of contributions for affordable housing into the future.

Because of this, it is recommended that the current 25% maximum standard affordable housing allocation be deleted, such that all VPA contributions are allocated to the Planning Agreement Reserve for capital works, except where a VPA is offered in lieu of a contribution charged under chapter 2 (Affordable Housing) of the Housing SEPP, in which case 100% of the funds may be dedicated towards Waverley's Affordable Housing Reserve.

This amendment would ensure that the Affordable Housing Reserve receives sufficient, reliable and constant funding to deliver affordable housing. At the same time, this amendment aims to ensure the Planning Agreement Reserve receives sufficient income to contribute towards Council's capital works program.

Deleting the Waverley Public Benefit Register and instead relying on works identified in Council's Development Contributions Plan

Because the types of public benefits that can be funded by VPAs is broad, the Waverley Public Benefit Register exists as an iterative and non-exhaustive list of possible specific public benefits that VPA contribution funding may be dedicated to. While the Public Benefit Register is supposed to assist in the selection of a public purpose dedication, the Register has not been effectively utilised or updated since 2022.

Therefore, it is recommended the Waverley Public Benefit Register be deleted, and section 2.5 of the Planning Agreement Policy be relied upon to recognise Council's section 7.12 Development Contribution Plan to guide the selection of public purpose dedications for planning agreements.

Clarifying that planning agreements can be approved by Council or Council Committee, and that affixing the Council seal is not required.

It is recommended that the standard planning agreement template (appendix 3 of the Planning Agreement Policy) be amended to remove reference to affixing Council's Seal. This will allow post-exhibition planning agreement reports for Council approval to be reported to both Council and Council Committee meetings (Strategic Planning and Development Committee and the Finance, Operations and Community Services Committee).

Consultation

Amendment No. 6 of the Planning Agreement Policy 2014 was publicly exhibited between 27 May and 25 June 2025, and included:

- A Have Your Say page, including a FAQ, animated explainer video, and feedback survey.
- A mention in the Waverley Weekly email-newsletter.
- Email notification to Precincts.

158 people visited the page during this time, and 4 submissions were received. A summary of submissions and response is provided in the table below.

Table 1. Submissions and responses.

Submission	Council Response
Objection to proposal to delete the Waverley Public Benefit Register, expressing concern that it has not been maintained and a need for transparency, public accountability, and scrutiny of how Voluntary Planning Agreement (VPA) contributions are allocated. Submission expresses need to maintain a clear, public record that is separate from a contribution plan. Instead of deletion, submission suggests to update and utilise the Register or change to a more efficient mechanism. Submission agrees with the removal of 25% max limit.	Objection noted. The Public Benefit Register (PBR) is not a mandatory document in the Planning Agreement Framework. In Council's recent review, it became clear the PBR was not the most effective mechanism for its intended purpose. The Planning Agreement Policy itself ensures transparency, public accountability, and scrutiny of the Planning Agreement Process without the need for a separate document.
Objects to the proposed amendments and considers that VPAs are misused by Council. Recommends consultation with the precincts first.	Objection noted. Waverley Council maintains transparency and integrity in its Planning Agreement practices, as expressed in the Planning Agreement Policy and Public Register. All Precincts were notified of the changes proposed in Amendment 6 and were invited to make a submission.
Supports the changes proposed in Amendment 6.	Support noted.
Expressed concern that developers often design voids into their proposals, increasing bulk and scale, and later apply to infill these voids without significant impact on neighbouring properties. Expressed concern over the VPA process in relation to a particular development application and recommends the policy should require a VPA to be mandatory where a developer obtains a benefit through a breach or uplift in development rights.	Council officers are aware of this practice and seek to ensure that development efficiently use floorspace to reduce undue impacts. However, this issue is not within the remit of this Policy review. VPAs are 'voluntary' in nature. Council can only request an applicant submit an offer to enter into a planning agreement, not impose one mandatorily.
Seeks further explanation of the rationale behind the proposed amendments, in relation to recent changes in the NSW Planning system.	Submission author advised on the proposed changes as outlined in Part 4 of this report.
Submission expressed the importance of affordable housing in Waverley, and the importance of Capital Works in relation to maintaining assets in an	Clarification also provided regarding the NSW Government's Transport Oriented Development (TOD)/Low and

acceptable condition.	Mid-Rise (LMR) Housing program vs. the in-fill Affordable Housing Program, as well as how Council's VPA policy functions.

Post-exhibition amendments

Two post exhibition amendments are proposed, identified by Council officers during the exhibition period, to improve clarity in the Policy.

- On page 12 under the section titled 'Allocation of VPA to affordable housing', reference has been removed to the 'double dipping' discount applied to VPAs when an AHCS contribution is also levied on the same development. Because standard VPAs will no longer dedicate a portion of the contribution to affordable housing, the practice of applying an affordable housing discount to VPA's as a percentage of the AHCS is no longer required.
- On page 1 of appendix 1, the last sentence of the first paragraph is proposed to be deleted, as it conflicts with the policy position (and practice) on page 2 of appendix 1, under the heading 'Pro rata benchmarks'

These amendments are shown in mark-up in Attachment 1.

5. Financial Impact

The allocation of all VPA income to the Planning Agreement Reserve appropriately balances the allocation of public benefits, ensuring uplift through increased development (based on the principle of value capture) is allocated towards capital works to meet the needs of the community.

6. Attachments

1. Planning Agreement Policy (Amendment No. 6) (under separate cover)

WAVERLEY

REPORT CM/7.18/25.07

Subject: Planning Agreement - 92 Ramsgate Avenue, Bondi

Beach

TRIM No: DA-387/2023

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

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



That Council:

1. Approves the planning agreement attached to the report applying to land at 92 Ramsgate Avenue, Bondi Beach, offering a total monetary contribution of \$256,602, with \$192,451.50 (75%) to be allocated to Bondi Park improvements in accordance with the Bondi Park, Beach and Pavilion Plan of Management and \$64,150.50 (25%) to be allocated to the Waverley 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-387/2023 at 92 Ramsgate Avenue, Bondi Beach. The application was approved as follows:

Table 1. Approval of DA-387/2023.

Item	Approved DA-387/2023
Development description	Alternations and additions and change of use from a dual
	occupancy to a dwelling house
Maximum permissible gross flora	277.54 sqm GFA, equating to an FSR of 0.58:1
area (GFA) and floor space ratio	
(FSR)	
Approved GFA and FSR	516.8 sqm GFA, equating to an FSR of 1.08:1
GFA exceedance	239.26 sqm GFA, equating to a variation of 86% over the
	permissible GFA

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 and 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 floor space ratio (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 for DA-387/2023 – 92 Ramsgate Avenue Bondi Beach

DA-387/2023 has been approved with a 239.26 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 2014, a total monetary contribution of \$256,602 applies. The application was approved by the Waverley Local Planning Panel on 26 June 2024.

\$192,451.50 (75%) is proposed to be allocated towards Bondi Park improvements in accordance with the Bondi Park, Beach and Pavilion Plan of Management and \$64,150.50 (25%) towards the Waverley's Affordable Housing Program.

It is noted that an amendment to the Planning Agreement Policy (Amendment No. 6) has been exhibited but is yet to be finalised. Under this amendment, planning agreements are now designed 100% to capital works project. However, given the VPA for 92 Ramsgate Avenue predates Amendment No. 6 it retains the 25:75 split between the Affordable Housing Program and capital works.

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 recommended public purpose is expected to support improvements within Bondi Park in accordance with Council's Planning Agreement Policy and contribution towards Waverley's Affordable Housing Program.

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, 23 May 2025, to Friday, 20 June 2025, and included:

- Advertising on Council's Have Your Say website
- Inclusion in the Waverley Weekly email newsletter.
- Email notice to Precincts and Councillors.

Submissions

One submission was received during the exhibition period.

The submission requests the funds should be allocated to Bondi streetscape improvements or to public art in Bondi.

No change is recommended to the exhibited public purpose, which will contribute to the streetscape in Bondi Beach which is used by the broader community.

5. Financial Impact

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$256,602 in accordance with the Planning Agreement Policy.

6. Risks/Issues

The Planning Agreement Policy guides the VPA process to recognise and mitigate risks such as ensuring Planning agreements are underpinned by proper strategic land use and infrastructure planning carried out on a regular basis, do not improperly rely on its position in order to extract unreasonable public benefits from developers, and not used as a means of general revenue raising or to overcome revenue shortfalls.

The planning agreement document itself as a legal contract between Council and the developer also mitigates the risks associated with levying a development contribution, making provision for scenarios where the developer is unable to satisfy the contribution amount.

Should Council decide to amend the VPA then, under section 7.5(a) of the EP& Act 1979, Council would be required to publicly exhibit the VPA again for 28 days and report back to the soonest

available Council meeting. This would delay the applicant in obtaining their construction certificate, which they hope to obtain as soon as practicable.

7. Attachments

1. Planning agreement <a>J

WAVERLEY COUNCIL

(Council)

AND

SAMANTHA JOY KOGAN AND RANALD KOGAN

(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

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PLANNING AGREEMENT NO. _______ Section 7.4 of the Environmental Planning and Assessment Act, 1979

THIS AGREEMENT is made on

2025

PARTIES

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

AND

SAMANTHA JOY KOGAN AND RANALD KOGAN of 92 Ramsgate Avenue, Bondi Beach NSW 2026 ("**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.
- On 13 April 2021, the Developer caused MHN Design Union Pty Limited and Common Office to make a modification development application to Council and on 29 July 2021, the Developer made an offer to enter into this Agreement to make a 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 of the Land at that time exceeded the permitted floor space ratio under Council's planning controls (the 2021 Offer). The development application 381/2019/B was subsequently determined on 30 August 2021 with condition 5 in respect to entering into a planning agreement and payment of a monetary contribution of \$137,320.00, in accordance with the 2021 Offer.
- On 21 December 2023 the Developer caused MHN Design Union Pty Limited and Common Office to make a further development application to Council and on 1 May 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 (the 2024 Offer). The Development Application was subsequently determined on 26 June 2024 (the Development Consent). The Development Consent includes condition 7 in respect to entering into a planning agreement. Condition 7 (a) (ii), provides for a monetary contribution of \$119,282.00, in addition to the monetary contribution of \$137,320.00, under DA-

381/2019/B, in accordance with the 2021 Offer and the 2024 Offer.

E. The Development Consent granted on 26 June 2024, contains condition 3 as to the relationship to development consent DA-385/2021 (which was granted on 23 February 2022) and subsequent modifications in respect to the Land and provides that these development consents shall operate concurrently with the Development Consent. DA-385/2021 contains condition 4 as to the relationship to development consent 381/2019/B and provides that the conditions of consent imposed under DA-381/2019/B are to be read and complied with in conjunction with DA-385/2021. In addition, DA-385/2021 provides a consolidated construction certificate application should be sought to combine the approved works under DA-385/2021 with DA-381/2019/B. As such the conditions of consent under the Development Consent and D-381/2019/B are to be read together.

F. This Agreement is consistent with the Developer's 2021 Offer and 2024 Offer referred to in Recitals C and 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 for the Development or any part of the Development including, but not limited to works contained in DA-381/2019/B, DA-385/2021 and the Development Consent DA-387/2023, as may be modified.

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 any part of the Development/ 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 (as may be modified) which consent runs concurrently with and includes for the purposes of 'Development Consent' herein conditions imposed under DA-385/2021 and DA-381/2019/B;
- "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 any part of the Development/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:

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"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;
- 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;
- 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;
- (I) 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 or other electronic means acceptable to Council 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 the Schedule hereto 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 possessed 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 the Development Consent, 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 Development Consent.
- 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 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 the Development Consent, 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:

- 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.

11

- 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, however it is agreed the failure to provide the Consent Form does not affect Council's rights under this clause 12; 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

- 18.1 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.
- 18.2 The Developer shall ensure its co-applicant in respect to the Development Application, MHN

Design Union Pty Ltd, takes no action in respect to or arising from the Development Consent contrary to the Developer obligation herein and the provisions of this Agreement, including in respect to any application for a Construction Certificate or Occupation Certificate herein.

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:

- 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

Item Number	<u>Particulars</u>	<u>Description</u>
1	Developer	SAMANTHA JOY KOGAN AND RANALD KOGAN
2	Land	92 Ramsgate Avenue, Bondi Beach NSW 2026 (Folio Identifier 20/2/9177)
3	Development Application	DA 387/2023
4	Development (description)	Demolition of an existing dwelling and construction of a dwelling house with basement parking, swimming pool and associated landscaping, and planning agreement.
5	Development Contribution	\$256,602.00 (being \$119,282.00 + \$137,320.00)
6	Public Purpose	Bondi Park improvements in accordance with the Bondi Park, Beach and Pavilion Plan of Management (75%) and Waverley's Affordable Housing Program (25%).
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development/Development Consent
8	Developer Address Developer Email	92 Ramsgate Avenue, Bondi Beach NSW 2026 ranaldkogan@icloud.com
	Council Address	55 Spring Street, Bondi Junction NSW 2022
	Council Fax Council Email	(02) 9387 1820 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 CLR WILL NEMESH** General Manager Mayor **EXECUTED by SAMANTHA JOY KOGAN** SAMANTHA JOY KOGAN WITNESS EXECUTION:____ WITNESS NAME:___ WITNESS ADDRESS: WITNESS OCCUPATION: **EXECUTED by RANALD KOGAN** RANALD KOGAN WITNESS EXECUTION:___ WITNESS NAME:

18

06.05.25:tnm:p2025_0435_9901752_010.docx

WITNESS ADDRESS:

WITNESS OCCUPATION:

REPORT CM/7.19/25.07

Subject: Explanation of Intended Effect - Changes to Deter

Illegal Tree and Vegetation Clearing - Submission

WAVERLEY

TRIM No: A22/0383

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability

Sunil Kushor, Executive Manager, Compliance

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

RECOMMENDATION:

That Council:

1. Approves the submission to the Department of Planning, Housing and Infrastructure attached to the report (Attachment 2) on the Explanation of Intended Effect: Changes to Deter Illegal Tree and Vegetation Clearing, with Council supporting reforms to introduce higher penalties and improved investigatory powers for councils.

2. Continues to promote local action, communication and awareness initiatives and proactive enforcement to protect local trees and vegetation.

1. Executive Summary

Urban trees and vegetation ensure sustainable, liveable and resilient neighbourhoods, providing benefits such as shade and shelter, improved air quality, and habitat for local wildlife. However, threats to Waverley's tree canopy and vegetation includes climate change, invasive species, development and increasing instances of illegal tree clearing and vandalism which undermine biodiversity, amenity, and climate resilience benefits.

The NSW Government has released an Explanation of Intended Effect (EIE) proposing legislative reforms to strengthen penalties and enforcement mechanisms related to illegal tree and vegetation clearing. Officers have prepared a draft submission supporting these reforms, in alignment with Council's April 2025 resolution. The submission endorses stronger penalties, clearer enforcement frameworks, and tree replacement requirements, while also supporting additional reforms. The submission positions Council as a leading advocate for effective regulatory reform and improved tree protection.

2. Introduction/Background

On 23 April 2025, the NSW Government released an EIE (Attachment 1), proposing changes to the laws around illegal tree and vegetation clearing focusing on chapter 2 (vegetation in non-rural areas) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and development control orders in schedule 5 of the *Environmental Planning and Assessment Act 1979*. These changes aim to deter illegal clearing and removal of trees and vegetation through increased penalties, clarified enforcement powers for councils, and tightening existing clearing exemptions under the BC SEPP to reduce abuse and misinterpretation.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council	CM/8.1/25.04	That Council:
29 April 2025		1. Recognises the increasing incidents of tree vandalism, which leads to environmental degradation, loss of biodiversity and disputes between residents.
		2. Acknowledges the importance of protecting trees under the Environmental Planning and Assessment Act 1979, the Biodiversity Conservation Act 2016 and local tree preservation orders made under the Local Government Act 1993.
		3. Notes the following:
		(a) Penalties for tree vandalism under the Environmental Planning and Assessment Regulation 2021 and the Environmental Planning and Assessment Act 1979 are currently inadequate as a deterrent.
		(b) The monetary penalty is \$3,000 for an individual and \$6,000 for a company, as prescribed in schedule 5 of the Environmental Planning and Assessment Regulation 2021.
		(c) Council has no discretion to vary the penalty amount.
		4. Officers prepare a submission, to be considered at the May Council meeting, on the State Government's Explanation of Intended Effect (EIE) – Changes to Deter Illegal Tree and Vegetation Clearing, which seeks to protect urban tree canopy by proposing stronger penalties for illegal tree removal, with the submission to include increased fines for tree vandalism and greater enforcement powers for Council to impose penalties.
		5. Officers prepare a report to Council no later than June 2025 outlining:
		(a) The current penalties imposed for tree vandalism under the Environmental Planning and Assessment Regulation 2021 and the Environmental Planning and Assessment Act 1979.
		(b) Reported cases of tree vandalism and illegal pruning/removal reported in the Waverley local government area since 2024.

	((c)	Recom mecha	nmendations for additional enforcement nisms.
	((d)		osal for a media communication plan to the Waverley community of:
			f	The importance of Waverley's tree canopy or urban cooling, habitat and beautification.
				nformation regarding penalties for the llegal removal of trees.
				Education on reporting mechanisms to eport incidences of vandalism.
				Promoting resident engagement with groups such as Bushcare.
				Creative ideas to encourage community engagement with tree conservation.
	6. Ir	nforr	ns the f	ollowing stakeholders of this motion:
	(;	a)	Federa Spende	ol Member for Wentworth, Allegra er MP.
	(1	b)	State M	Member for Vaucluse, Kellie Sloane MP.
	(0	c)	State M	dember for Coogee, Marjorie O'Neill.
	(0	d)	The Ma	ayor of Woollahra, Cr Sarah Swan.
	(6	e)	The Ma	ayor of Randwick, Cr Dylan Parker.

4. Discussion

Reported instances of deliberate tree vandalism across the Waverley local government area, often for the purpose of improving views or enabling development, are captured by Council. Between 2024 and 2025, Council received 188 actionable service requests relating to tree vandalism or illegal activity, including 84 reports of illegal activity on private trees, 28 suspected poisonings, 54 reports concerning street trees, and 22 confirmed vandalism reports. A further 379 cases of sick or dead trees (possible additional undetected vandalism incidents).

Currently, under the *Environmental Planning and Assessment Regulation 2021*, the maximum penalty for unauthorised development (including tree removal without consent) is \$3,000 for individuals and \$6,000 for corporations are insufficient to act as a deterrent, particularly where clearing may increase property values or development potential. There are currently no penalties specifically for tree vandalism, unless pursued under criminal damage provisions.

Waverley's Local Environmental Plan (LEP) and Development Control Plan (DCP) already contain robust provisions for the protection of trees and urban canopy. These instruments require Council

consent for the removal or significant pruning of trees that meet specific size or species criteria and allow for the imposition of replanting conditions where appropriate. The draft submission supports mandating tree replacement as a condition of approval for tree removal, including the use of mature replacement species where feasible and where replanting on-site is not possible, contributions toward off-site planting should be considered.

The submission recognises the environmental harm associated with the removal of large or significant trees or clearing in sensitive locations such as coastal or heritage areas and supports the higher fines in cases where vegetation meets specific thresholds—such as height, canopy spread, or inclusion on a significant tree register—and particularly for repeat offenders. These changes reflect the reality that a single act of clearing in high-value coastal areas can cause irreversible harm to both biodiversity and urban amenity. It supports reforms that would enable authorised officers to enforce vegetation clearing laws with greater confidence and outlines that officers have used aerial imagery to record/identify tree removal and the timing thereof.

Recommendations for additional enforcement mechanisms

The Department also sought feedback on future legislative changes to the EP&A Act (or other Acts) to further deter illegal vegetation clearing. Additional enforcement mechanisms could include:

- The introduction of specific offences and penalties for tree vandalism under the *Protection of the Environment Operations Act 1997* and enabling a tiered offence model similar to pollution and dumping offences.
- Implementing a civil penalty framework with lower burden of proof ('balance of probabilities') framework.

These suggestions form part of Council's submission (Attachment 2).

Engaging the community

Council adopted an Urban Greening and Cooling Strategy in 2023, and adopted targets of 35% Green Cover by 2032, comprising of 20% canopy cover and 15% shrub and ground covers, through four key goals to:

- Protect, restore and repair public trees and green space.
- Foster and value protection of vegetation on private land.
- Activate community stewardship for trees and greening.
- Safeguard our trees and vegetation assets.

Through Council's Second Nature environmental education and engagement program, there is regular messaging and activities for residents to support strategy actions. In response to increase concerns, and recent media coverage regarding tree vandalism, the following communication activities have been completed or scheduled:

- May:
 - Published case study of local resident restoring and protecting trees on private property.
 - Mayoral letter to residents in biodiversity corridors to receive free plants by joining Council's Habitat gardening program.
 - Native bee workshop educating residents on local species, benefits of pollination and how to build a bee hotel.

June:

 Tree vandalism threatens our urban canopy and climate goals—social media post to align with World Environment Day.

 How to report tree vandalism article in the Second Nature newsletter to 11,000 subscribers.

July:

- National Tree Day promotion including links to the Urban Greening and Cooling Strategy and how to request a tree for your street.
- o Mayoral column promoting Council's Living Connection's Habitat Gardening program.
- o Sharing the Council submission on EIE into illegal land clearing—if approved.

August:

- Encouraging gardening in public spaces (guidelines in preparation)—newsletter and Waverley Weekly
- Reporting Tree Vandalism and recent fines Waverley Weekly

September:

- o Promoting resident engagement with Bushcare/Council—newsletter and social posts.
- Check progress on Waverley's greening targets visit and making Waverley nature positive—social media post.

· October:

- Creative ideas to encourage community engagement with tree conservation—social media competition to be confirmed.
- How can you help Waverley be nature positive/visit nature positive opportunities/ Second Nature—Waverley News.

5. Financial Impact

There are no financial impacts associated with making a submission.

6. Risks/Issues

The draft submission seeks to protect urban tree canopy by supporting stronger penalties for illegal tree removal, increased fines for tree vandalism and greater enforcement powers for Council to impose penalties, to reflect the Council motion in April. The changes proposed in the EIE by the NSW Department of Planning, which include, support for strengthened penalties, enhanced enforcement and compliance tools, closing loopholes related to dead or dangerous vegetation and education, guidance and support.

The draft was submitted by the deadline of 4 June 2025, with notes and a watermark indicating it was subject to Council approval, to meet the NSW Government consultation time frame. If the submission is not agreed by Council, the opportunity to advocate for stronger penalties for vandalism offences may be lost.

7. Attachments

- 1. Explanation of Intended Effect: Changes to Deter Illegal Tree and Vegetation Clearing &
- 2. Submission J.

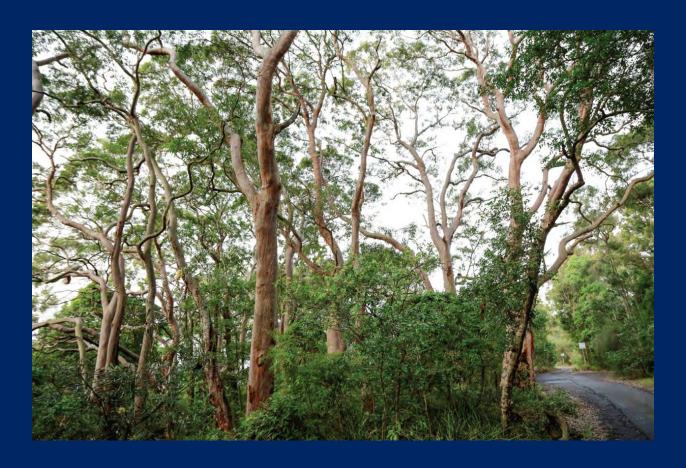
Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



Explanation of intended effect: Changes to deter illegal tree and vegetation clearing

April 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

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Explanation of intended effect: Changes to deter illegal tree and vegetation clearing

First published: April 2025

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More information

Written by the Department of Planning, Housing and Infrastructure's Environment Policy team

Acknowledgements

Thank you to all the stakeholders who have given feedback on issues that have informed the policy proposals in this document.

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Explanation of intended effect: Changes to deter illegal tree and vegetation clearing | 2

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Abbreviations

Abbreviation	Term
BC SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
SEPP	state environmental planning policy

Explanation of intended effect: Changes to deter illegal tree and vegetation clearing \mid 4

1 Introduction

The Department of Planning, Housing and Infrastructure is proposing changes to the planning system to discourage people and industry from illegally clearing trees and vegetation. The Department will do this by:

- improving the penalty and compliance framework and closing potential loopholes
- recognising the positive local values trees can provide by providing practical guidance that supports consistent decision making about tree clearing requests.

1.1 Summary of the reforms

The reforms aim to improve the operation of Chapter 2 (Vegetation in non-rural areas) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 – also known as BC SEPP, Chapter 2.

Policy proposals in this explanation of intended effect

- Deter illegal clearing by increasing penalties and clarifying that regulatory authorities can issue one fine per tree cleared.
- Deter illegal clearing by making sure existing restrictions on complying development where illegal clearing has happened can be enforced.
- Improve compliance and enforcement outcomes by making the policy easy to understand and through enhanced stop work and replanting orders.
- Tighten exemptions for dead, dying and dangerous vegetation to close potential loopholes.
- Encourage people to keep vegetation by adding a new aim to the BC SEPP.
- Provide standard matters councils must consider when they issue permits to clear vegetation.
- Require permits to include conditions for replacing cleared vegetation.

The Department proposes making these changes in mid-late 2025, pending the outcome of consultation.

This explanation of intended effect also sets out non-regulatory enhancements, including guidance, templates and training or support that could be prepared to complement the above.

Explanation of intended effect: Changes to deter illegal tree and vegetation clearing \mid 5

1.2 Engagement to date

The Department has engaged with council practitioners about the current regulatory framework over the last 12 months, including:

- one-on-one meetings with over 20 councils
- workshops with approximately 300 attendees from 68 councils from across NSW
- a council survey, which received 92 responses.

This consultation has informed and shaped the proposed reforms in this document. Please refer to **Appendix A** of this document for a summary of the issues raised by councils and the Department's proposed response.

1.3 Potential future enhancements

This document's proposed changes are aimed at improving deterrence and compliance and better recognising the local values that trees can deliver. Engagement with council and the community has also highlighted potential constraints around establishing offences "beyond reasonable doubt" – the level of proof currently required to issue penalties or take court action.

The main purpose of this document is to consult the community, councils and industry on proposed changes to environmental planning instruments and the Environmental Planning and Assessment Regulation 2021 – also known as the EP&A Regulation. However, the Department is also seeking feedback on whether amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) or other Acts may be appropriate to deter illegal vegetation clearing. This is not in scope for the current reforms, however, is a matter that could be further investigated following this work's delivery.

1.4 Have your say

The Department welcomes community and stakeholder feedback on this explanation of intended effect. Your feedback will help us better understand the views of the community and will inform the proposals in this document.

Give your feedback by Wednesday 4 June 2025

Please make a submission through the Department's 'Have your say' webpage, www.nsw.gov.au/have-your-say, by 5 pm Wednesday 4 June 2025.

We will publish a response to submissions after the exhibition period ends.

We have included 'Have your say' questions at the end of each chapter to support discussion about the proposed changes. These are prompts only. In your submission, you can address any issues that you believe are important in relation to this document.

Appendix C of this document lists the 'Have your say' questions.

Explanation of intended effect: Changes to deter illegal tree and vegetation clearing \mid 7

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2 Illegal clearing and vegetation management

2.1 How the current framework operates

Chapter 2 of the BC SEPP sets up the regulatory framework for the clearing of vegetation in NSW where the proposed clearing is not part of a development application and is not exempt development or complying development on the following land:

- all land within Greater Sydney and Newcastle, and
- land zoned for urban and environmental purposes in the rest of the State.

In Chapter 2 of the BC SEPP, 'clearing' includes:

- destroying vegetation by cutting it down, killing it, poisoning it, ringbarking, burning it or other means
- lopping or removing a substantial part of the vegetation.

Chapter 2 of the BC SEPP allows councils to protect vegetation and regulate vegetation clearing in their local government area. This is through a permit system. Chapter 2 of the BC SEPP also allows certain routine clearing activities on land used for primary production that is not in a rural zone.

For clearing that exceeds the Biodiversity Offset Scheme thresholds (defined under Part 7 of the Biodiversity Conservation Regulation 2017), the Biodiversity Offset Scheme applies. People applying to clear vegetation in these cases must get approval from the Native Vegetation Panel.

Biodiversity Offset Scheme thresholds

The Biodiversity Offset Scheme thresholds are a trigger to decide if a development or activity is likely to significantly affect threatened species. If the thresholds are exceeded, then the law assumes that this is likely. In this case, the landowner must get a biodiversity development assessment report for their development application or environmental impact statement.

The Biodiversity Offsets Scheme thresholds are:

- Clearing on land within the Biodiversity Values Map (section 7.3 of the Biodiversity Conservation Regulation 2017); and/or
- Clearing of an area of land that exceeds the following thresholds (section 7.2 of the Biodiversity Conservation Regulation 2017)

Minimum lot size of land applicable to land	Area of clearing
Less than 1 hectare	0.25 hectares or more
Less than 40 hectares but not less than 1 hectare	0.5 hectares or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

2.2 Deter illegal clearing

2.2.1 Introduce tiered penalties

The Department has received feedback that that the current on-the-spot penalties (penalty notices) are not enough to deter illegal clearing under Chapter 2 of the BC SEPP, especially in metropolitan areas with significant land values. Schedule 5 of the EP&A Regulation includes penalty notice amounts for offences under section 4.3 (development that is prohibited) of the EP&A Act. The penalties are \$3,000 for individuals and \$6,000 for corporations (refer to Table 1).

Councils can issue these penalty notices to people or corporations who clear vegetation without a required permit or approval on public or private land. They allow a council or other authorised person to impose a penalty for breaking the law, without beginning criminal prosecution proceedings.

If the council chooses to prosecute and secures a conviction, the maximum penalty that a court can impose is \$1 million for an individual or \$5 million for a corporation if proceedings are brought in the Land and Environment Court, or \$110,000 if proceedings are brought in the local court.

Table 1. Current penalties for illegal clearing

Type of penalty	Individual	Corporation
On-the-spot penalties	\$3,000	\$6,000
Land and Environment Court conviction (maximum)	\$1,000,000	\$5,000,000
Local court conviction (maximum)	\$110,000	\$110,000

The current system of on-the-spot fines applies the same penalty in all cases, no matter how severe the environmental damage caused by the illegal clearing is. Unfortunately, a landowner or developer can benefit greatly from illegal clearing. It can increase the land's value, for example, by improving water views. Removing vegetation may also allow the landowner to use a simpler approval pathway for development, such as complying development.

These benefits can be much greater than the current penalties. It has been reported that in some cases, landowners and developers see the penalties as a 'cost of doing business.'

The Department proposes to introduce penalties specific to illegal tree clearing, that is, penalties for prohibited development that is a contravention of section 2.6 of the BC SEPP. In addition, it is proposed these penalties are tiered to allow a greater penalty to be issued for more significant clearing events. A similar approach has been applied to other penalties in Schedule 5. For example, penalties for offences under section 4.2(1) of the EP&A Act differ depending on the:

- class of the building
- applicable approval pathway at the time of the offence
- person who issues the penalty notice.

Table 2 lists the revised penalties that the Department proposes.

Table 2. Proposed revised penalties

Tier	Criteria	Individual penalty	Corporation penalty				
Base penalty	Clearing that does not meet any of the higher penalty criteria (or where it is not known if any higher penalty criteria apply).	\$3,000	\$9,000				
Higher penalty	Vegetation clearing that meets one or more of the following criteria:	\$6,000	\$18,000				
	Larger trees						
	 the vegetation has a height greater than or equal to 10 m, or 						
	 the vegetation has a diameter at breast height (or diameter at base, if diameter at breast height cannot be measured) greater than or equal to 30 cm, or 						
	Larger areas						
	 an area greater than or equal to 50 m² of vegetation (other than trees) is cleared or underscrubbed (that is, removal of shrub layer), or 						
	Repeat offenders						
	4. the incident is a second or later offence, or						
	Significant vegetation						
	the vegetation is listed on a significant tree register, or						
	the vegetation is on land included in the biodiversity values map, or						
	7. the vegetation is on land that is zoned C2, C3 or C4, or						
	8. the vegetation is on land mapped in an environmental planning instrument as a:						
	 heritage area or heritage item natural, biodiversity or other conservation area foreshore or riparian area open space scenic protection area nature reserve buffer area. 						

Principles for proposed penalties

In developing the above, the Department has considered council feedback that:

- tiers should be easy to understand and apply
- fines should be higher when people clear more significant vegetation or larger trees
- repeat offenders should face higher fines
- there should be higher fines for corporations to discourage illegal practices across multiple sites
- the penalties for clearing public or private land should be the same, as all vegetation gives the same benefits to people and the environment
- tiers should not stop councils from issuing multiple fines on a tree-by-tree basis if more than one tree has been cleared in a single event
- in some regional areas, the existing penalties are high enough and raising the base penalty for individuals may have unintended outcomes (for example, councils may not be willing to issue penalty notices because higher fines are more likely to be challenged in court).

We may also need to help councils identify repeat offenders. Some councils may already have systems in place in their own local government area.

2.2.2 Clarify penalties can apply for each tree cleared

Even with higher fines and a tiered penalty framework, there may be some instances where the perceived benefit from clearing multiple trees is sufficient incentive to consider acting illegally. The Department understands that some councils are already issuing per-tree fines to reduce these incentives.

The Department proposes issuing guidance confirming this as a valid regulatory pathway a council may choose to pursue and offering information to support consideration of where such an approach could be appropriate given the scale or significance of the event.

Example

In this example, an individual clears the following vegetation without the required council permit:

- 2 large trees that meet the higher penalty criteria because of their size
- over 50 m² of shrubs
- one small tree that does not meet the higher penalty criteria.

In this scenario, the total penalty the council could issue would be:

- 2 × higher individual penalty (for the large trees)
- + 1 × higher individual penalty (for the area of shrubs)
- + 1 × base individual penalty (for the small tree)
- = \$21,000

Councils will continue to decide if they will issue a penalty notice and, if appropriate to the circumstances, if they will issue a separate penalty notice for each tree.

2.2.3 Ensure councils can enforce complying development restrictions on land where illegal clearing has happened

Unfortunately, illegal clearing can create development opportunities for landowners. The feedback from councils is that owners will illegally clear private land so they can use a complying development code and avoid lodging a development application.

There are existing provisions (legal conditions) that stop owners from carrying out complying development on land if it involves removing or pruning a tree or other vegetation without a permit, approval, development consent or other permission from council.

Table 3 lists these existing provisions.

Table 3. Provisions that prevent complying development involving tree or vegetation clearing without a clearing permit, approval, development consent or other permission

Policy	Section/s
State Environmental Planning Policy (Transport and Infrastructure) 2021	2.22(2)(g) and 3.18(2)(e)
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	1.18(1)(h)
State Environmental Planning Policy (Precincts –Central River City) 2021	5.47(2)(g)
State Environmental Planning Policy (Precincts –Regional) 2021	4.13(2)

If a landowner does not get the mandatory permit or approval under the BC SEPP and clears vegetation to make development possible, the development would not meet the complying development requirements in these provisions. In such a case, the council may be able to

challenge the validity of a complying development certificate before the Land and Environment Court.

The Department would like to ensure landowners, prospective buyers, planners and certifiers are aware of previous illegal clearing that may prevent someone from carrying out complying development. To achieve this, we propose changing the requirements for planning certificates issued under section 10.7(2) of the EP&A Act. Under the proposal, planning certificates would need to include:

- any instances of proven illegal clearing on the subject land
- the location of the clearing within the lot
- the date (or estimated date) of the illegal clearing.

Have your say

Chapter 2.2 Deter illegal clearing

We welcome feedback and suggestions on the proposed tiered penalty system, such as:

- 1. Are the proposed tiered penalties appropriate? They would apply to illegal clearing on both public and private land.
- 2. Do you support increasing the penalties for corporations to be triple those for individuals, rather than double?
- 3. Are the criteria for the higher penalty tier appropriate and practical?
- 4. Do the significant vegetation categories sufficiently cover relevant mapped areas or land and vegetation of higher biodiversity, environmental or social significance?

2.3 A clearer compliance and enforcement framework

2.3.1 Clarify when clearing is "prohibited development"

Councils have told the Department that the current regulatory framework around what constitutes 'prohibited development", such as non-compliance with the conditions of a tree clearing permit, is unclear.

Section 2.10(4) of the BC SEPP allows councils to set conditions as part of issuing tree clearing permits. For example, a council can order the landowner to plant replacement trees after another tree has been legally removed. If the owner does not follow the permit conditions, this is the offence of prohibited development under s 4.3 of the EP&A Act (see section 2.6(6) of the BC SEPP). Clearing without a required permit is also an offence under s 4.3 of the EP&A Act.

To ensure consistent interpretation and application, the Department is proposing to update the wording of s 2.6(6) of the BC SEPP so that it clear that:

- clearing vegetation without a required permit or approval under Chapter 2 of the BC SEPP is prohibited development; and
- clearing vegetation not in accordance with the conditions of a permit or approval received under Chapter 2 of the BC SEPP is prohibited development.

2.3.2 Clarify how Chapter 2 of the BC SEPP applies to clearing on public land

Chapter 2 of the BC SEPP is intended to apply to public and private land. However, councils have told us there is uncertainty about how the offences for clearing without an appropriate permit or approval apply to public land.

The Department is proposing to review Chapter 2 of the BC SEPP and change it where necessary to clarify that it is an offence to illegally clear trees on public land (such as a reserve adjoining private property), or any land for which a person is not legally entitled to obtain a permit for that clearing (such as poisoning a tree on a neighbour's property).

Possible updates to Chapter 2 of the BC SEPP include:

- clarifying in section 2.3 of the BC SEPP that the Chapter applies on both public and private land
- clarifying in section 2.6 of the BC SEPP that the offence of prohibited development applies on both public and private land.

2.3.3 Clarify stop work and replanting orders

Stop work and replanting orders form part of the tools used by regulatory officers to address illegal tree clearing. The Department understands that given uncertainty around how these powers work, some councils may be using these regulatory tools less than is optimal.

Section 9.34(2) of the EP&A Act provides that the Department can make amendments by regulation to the development control orders (in Schedule 5 of the EP&A Act).

The Department is proposing to make necessary changes to empower councils to issue orders to:

- make landowners or those responsible for clearing replant vegetation that has been illegally cleared (using the 'restore works order') on both public and private land.
 This may include specifying that:
 - vegetation clearing is a type of 'work' in section 3(4) of the EP&A Regulation
 - a restore works order can be issued to a person who carried out illegal clearing

- replanting should reinstate mature trees of an appropriate size and species
- stop illegal clearing works that are being carried out (using a 'stop work order' or similar).

The Department may need to amend when a 'stop work order' can be issued so that vegetation clearing is included.

The Department will give councils guidance on when and how to use these orders to support these provisions' implementation.

2.3.4 Clarify when permits are needed for clearing associated with complying development

The Department understands there is some confusion about if and when a tree permit or Native Vegetation Panel approval is required to clear vegetation for complying development.

Certain sections of the Codes SEPP (sections 3.33, 3A.7, 3B.61, 3C.36, 3D.64) state that a complying development certificate is taken to satisfy any requirement under the Codes SEPP for a permit or approval to remove or prune a tree (or other vegetation) if the tree:

- · is not on a register of significant trees, and
- will be within 3m of a building with an area over 25m², and
- has a height less than 8m if the development is the erection of a dwelling house, or 6m in any other case.

The existing policy intent is that a permit or approval is still required under Chapter 2 of the BC SEPP. Sections 3.33, 3A.7, 3B.61, 3C.36 and 3D.64 of the Codes SEPP do not change this.

The Department will amend the provisions of the Codes SEPP and/or BC SEPP to make this clear.

The Department will also issue guidance clarifying this matter.

2.3.5 Can technology solutions help improve compliance outcomes

In some instances, it can be hard to prove an illegal clearing event "beyond reasonable doubt". Chapter 3 asks about potential legislative change to lower this burden of proof. Technology provides another avenue to help ensure regulators have access to appropriate evidence to support successful regulatory action. The Department is not aware of similar uses in urban areas within Australia, however, some organisations are now exploring whether monitoring and Al learning can be deployed to help real time monitoring and evidence collection. There may be opportunity to explore some of these approaches in the NSW urban context.

Have your say

Chapter 2.3 A clearer compliance and enforcement framework

- 5. Would additional measures or information help reduce illegal tree clearing on public land?
- 6. What guidance is needed in relation to issuing replanting orders and stop work orders?
- 7. What guidance is needed to support replanting mature trees of an appropriate size and species?
- 8. What type of educational material could we prepare to support the proposed clarifications to permitting and conditioning requirements in the BC SEPP?
- 9. Are there any known technologies that could be used to improve compliance with the provisions of Chapter 2 of the BC SEPP?

2.4 Support legitimate removal of dead, dying and dangerous vegetation while removing loopholes

2.4.1 Tree Pruning

In NSW, tree pruning is generally managed through local council Development Control Plans (DCPs) and tree management policies. The Department is not proposing any changes relating to tree pruning (i.e. removal of part of a tree such as a branch). For example, DCPs and council policies can set out whether tree pruning requires a permit and if so, associated limitations. These can include pruning to a certain height above the ground or a set percentage of the crown or canopy (among other issues). The Department expects tree pruning to continue to be done in line with Australia Standard 4272-2007 Pruning of Amenity Trees or requirements under Council DCPs.

2.4.2 Exemptions for vegetation that is an imminent risk to life or property

Under section 2.7(3) of the BC SEPP, a landowner does not need a permit or approval to remove vegetation if council is satisfied that the vegetation is 'a risk to human life or property'. The Department proposes changing this, so it reads 'an **imminent** risk to human life or property'.

The Department also proposes another change: that under this provision, the landowner can remove only the minimum amount of vegetation necessary to minimise the imminent risk to

human life or property. That is, wherever possible, the tree should be pruned rather than removed. Hollows and other habitat features should be retained as much as possible.

As is currently the case, councils will decide what evidence they need to be satisfied that the vegetation is an **imminent** risk to life or property. Some councils have already adopted language of 'immediate' or 'imminently dangerous' risk in their Development Control Plans. Examples of definitions used in these cases include: structural defects that are immediately hazardous such as splitting branches and storm damage, or obvious instability of the root system. The Department will give councils guidance to help them consider 'imminent' risk to life or property. We will also supply information councils can use to educate landowners about their obligations.

2.4.3 Dead and dying trees

Under sections 2.7(4) and (5) of the BC SEPP, a landowner does not need a permit or approval to remove vegetation if council or the Native Vegetation Panel is satisfied that the vegetation:

- is dying or dead, and
- is not required as habitat of native animals.

Councils have reported that the current arrangements are being used by some as a loophole to inappropriately remove trees. In some cases, landowners and others are illegally poisoning vegetation, then removing it as the vegetation is dying or dead. Councils have also told us that the community is unsure what 'dead' means. In some cases, people mistakenly believe that vegetation that is senescing (changing as it grows old) or deciduous is dead and they remove it under the exemption.

Similarly, a tree or vegetation can take many years to die, and it is not clear when it should be considered 'dying'. Dead and dying trees and vegetation can provide significant ecosystem benefits (for example, by continuing to provide habitat such as tree hollows) and local amenity. If the dead or dying tree or vegetation is an imminent risk to life or property, section 2.7(3) of the BC SEPP would apply.

The Department is seeking to strike the right balance between ensuring dead or dying trees can be removed safely while removing a loophole that can result in healthy trees or habitat trees being removed unnecessarily. The Department would like to hear from Councils regarding the best way to achieve this based on their on-ground experience.

Two possible pathways include amending the BC SEPP so that landholders who wish to clear dead or dying vegetation would need certification from a qualified arborist that the vegetation is dead or dying and is not required for habitat or other significant ecosystem benefits.

This would be consistent with requirements in some Council DCPs that require evidence for exemptions to be provided to Council. Alternatively, the BC SEPP could be amended so that

landholders who wish to clear dead or dying vegetation would need to apply for a council permit or Native Vegetation Panel approval under Chapter 2. This would allow councils or the Native Vegetation Panel to assess the state of the vegetation before deciding if they will issue a permit or approval.

Have your say

Chapter 2.4 Support legitimate removal of dead, dying and dangerous vegetation while removing loopholes

- 10. Do you support limiting the exemption from permit or approval requirements for dangerous vegetation to only vegetation that is an **imminent** risk?
- 11. What are the risks or challenges associated with limiting the exemption to only vegetation that is an **imminent** risk?
- 12. What are the opportunities associated with this proposal?
- 13. Do you think requiring people to get a qualified arborist to certify that vegetation is dead or dying before clearing it would improve outcomes? Can you see any risks or challenges associated with this approach?
- 14. Do you think making people get a permit or approval before clearing dying or dead vegetation would improve outcomes? Can you see any risks or challenges associated with this approach?
- 15. An alternative to removing the exemption for dead vegetation would be to limit the exemption so it only applies if the council or Native Vegetation Panel is satisfied that the vegetation has not been poisoned or otherwise illegally killed. In this case, we would add a definition of 'dead'. Would you prefer this approach?

2.5 Encourage people to keep and replace vegetation

2.5.1 Add an aim to protect and improve tree canopy

To better reflect the value of keeping vegetation for biodiversity, climate change and mitigating urban heat, the Department proposes adding an aim under section 2.1 of the BC SEPP:

To maintain and enhance canopy cover and other vegetation in non-rural areas to realise their benefits, including mitigating urban heat, impacts of climate change, providing local amenity, reducing air pollution and improving community health and wellbeing.

2.5.2 Provide a framework to support consistent assessment of tree clearing applications

The Department has received feedback that the BC SEPP is currently focused on tree removal, and that there is no guidance on how to consider the broader merits of an application, including if the tree's removal would negatively affect local environmental, social or cultural values.

To help provide balance in the decision-making process, the Department proposes to add a list of factors that councils must consider when assessing these applications. These include:

- vegetation characteristics such as health, age and size
- the significance of the vegetation, including cultural, heritage, historical, aesthetic and landscape significance and listing on a significant tree register
- contribution of the tree to the environment including its biodiversity value, urban tree canopy, local amenity and urban cooling benefit
- impact of the tree on property, infrastructure and residential amenity and health
- if the landowner has considered alternatives to the proposed clearing
- any other factors or requirements in a relevant development control plan or relevant policy documents.

This list would complement existing criteria that some councils include in their development control plans or policy documents. It would not prevent councils from considering other factors.

2.5.3 Planting a new tree to replace the one removed

Under section 2.10(4) of the BC SEPP, councils can issue permits to clear vegetation subject to conditions. As part of issuing permits, some councils require that that landowners must replace any trees they remove with equivalent ones. Depending on the reason for removing the tree, the replacement may be in the same place, or elsewhere on the property. Replanting should be of mature trees of an appropriate size and species.

Trees and canopy cover give us environmental, biodiversity, urban heat and amenity benefits. Because of this, the Department proposes making it mandatory for councils to make landowners replace trees as a condition of their permits.

In limited circumstances, such as where a tree cannot be planted onsite, other approaches may be needed. For example, the landowner contributing towards offsite tree replacement could be a suitable alternative if onsite replacement is not possible.

The Native Vegetation Panel assesses clearing that will exceed the Biodiversity Offsets Scheme threshold. The landowner's application for a permit must be supported by a biodiversity development assessment report and by retiring credits to offset the impacts on biodiversity values. The Department does not propose changing this arrangement as the vegetation lost will be offset.

Have your say

Chapter 2.5 Encourage people to keep and replace vegetation

- 16. Does the list of proposed factors support an appropriate merit-based approach to assessing a request to clear existing trees?
- 17. If the landowner cannot plant a replacement tree on the site, what alternative approaches could be implemented?
- 18. Should requirements be specified for replacement trees (e.g. mature trees of an appropriate size and species)?

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2.6 Housekeeping amendments

The Department also proposes minor changes to a range of environmental planning instruments. The aim of these is to:

- correct outdated references to old SEPPs
- update local government area names in section 2.3 of the BC SEPP to reflect council amalgamations
- update notes.

Appendix B of this document summarises the housekeeping changes that we propose.

2.7 Support a clearer framework: non-regulatory measures

The changes proposed in this EIE are seeking to increase deterrence, improve compliance and encourage tree retention. The Department recognises councils will be the primary point of contact with landowners, and will work with councils to support the proposed amendments implementation through jointly developed guidance and education materials. Some of these potential supporting materials are briefly outlined below.

2.7.1 Guidance and templates

The Department will work with councils to prepare guidance material and templates to support councils in applying Chapter 2 of the BC SEPP. This will also improve community and industry awareness of their responsibilities.

Guidance material is likely to cover:

- · how Chapter 2 of the BC SEPP works
 - how the clearing permit system works
 - interactions with other legislation
 - roles and responsibilities
- using and enforcing Chapter 2 of the BC SEPP and broader vegetation management issues for councils
- guidance in plain English and community languages for communities and industry on:
 - their responsibilities
 - consequences of illegal clearing
 - the value of vegetation

- templates for councils, including:
 - tree clearing permits and conditions
 - penalty notices
 - development control orders
- a model development control plan chapter on vegetation protection.

2.7.2 Training and support

Councils have asked the NSW Government for greater support in investigating illegal clearing events. The Department will continue to work with councils to develop and provide regulatory resources and support. In particular, the Department will consider the results of a pilot program under the Cumberland Plain Conservation Plan Compliance Strategy to give councils support through central coordination of compliance officers.

2.7.3 Innovative joint management models

Communities that are involved in management of trees and vegetation are more likely to comply with regulations relating to their preservation or removal. Local, place-based solutions may offer opportunities for different stakeholders to find a balance between environmental outcomes and amenity (e.g. preserving views and view corridors). Joint management models can also help develop a sense of ownership by having local residents engage in activities to maintain and manage their local natural areas. The Department will work with councils to explore place-based solutions involving innovative joint management arrangements between councils and different stakeholders in the community to prevent unlawful tree clearing and preserve biodiversity and mature trees.

Have your say

Chapter 2.7 Support a clearer framework: non-regulatory measures

- 19. Which of the guidance materials or templates would most help you use the provisions of Chapter 2 of the BC SEPP?
- 20. Are there any types of guidance material or templates not listed above that would help you?
- 21. We will release guidance material and templates in stages, based on urgency and priority. Which guidance and/or templates would you like us to release first?
- 22. What types of innovative joint management arrangements should be explored to prevent unlawful tree clearing and preserve biodiversity and mature trees?

3 Possible future legislative changes

The Department has received feedback that some councils are not issuing penalties where they believe they are warranted given concerns around establishing offences "beyond reasonable doubt." While the primary purpose of this EIE is to consult on proposed amendments to the BC SEPP, the Department is also seeking feedback on if it would be appropriate to amend the EP&A Act (or other Acts) in the future to further deter illegal vegetation clearing. The changes would aim to help councils and may include introducing a:

- deeming provision, which means the landholder must prove they were not responsible for clearing on their land
- civil penalty framework with a lower burden of proof ('balance of probabilities').

The Department is also considering if it would be appropriate to introduce jail terms to further deter vegetation clearing offences.

These matters are not in scope for the current reforms and are set out in this explanation of intended effect **for early consultation only**. Any changes to the EP&A Act or other Acts would need to be introduced in NSW Parliament as a Bill.

Appendix A: Council consultation summary

Table A1. The Department's responses to feedback on illegal clearing

Feedback from councils during consultation	Proposed amendment or other response	Chapter of this document
 Penalty notices ('on-the-spot' fines) are important for enforcing compliance, but in some cases, penalty notice amounts are too low to deter illegal clearing This includes where clearing allows a landowner to improve views or development potential Industry must be more accountable for illegal clearing, and there should be higher penalties for repeat offences 	 Provide tiers of escalating penalties Clarify penalties can apply for each tree cleared Ensure complying development restrictions can be enforced on land where illegal clearing has happened The Department may consider changing legislation in the future to introduce jail terms 	2.2.12.2.22.2.33
Councils are unsure of: • what the offences are • how they apply to public land • what they can do in response to illegal clearing incidents	 Clarify the offences that apply, and how they apply to public and private land Clarify development control orders so councils can issue orders to stop clearing works and order landowners or those responsible for clearing to replace illegally cleared trees Give councils guidance on the measures they can use in response to clearing incidents on public and private land 	2.3.1 and 2.3.22.3.32.7

Feedback from councils during consultation	Proposed amendment or other response	Chapter of this document
 The 'danger to human life or property' exemption is too broad. The Department should tighten it to only apply to risk above a certain level. Some landowners are using the exemption as a loophole to remove vegetation without appropriate council assessment In some cases, the risk can be reduced without removing the entire tree (or vegetation). This should be encouraged to retain habitat trunks or hollows as much as possible 	 Update the current exemption from needing a permit or approval and limit the exemption to vegetation that is an imminent risk to life or property Give councils guidance on assessing imminent risk 	2.4.12.7
 Some landowners are using the 'dead and dying' exemption to clear trees that may continue to provide amenity and biodiversity benefits for many years. They are also using it to remove trees that had been poisoned In some cases, people are mistaking deciduous or senescing trees for dead or dying ones and removing them 	Remove the exemptions from needing a permit or approval for 'dead' and 'dying' vegetation	2.4.2
Chapter 2 of the BC SEPP should reflect the benefits of vegetation for climate change adaptation and urban cooling, and encourage people to preserve tree canopy	 Add new aims to reflect the role of Chapter 2 of the BC SEPP in promoting canopy cover Add new factors to guide councils when they assess applications for tree clearing permits Make landowners replace trees they remove with a permit, if the site allows Give the community and industry guidance about the benefits of vegetation 	2.5.12.5.22.5.32.7

Feedback from councils during consultation	Proposed amendment or other response	Chapter of this document
Councils, industry and communities need more guidance about when and how the vegetation management framework under Chapter 2 of the BC SEPP applies, including roles and responsibilities	 Give councils guidance and templates Give industry and communities guidance and education materials 	2.7
It is difficult to prove offences to a criminal standard (beyond a reasonable doubt). This is particularly in cases involving vegetation poisoning or ringbarking, in remote areas or where there are no witnesses	The Department may consider changing legislation in the future to introduce a deeming provision or civil penalty framework	3

Appendix B: Summary of proposed housekeeping amendments

Table B1. Summary of the housekeeping amendments the Department proposes

Relevant policy	Housekeeping amendment		
Biodiversity and Conservation SEPP	 Section 2.2 - Definitions: change reference in biodiversity offsets scheme threshold from clause 7.3(4) of the Biodiversity Conservation Regulation 2017 to section 7.3(4) Section 2.2 - Definitions: remove reference to Part 2.4 in the private land definition Section 2.3 - Land to which Chapter applies: update the list of local government areas to which Chapter 2 applies to reflect amalgamated councils and current names 		
State Environmental Planning Policy (Precincts — Central River City) 2021	 Appendix 5 section 3.1 – update note to refer to State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2 Appendix 10 section 3.1 – update note to refer to State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2 		
State Environmental Planning Policy (Precincts — Regional) 2021	 Section 5.19 – update note to refer to State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2 Schedule 10 Dictionary for Chapter 5 – update definition of 'clearing vegetation' to refer to State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2 		
State Environmental Planning Policy (Precincts — Western Parkland City) 2021	 Section 4.25(6) – update to refer to State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2 Section 5.26(8) – update to refer to State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2 		
State Environmental Planning Policy (Transport and Infrastructure) 2021	Section 3.16(3)(g) - update note to refer to State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2		

Appendix C: Consultation questions

The 'Have your say' questions in this document are below. These are prompts only.

Chapter 2.2 Deter illegal clearing

We welcome feedback and suggestions on the proposed tiered penalty system, such as:

- 1. Are the proposed tiered penalties appropriate? They would apply to illegal clearing on both public and private land.
- 2. Do you support increasing the penalties for corporations to be triple those for individuals, rather than double?
- 3. Are the criteria for the higher penalty tier appropriate and practical?
- 4. Do the significant vegetation categories sufficiently cover relevant mapped areas or land and vegetation of higher biodiversity, environmental or social significance?

Chapter 2.3 A clearer compliance and enforcement framework

- 5. Would additional measures or information help reduce illegal tree clearing on public land?
- 6. What guidance is needed in relation to issuing replanting orders and stop work orders?
- 7. What guidance is needed to support replanting mature trees of an appropriate size and species?
- 8. What type of educational material could we prepare to support the proposed clarifications to permitting and conditioning requirements in the BC SEPP?
- 9. Are there any known technologies that could be used to improve compliance with the provisions of Chapter 2 of the BC SEPP?

Chapter 2.4 Support legitimate removal of dead, dying and dangerous vegetation while removing loopholes

- 10. Do you support limiting the exemption from permit or approval requirements for dangerous vegetation to only vegetation that is an **imminent** risk?
- 11. What are the risks or challenges associated with limiting the exemption to only vegetation that is an **imminent** risk?
- 12. What are the opportunities associated with this proposal?
- 13. Do you think requiring people to get a qualified arborist to certify that vegetation is dead or dying before clearing it would improve outcomes? Can you see any risks or challenges associated with this approach?

14. Do you think making people get a permit or approval before clearing dying or dead vegetation would improve outcomes? Can you see any risks or challenges associated with this approach?

15. An alternative to removing the exemption for dead vegetation would be to limit the exemption so it only applies if the council or Native Vegetation Panel is satisfied that the vegetation has not been poisoned or otherwise illegally killed. In this case, we would add a definition of 'dead'. Would you prefer this approach?

Chapter 2.5 Encourage people to keep and replace vegetation

- 16. Does the list of proposed factors support an appropriate merit-based approach to assessing a request to clear existing trees?
- 17. If the landowner cannot plant a replacement tree on the site, what alternative approaches could be implemented?
- 18. Should requirements be specified for replacement trees (e.g. mature trees of an appropriate size and species)?

Chapter 2.7 Support a clearer framework: non-regulatory measures

- 19. Which of the guidance materials or templates would most help you use the provisions of Chapter 2 of the BC SEPP?
- 20. Are there any types of guidance material or templates not listed above that would help you?
- 21. We will release guidance material and templates in stages, based on urgency and priority. Which guidance and/or templates would you like us to release first?
- 22. What types of innovative joint management arrangements should be explored to prevent unlawful tree clearing and preserve biodiversity and mature trees?

Waverley Submission to the Explanation of Intended Effects – changes to deter illegal tree and vegetation clearing.

Draft submitted 4 June 2025

Background

The NSW Government is <u>currently seeking feedback on proposed regulatory changes</u> to address increasing incidents of urban tree clearing. Changes are proposed to:

- Chapter 2 (Vegetation in non-rural areas) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP, Chapter 2)
- The development control orders in Schedule 5 of the Environmental Planning and Assessment Act 1979
- The penalty amounts and planning certificate requirements in Schedules 2 and 5 of the Environmental Planning and Assessment Regulation 2021 and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Housekeeping amendments to update referencing in other state environmental planning policies.

In alignment with the recent Council resolution (CM/8.1/25.04) this draft submission:

- recognises increasing incidents of local tree vandalism, which lead to environmental degradation, loss of biodiversity and disputes between residents, and
- acknowledges the importance of protecting trees using legislative frameworks.

This draft submission raises no concern in regard to the changes proposed by the NSW Department of Planning, which include

- higher fines for illegal tree and vegetation clearing on public and private land,
- clarification to rules around enforcement and penalties related to illegal tree clearing,
- closing potential loopholes to make sure the rules are not being misused and
- outlining other compliance measures councils can take to deter illegal clearing,

Explanation of Intended Effects Consultation - Response from Waverley Council

Chapter 2.2 Deter illegal clearing

- 1. Are the proposed tiered penalties appropriate? They would apply to illegal clearing on both public and private land.
- 2. Do you support increasing the penalties for corporations to be triple those for individuals, rather than double?
- 3. Are the criteria for the higher penalty tier appropriate and practical?
- 4. Do the significant vegetation categories sufficiently cover relevant mapped areas or land and vegetation of higher biodiversity, environmental or social significance?

Waverley Council is supportive of any actions that will deter people from damaging our trees. People who undertake these acts undermine our community's shared commitment to increasing tree canopy and protecting our green spaces – which are vital to our social and environmental wellbeing. In April, Waverley Council passed a resolution to endorse increased fines for tree vandalism. Therefore, we support the proposed tiered penalties approach, but recommend base fines are doubled for individuals and tripled for corporations. This is because as a dense urban coastal Council, the criteria proposed for higher penalties may not routinely apply in Waverley, as our sandy soils do not support many trees of 10m or over and lot sizes are small, so 50 metres squared of clearing is uncommon.

Waverley Council supports further increasing fines for repeat offenders and for significant vegetation. We also endorse increasing fines for businesses, recognising their professional responsibility to understand and follow the rules and to ensure they or their clients have obtained the necessary approvals before clearing any trees or vegetation.

Waverley Council also supports clarification that penalties can be applied for each tree cleared, and that councils are supported to enforce complying development restrictions on land where illegal clearing has occurred.

Chapter 2.3 A clearer compliance and enforcement framework

- 5. Would additional measures or information help reduce illegal tree clearing on public land?
- 6. What guidance is needed in relation to issuing replanting orders and stop work orders?
- 7. What guidance is needed to support replanting mature trees of an appropriate size and species?
- 8. What type of educational material could we prepare to support the proposed clarifications to permitting and conditioning requirements in the BC SEPP?
- 9. Are there any known technologies that could be used to improve compliance with the provisions of Chapter 2 of the BC SEPP?

It is recommended that clearing without, or not in accordance with, a required permit or approval under the BC SEPP is not only prohibited, non-complying development – it is vandalism and can be subject to associated fines. Necessary changes to empower councils to issue orders to make landowners, or those responsible for clearing, replant vegetation that has

been illegally cleared (using a 'restore works order') on both public and private land, is also supported and there may be opportunities to streamline this process.

It would also be helpful to clarify when permits are needed for clearing associated with complying development by amending provisions in the State Environmental Planning Policy (Exempt and Complying Development) 2008 (SEPP Code) (sections 3.33, 3A.7, 3B.61, 3C.36, 3D.64), and developing education materials to prevent removals under the Complying Development Certificate pathway, before the clearing occurs.

With regards to technology solutions that may help improve compliance outcomes, Waverley tree officers have in the past used NearMap to record/identify tree removal and the timing thereof. NearMap data is not free, and the State Government could facilitate equitable access to this or similar data to complement the proposed improvements to the NSW vegetation management penalty and compliance framework.

Chapter 2.4 Support legitimate removal of dead, dying and dangerous vegetation while removing loopholes

- 10. Do you support limiting the exemption from permit or approval requirements for dangerous vegetation to only vegetation that is an imminent risk?
- 11. What are the risks or challenges associated with limiting the exemption to only vegetation that is an imminent risk?
- 12. What are the opportunities associated with this proposal?
- 13. Do you think requiring people to get a qualified arborist to certify that vegetation is dead or dying before clearing it would improve outcomes? Can you see any risks or challenges associated with this approach?
- 14. Do you think making people get a permit or approval before clearing dying or dead vegetation would improve outcomes? Can you see any risks or challenges associated with this approach?
- 15. An alternative to removing the exemption for dead vegetation would be to limit the exemption so it only applies if the council or Native Vegetation Panel is satisfied that the vegetation has not been poisoned or otherwise illegally killed. In this case, we would add a definition of 'dead'. Would you prefer this approach?

Waverley Council welcomes no proposed changes to tree pruning, which is managed under Council Development Control Plans and tree management frameworks, but notes that pruning without a permit may be considered vandalism and could be subject to proposed penalties.

Waverley Council strongly supports tightening exemption under section 2.3(3) of the BC SEPP so that a landowner can only remove a minimum amount of vegetation if it there is an **imminent** risk to human life or property, not just a subjective risk, and that hollows or other habitat features should be retained as much as possible. Removing loopholes to limit the removal of dead or dying trees, especially where there are habitat and ecosystem services provided is suggested. A Council permit or native Vegetation Panel approval should be sought, and replacement trees implemented as soon as possible, when dead or dying trees are approved for removal. This may increase resourcing requirements for Council, so requiring certified arborist or ecologist review is also supported. Requirements for independent arborist or

ecologist (for vegetation) certification before removal is supported, to stop tree poisoning and the subsequent removal of vegetation on the basis of its deteriorated health.

Chapter 2.5 Encourage people to keep and replace vegetation

- 16. Does the list of proposed factors support an appropriate merit-based approach to assessing a request to clear existing trees?
- 17. If the landowner cannot plant a replacement tree on the site, what alternative approaches could be implemented?
- 18. Should requirements be specified for replacement trees (e.g. mature trees of an appropriate size and species)?

The inclusion of a new aim in the BC SEPP is supported with the following changes

To maintain and enhance canopy cover and other vegetation in nonrural areas to realise their benefits, including mitigating urban heat and impacts of climate change, providing local amenity and habitat, reducing air pollution and improving community health and wellbeing.

The inclusion of matters in the BC SEPP that councils must consider when assessing applications for tree or vegetation removal is supported and should include

- vegetation characteristics such as health, age and size
- the significance of the vegetation, including cultural, heritage, historical, aesthetic and landscape significance and listing on a significant tree register contribution of the tree to the environment including its biodiversity value, urban tree canopy, local amenity and urban cooling benefit
- · impact of the tree on property, infrastructure and residential amenity and health
- if the landowner has considered alternatives to the proposed clearing
- any other factors or requirements in relevant development control plan or policy.

Waverley Council supports the Department making it mandatory for councils to make landowners replace trees as a condition of their permits, and Council's should have the powers to specify requirements for replacement trees (e.g. mature trees of an appropriate size and species), the number of trees and the site of the replacement trees, for example specified on Council managed land if there is insufficient space on the private landowner's lot. There are opportunities for a landowner to pay Council to plant replacement trees on public land where one tree is removed. Alternatively, replacement trees could be planted on private land, with the costs outlined in Council's annual Fees and Charges statement.

Chapter 2.7 Support a clearer framework: non-regulatory measures

- 19. Which of the guidance materials or templates would most help you use the provisions of Chapter 2 of the BC SEPP?
- 20. Are there any types of guidance material or templates not listed above that would help you?
- 21. We will release guidance material and templates in stages, based on urgency and priority. Which guidance and/or templates would you like us to release first?

22. What types of innovative joint management arrangements should be explored to prevent unlawful tree clearing and preserve biodiversity and mature trees

Additional guidance materials and training support would be welcome, primarily:

- Guidance in plain English and community languages
- Fact sheets and FAQs on regulatory compliance and enforcement for tree protections (not limited to the BC SEPP)
- Roles and responsibilities between State Government Agencies (including police) and local government practitioners

Possible future legislative changes – the Department is also seeking feedback on if it would be appropriate to amend the EP&A Act (or other Acts) in the future to further deter illegal vegetation clearing, to help councils

The development of legislative changes that could further deter illegal vegetation clearing and vandalism has merit, including the potential introduction of a civil penalty framework with a lower burden of proof ('balance of probabilities').

It is also recommended that consideration be given to future legislative changes that enable councils to

- protect Deep Soil areas in Complying Development, ensuring that a minimum deep soil area is defined as site area that is not built on, or underneath, thereby leaving an area of deep soil for deep-rooted vegetation, native vegetation and natural drainage. to enable the retention of existing mature and /or significant trees,
- require the deep soil and canopy targets set out in the <u>Tree Canopy Guide for Low and Mid Rise Housing</u> which supports the provision of urban tree canopy and deep soil across a diverse range of residential typologies as outlined in Chapter 6 of the State Environmental Planning Policy (Housing) 2021,
- implement the bonding of private trees, enabling Council to protect trees over time. This
 could include a period after an Occupation Certificate is issued so that trees and plants
 installed as part of a condition of consent, and
- Add conditions to Development Approval standard set, for landscape plan to be verified as complete and in accordance with plan, by qualified person, prior to Occupation Certificate

Given the vital role that trees play in our environment and in mitigating climate change through carbon sequestration, avoided emissions, and reduced energy use while offering multiple cobenefits (including are reducing the urban heat islands, and heat stress, reducing stormwater runoff, improving air quality, and improving mental and physical health of urban dwellers) consideration could be given to tree vandalism falling under the Protection of the Environment Operations Act 1997 with fines ranging from \$15,000 for an individual and \$30,000 for a corporation.

REPORT CM/7.20/25.07

Subject: Waverley Cemetery Writers' Centre - Feasibility

TRIM No: A25/0564

Manager: Andrew Best, Executive Manager, Property and Facilities

Tanya Goldberg, Acting Director, Community, Culture and Customer

WAVERLEY

Experience

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Agrees in principle to trial the use of the Cemetery residence building at Waverley Cemetery as a Writers' Centre for two years, as set out in the report, subject to the budget review at Q1.

2. Notes that the refurbishment of the amenities building and the relocation of staff from the Cemetery residence is already programmed and budgeted for in the 2025–26 SAMP Buildings Capital Renewal Program for the reasons set out in the report.

1. Executive Summary

This report outlines the capacity, costs and plans for the Waverley Cemetery residence building to be repurposed as the Waverley Writers' Centre. It presents details regarding the current use and condition of the building, scope for upgrading, its alternative use as a writers' centre and a proposed pilot program for an inaugural Waverley Writers' Residency program to support writers in Waverley and next steps.

Officers have assessed alternative venues to accommodate a writers' centre and found that the Waverley Cemetery residence building is the most suitable venue for this purpose.

2. Introduction/Background

At its meeting on 18 February 2025, Council instructed officers to prepare a report on the feasibility of transitioning the cemetery residence building from its current usage as staff accommodation to a Waverley Cemetery Writers' Centre.

Officers have conducted those feasibility investigations, and the results are outlined in the discussion below.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution	
Council	CM/8.8/25.02	That Council:	
18 February 2025			
		 Notes that the cemetery residence building at 	
		Waverley Cemetery is currently being utilised for staff	

accommodation and that officers have prepared a plan (currently without budget) to undertake required works to vacate staff and storage from the building.

- 2. Officers prepare a report no later than the July 2025 Council meeting, investigating the following:
 - (a) The capacity, costs and plans for the cemetery residence to be repurposed as the Waverley Writers' Centre.
 - (b) The Waverley Writers' Centre hosting residencies for writers for six-monthly periods during which they would have their own room/office between the hours of 7 am and 7 pm, seven days per week.
 - (c) The number of rooms/offices available and including a desk, desk chair and armchair.
 - (d) Wi-Fi and access to a kitchen/common room and bathrooms.
 - (e) Spaces within the building where events could be held, including showcasing the work of the resident writers.
 - (f) Costs and resourcing required to administer the centre and program.
 - (g) Any other Council buildings that could be considered more appropriate or fit for purpose for the location of the Waverley Writers' Centre, noting current operational requirements of Waverley Cemetery staff.
- Officers include in the report the next steps for a pilot program to be implemented and a time frame for implementation.
- 4. Refers this motion to the Strategic Property Review Committee for its consideration and recommendation on the suitability of the cemetery residence and/or other cemetery buildings compared with other potential Council assets.

4. Discussion

Waverley Cemetery is the main operational cemetery within the Waverley local government area (LGA). In 1868, Council agreed to establish a cemetery and the first purchase of land to start the Cemetery took place in 1875.

The first part of the cemetery was officially finished and opened in August 1877, and the first interment took place in the same month. Since that time around 90,000 interments have taken place in over 56,000 gravesites and memorials over the 16-hectare site.

The site was listed on the State Heritage Register on 28 October 2016, as well as being listed in the *Waverley Local Environmental Plan 2012* as a landscape conservation area of local significance.

The residence building was constructed in 1878 with the cemetery caretaker living in the building for over a century. The building was utilised as a residence up to approximately 2016.

At its meeting in February 2025, Council approved endorsed undertaking a review of the potential reuse of the residence building as a writers' centre.

The Waverley Cemetery Conservation Management Plan (CMP) states that 'the residence may be adapted for new uses, such as a space for exhibitions, research, education, or public meetings, or as a reception area associated with memorial services, as long as the alternative use has no adverse impact on the significant fabric of the building.'

Current use and condition of the building

The Cemetery team consists of seven outdoor staff who are responsible for grounds maintenance and burials. The existing amenities located within in the cemetery grounds are in a dilapidated condition. The Cemetery Residence building became vacant in around 2016 in the ensuing years staff gradually commenced utilising the kitchen and the lunchroom in the residence for their break times. Subsequently, the supervisor also commenced utilising one of the upstairs rooms as an office, with other areas being used to store materials and equipment.

The staff use of the building is not aligned to the CMP and a project has been underway for around 12 months looking at providing alternative amenities for staff to allow them to be relocated from the residence building. Budget has been allocated in the 2025-26 Capital Building Renewal Program to undertake an upgrade of the existing amenities to bring them up to an acceptable standard comparable with that offered to other outdoor staff amenities provided across the LGA. The amenities building provides staff with shower and change facilities, a kitchen and lunchroom plus areas for storage of materials and equipment. It is estimated these works would cost \$310,000.

It is estimated that the works will take approximately three months to complete. It should be noted that it is intended to relocate the staff form the building irrespective of Councils decision on a future use of the building. Staff use is not seen as a suitable long-term use of this significant heritage asset.

Following the relocation of the staff from the building it will be necessary to undertake a refresh of the internal finishes and undertake minor maintenance of the building. It is estimated that these works would cost in the region of \$75,000 and be delivered through the Capital Renewal Program for buildings, with both projects being funded from the Cemetery Reserve.

Alternative use as writers' centre - Capacity, costs and plans

The cemetery residence is well-suited to being repurposed as a writers' centre. A heritage residential building spanning two storeys, in the quiet and reflective location of Waverley Cemetery's historical site, its internal spaces are adaptable and configurable for some specific, limited purposes that align well with the needs of a space for writers.

The ground floor of the residence contains a larger drawing room style space that would be suitable for small salon gatherings of approximately 20 people, as well as provide a meeting space and be a

dedicated space for writing. Also, downstairs are other shared facilities including a dining room, kitchen and bathroom.

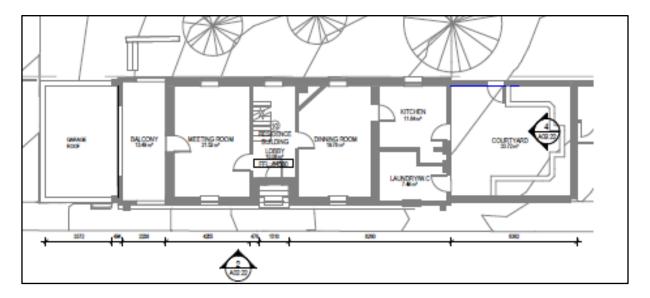


Figure 1. Ground floor plan.

The first floor has two bedrooms upstairs that could be repurposed to house working writers. Fitting these spaces with desks, power and Wi-Fi will create spaces suitable for one to two people each. Bedroom doors can be fitted with locks that allow a user to keep valuables safely on the premises. There is a second bathroom upstairs.

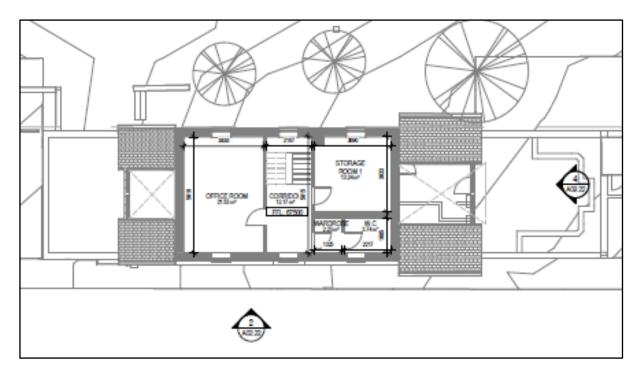


Figure 2. First floor plan.

The costs for repurposing the cemetery residence as a writers' centre include relocating staff currently using the building and to undertaking a refresh of internal finishes in the building as set out above. The combined cost of these works is estimated to be \$225,000.

There is some existing furniture in the building that can be retained to fit out the building for use as a writers' centre but Council will incur additional costs for the following items:

- Desks and chairs in each room in each of the three writers' rooms.
- Easy chairs / armchairs in each of the three writers' rooms.
- Stackable seating for a small salon function of 20 chairs.
- Kitchenware for day-to-day usage by resident writers.
- Serving ware for small salon functions.
- Wi-Fi.

Pilot program proposal

Title

Waverley Writers' Residence. It is proposed that a pilot program is progressed in 2026, allowing time for evaluation and refinement before ongoing rollout from 2027.

It is proposed that three writers are accommodated in each residency block. Two writers will be housed upstairs, each allocated one of the two upstairs rooms. One writer will be allocated the downstairs drawing room. This larger space will be allocated on the condition that it is available for public use on occasion, as per the outcome requirements of the residency program.

2026

Year 1 pilot program and evaluation:

- 3 x writers offered residencies for a duration of 5 months each (including induction).
- Concurrent appointments.
- July 2026 to November 2026.

2027

Year 2:

- Two lots of 3 x concurrent residencies offered for a duration of five months each.
- Session 1: February 2027 to mid-June.
- Session 2: Mid-July-November.

Duration

Residencies of five months are proposed.

This allows time for officers to evaluate and update any aspects of the residency program before the next session, as well as provide access to the venue for any required works or facilities maintenance activity that could pose a disturbance to writers at work.

Number of residencies per block

Three writers' residencies will be offered.

Purpose of residencies

Residencies are for the development of literary works of any kind and do not carry any completion-of-work outcomes. The intention of the residency is to provide local writers with 'a room of one's own' to undertake writing work in a fully functional, equipped space, suitable for undertaking activities associated with writing including online research, reading, drafting and writing.

Council regards locals as writers living or working in Waverley or with an otherwise demonstrable connection to the Waverley LGA.

Writers' residency guidelines

will be developed to outline the details of the program.

Guidelines will include details on:

- Space available for each residency appointment and access hours:
 - Mondays to Saturdays.
 - o 9 am to 6 pm.
- What Council will provide (independently accessed space, hours of access, power, internet, private room, kitchen and bathroom facilities, weekly cleaning service, Welcome Pack for each resident consisting of mug, notebook, pen etc).
- What Council will not provide (laptop, computer equipment, out-of-hours access, cash support etc).
- What resident writers will be expected to provide for themselves (laptop, research material, food, transport, maintenance of clean and tidy shared facilities etc).
- Expectations/obligations for resident writers including
 - o Regular use of the space throughout residency period.
 - One planned and delivered public outcome per residency period this could be a public reading of a work in progress to a small, invited group, or another form of activation, to be finalised with Council officers who can support delivery.

These guidelines will form the terms and conditions of Waverley Writers' Residence appointments.

Pilot program selection – Expression of interest process.

Applicants will be required to submit their interest by sharing their writing experience, their connection to Waverley, and the project/s they intend to progress during their residency. Applicants will also be asked to indicate their intended use of the facilities offered—number of days, hours of use etc.

The expression of interest process will also invite applicants to indicate their interest in ongoing professional development and professional engagement opportunities through Council's Local Creative Collaborations program.

It is envisaged that interest in literary programs may lead to future activations and programming which could provide employment opportunities for residents long after their residency is completed. This is similar to the opportunities to be engaged for Council programming afforded resident artists in the Waverley Artist Studio.

Expressions of interest will be reviewed and assessed by a specially formed panel. It is proposed that the panel is made up of:

- 1 x Council staff member.
- 1 x Nib Advisory Group volunteer member.
- 1 x former residency participant. For the 2026 pilot, this role will be fulfilled by a second Council officer.

Pilot program resourcing considerations

it is envisaged that the program will be managed by the Council's Arts and Culture team, specifically the Talks and Ideas Producer, supported by the Senior Producer, Arts and Culture and Manager, Arts and Culture.

The program will be linked to Council's ongoing artist development initiative, Local Creative Collaborations and will be promoted through that network as well as other Council, industry and arts sector channels. It should be noted that initial steps to further support writers in Waverley include the ability for writers to access the Bondi Pavilion Artist Studio space via the 2025 Local Creative Collaborations program.

It is estimated that annual hard costs for the running of the program and promotion of the opportunity, combined with staffing resources additional to existing workload will be \$30,000 a year for two residency blocks per year.

Maintenance of the Writers' Residence building will be overseen by Council's Property and Facilities team. Cleaners will be arranged for a weekly 'basic' clean. This will include a vacuum of all spaces and cleaning of the bathroom facilities. Residents will be required to ensure they keep their allocated spaces, including shared bathroom and kitchen facilities, clean and tidy in the interim.

Pilot program next steps

- Finalise EOI process including formation of submission review panel.
- Guidelines and Terms and Conditions drafting and finalisation.

Pilot program review

Following the delivery of Year 1 of the pilot program in 2026, officers will conduct an initial evaluation, reviewing both internal processes, venue performance and resident writers' feedback. That initial evaluation will inform updates to the roll out of Year 2 of the pilot program.

Following the delivery of two further residency blocks in 2027, officers will further review and evaluate the program. It is expected that that learnings will be applied to improve and enhance the experience and opportunity the Waverley Writers' Residence program provides, resulting in future adjustments to the program.

After two years of program delivery, officers will prepare a report to Council.

Suitability of other venues

Officers were also requested to explore other Council buildings that might be suitable for these purposes. A review was undertaken of all Council owned community buildings, and it is determined that there are no other Council venues that would be able to be put to this use and that the Waverley Cemetery Residence is the most appropriate Council venue to accommodate the pilot program.

5. Financial Impact

Budget is allocated in the 2025-26 SAMP Buildings Capital Renewal Program to deliver the works required to relocate the staff from the residence building to the amenities building. The cost of these works is estimated to be around \$310,000. This project is being funded from the Cemetery Reserve which has a current balance of approximately \$6.2m. It is estimated that the works will take approximately three months to complete.

The cost of carrying out a refresh of the residence building prior to the commencement of the Writers program would be circa \$75,000. This is not included in the 2025-26 SAMP Buildings Capital Renewal Program. Provision for this is included in the Long Term Financial Plan funded from the Cemetery Reserve. If resolved by Council to commence a pilot program in 2026, this would be included as part of the Q1 Capital Works budget review.

The cost of the delivery of the Waverley Writers' Residence program is estimated to be around \$30,000 per annum. There is currently no budget allocated to the establishment and delivery of the program. To commence a pilot program in 2026, an adjustment to the 2025-26 budget will need to be considered. If resolved by Council, this would be included as part of the Q1 budget review including suggested reallocation of funds from existing programs.

6. Risks/Issues

There is community interest in the usage of the Cemetery residence site for public benefit. Failing to explore options will allow community interest to gain momentum. Failing to adapt the venue for ongoing usage with tangible community benefits poses a risk to Council in how it is perceived to be managing its assets on behalf of the community for the community's use and access.

There is community interest in ongoing support for local creatives and literary-focused activation is a strong growth arena of Waverley's arts and culture program, which makes this proposal an appropriate one to further explore.

7. Attachments

Nil.

REPORT CM/7.21/25.07

Subject: Bronte House - Future Use and Public Accessibility

TRIM No: A02/0250-06

Manager: Andrew Best, Executive Manager, Property and Facilities

Alistair Graham, Executive Manager, Community, Library and Recreation

WAVERLEY

Venues

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Treats Attachment 2 of the report as confidential in accordance with section 11(3) of the *Local Government Act* 1993, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act* 1993. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

- 2. Approves in principle the Council-operated community access model for the future use of Bronte House, as set out in the report (Option 2).
- 3. Officers prepare a report to Council on the model, including a detailed program and budget implications.

1. Executive Summary

Bronte House is one of Council's most significant and much-loved community assets. The property has been tenanted for many decades with the more recent leases awarded for a period of five years through an open tender process. The most recent leases have required that the tenant provide public access to the property a minimum of six times in a 12-month period from the lease commencement date. The current lease expires at the end of February 2026.

In response to the limited public access provided through the residential lease Council in March 2025 endorsed officers undertaking a review of the future use and public accessibility to the property and undertaking a community consultation process on alternate options.

This report summarises the community feedback received through the consultation process and proposes two options in relation to the future use of the property, with Option 2 (Council-operated community access) being recommended.

2. Introduction/Background

Bronte House is one of Sydney's most historically significant colonial homes, known for its picturesque location and rich heritage. Built in the 1840s, the house is a fine example of Gothic Revival architecture. It was originally designed by the architect Mortimer Lewis and later completed by Georgiana Lowe, who played a key role in shaping its gardens and landscape. Over the years, Bronte

House has been home to various notable residents, each contributing to its evolving history and charm.

In recent times, the tenants have been awarded five-year leases with tenants identified through an open tender process which requires applicants to demonstrate experience of having custodianship of a heritage or other landmark property to ensure that the successful applicants have the required knowledge and understand the responsibility for caring for a heritage property. The Bronte House garden is maintained under contract by a suitably qualified garden and horticultural contractor to ensure that it is appropriately maintained. Through this process, both the house and garden continue to present in the condition that would be expected for such a significant Council community asset.

The lease conditions require that the tenants allow public access to the property for a minimum of six occasions per year. This requirement has been met consistently by the tenants over the term of recent leases and in some years the number of opportunities for the public to access the property have well exceeded the minimum requirement. It is the case however that having the property tenanted under lease arrangements does restrict community access to the property.

The current lease expires at the end of February 2026. The tenants have been informed that they will be required to provide vacant possession of the premises at this time. This is to allow for several significant maintenance projects to be delivered to ensure that the building is appropriately maintained in accordance with the Conservation Management Plan. These works include the limewashing of the house facade, a traditional method used to protect and enhance the appearance of heritage buildings. The works will also include laying new slabs for the front and back terraces followed by the reinstallation of new tessellated tiles, an upgrade to the kitchen and work to ensure the structural integrity of retaining walls in the garden. Given the extent of these planned works, it is necessary that the building be vacant while they are carried out.

At the March 2025 Council meeting, Council endorsed officers undertaking an investigation into alternative uses for the property with a comparison of the financial implications of these options. It also endorsed officers to undertake a community consultation process of the future use and public accessibility to the property. This report sets out the comparative analysis and summarises the feedback received through the community consultation process.

The current Bronte House Plan of Management (PoM) which sets out how the property will be managed was approved by Council in 2015. The PoM will be updated to reflect Council's preferred future use identified following the completion of the community consultation and review process. The PoM will then be brought back to Council for approval to go on public exhibition.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution	
Council	CM/8.4/18.03	That Council:	
18 March 2025			
		Notes the rich history of Bronte House and its significant historical, architectural and cultural significance to Waverley.	
		Notes that the property is currently tenanted, with the current residential lease due to expire in 2026.	
		Notes that Bronte House and gardens are currently only accessible to the public four times a year.	
		3. Officers prepare a report to the July Council meeting	

			on o	ptions to:
			(a)	Increase public accessibility and use of Bronte House.
			(b)	Investigate the ability for a social enterprise to use Bronte House and gardens.
			(c)	Other potential uses for public enjoyment and benefit, including but not limited to a tearoom and art and historical tours.
			(d)	Examine the financial implications and feasibility of not having a residential tenancy and how income could be offset by community or social enterprise use.
			(e)	Recommend changes if required to the Bronte House Plan of Management.
		5.	Say s publ	as community feedback, including a Have Your survey on Council's website, on increasing ic accessibility to Bronte House and rporates this feedback into the report to ncil.
		6.	Infor	ms the following stakeholders of this motion:
			(a)	The Member for Wentworth, Allegra Spender MP.
			(b)	The Member for Coogee, Marjorie O'Neill MP.
			(c)	All Precincts.
			(d)	The Waverley Historical Society.
Council	CM/11.1/21.02	That	Coun	cil:
16 February 2021		1.	section it related to the continuous from	ts the report as confidential in accordance with ion 11(3) of the <i>Local Government Act 1993</i> , as ates to a matter specified in section 10A(2)(d)(i) e <i>Local Government Act 1993</i> . The report ains advice that would otherwise be privileged a production in legal proceedings on the ground gal professional privilege.
		2.	Gove subn	ecordance with section 47(4) of the Local ernment Act 1993, has considered all missions duly made to it in relation to the ication and exhibition of Council's proposal to t a five-year lease of Bronte House.
		3.	Unde	er clause 178(1)(a) of the <i>Local Government</i>

	(General) Regulation 2005, accepts the tender submitted by Wesley and Anna Van Der Gardner for the lease of Bronte House, which, having regard to all of the circumstances, appears to Council to be the most advantageous.
4.	Grants a five-year lease of Bronte House to the successful tenderer, Wesley and Anna Van der Gardner.
5.	Authorises the General Manager to take all necessary steps to finalise and execute the lease with the successful tenderer.

4. Discussion

Community consultation

A Bronte House future use and public accessibility Have Your Say page was created, which included a survey providing respondents with the ability to leave comments. In addition, a targeted shorter survey was also distributed through Council's social media platforms. The consultation process was promoted via a flyer to local residents, *Waverley Weekly* newsletter, email notification to relevant subscribers and social media platforms and ran between 28 May and 25 June 2025.

There were 64 responses to the Have Your Say survey and 405 responses to the shorter survey promoted through social media. The full Have Your Say consultation report is provided as Attachment 1 to this report. A high-level summary of all responses from both the Have Your Say page and the social media survey is provided below, with the total number of responses in the consultation period being 469.

Do you believe Bronte House should be open to the public more often?

In favour 90% Not in favour 10%

Which of the following ways do you think Bronte House should be used?

Residential tenancy 9%
Social enterprise 7%
Tea room 31%
Gallery 10%
Art, garden and history tours 32%
Courses and workshops 11%

Would you visit Bronte House more often if it was open to the public?

Yes 93% No 7%

Future use options

On consideration of the feedback received two options for the future use of the property are considered below. Officers have provided the advantages and disadvantages of each option along with high level financial implications of each.

Option 1 – Lease the property as a private residence under a lease with public access rights

Approximately 9% of respondents indicated they think the property should continue to be leased to a private tenant. This has been the arrangement for many decades and Council may consider continuing these arrangements and appointing a new tenant identified via a tender process. Some of the comments responding to the question highlighted they would be in support of increasing the public access requirement under the lease from the current six days per year.

The advantages of this option include:

- It provides recurrent rental income for Council to be reinvested in the maintenance of the house and garden.
- It provides the lowest impact use with minimal wear and tear on the significant heritage fabric of the house and garden with lower associated maintenance costs.

Operational and capital budget reports for the last five years are provided in confidential Attachment 2 to this report.

The disadvantages of this option include:

• The number of days on which the public are able to access the property even if increased, will still be significantly restricted. A private tenant will expect to be able to reside and enjoy the quiet enjoyment of the property without frequent interruptions from public openings.

Option 2 – Council-operated community access model

The feedback received through the community consultation process indicates most respondents support greater community access to Bronte House, and that there is a level of support for the majority of the alternate uses presented in the surveys.

The community access model would see Council directly manage the property to facilitate delivery of a range of community arts and cultural programming activities including:

- Art courses and workshops
- House, garden and history tours
- Gallery exhibition space
- Artist residency.

These activities could be provided as an extension of existing programming delivered by Council's Arts and Culture team with limited budget and operational impact.

As shown in the survey results, the option for a Bronte House tearoom to operate from the site was also a popular option. This service would be procured via an open tender with the proposed offering likely to be restricted to tea, coffee, non-alcoholic drinks and light snacks, operating out of the existing house kitchen. Operating hours would be limited to minimise impact and determined through a future procurement process.

Additional activities providing greater access to Bronte House may include:

• Social enterprise providing possible employment or training opportunities for people with disabilities e.g. gardening roles.

- Volunteer program to assist with delivery of programs and general supervision of the site.
- Venue hire for small, low impact activities and events.
- Permits for low impact film and photography.

To effectively facilitate these activities this model would likely require 1.5 full-time staff to provide essential venue support and supervision across seven days. Additional staffing, including security, would be assessed on a case-by-case basis.

The advantages of this option include:

- Creates opportunities to increase access public access and engagement with the property through a range of low impact activities.
- Programming can be delivered as an extension of existing Council programs and events providing additional opportunities for local artists.
- Provides opportunities for modest revenue generation to offset operating costs through the operation of a tearoom, low impact hires, film and photography.
- Provides opportunities to increase community engagement through volunteering opportunities.

The disadvantages of the community access model option include:

- Increase in operating costs for Council cleaning, utilities etc. currently the responsibility of tenants.
- Additional costs related to the staffing and program delivery costs.
- Additional maintenance costs resulting from the increased wear and tear on the property.
- Anticipated decrease in revenue generated.

Recommendation and next steps

Given the degree of community support for increased community access to the property identified through the community consultation process it is recommended that Council approve Option 2 in principle as set out above with officers to report back to Council at a future meeting with a more detailed program and associated cost and revenue estimate.

On receipt of Council approval of moving to a community access model, officers will write to the current tenant formally notifying them that Council requires vacant possession at the end of their lease.

The capital renewal projects scheduled to commence in July 2026 are expected to take around four to six months to complete. This will allow officers to plan for the commencement of the community access model later in the year.

5. Financial Impact

Option 1 – Continued private lease

The rent generated via a potential new lease would be determined through a future Tender process. The budget summary provided in confidential Attachment 2 indicates that the current operating model

has seen a small operational deficit over the past five years with the current financial year on track to be cost neutral, excluding capital expenditure.

Option 2 - Community access model

As highlighted above there will be additional operating costs associated with the community access model, relating to additional venue staffing requirements, program delivery costs, increased maintenance, security and utilities.

It is also expected that certainly in the early implementation phase the revenue generated through this model will be below that generated through current leased arrangements.

Should Council approve proceeding with a community access model, a further report providing greater detail in relation to community programing, staffing arrangements, procurement of a tearoom operation along with revenue and expenditure estimates will be presented back to Council.

It should be noted that Council will continue to be responsible for the ongoing capital upgrades of the building in accordance with the Conservation Management Plan.

6. Risks/Issues

The recommended community access model will likely generate less than the current rent and cost Council more to operate, with the anticipated additional wear and tear on the building from this operating model also adding to the maintenance costs.

It will be important to ensure that any commercial activities proposed as part of the community access model will be appropriately scaled and be in keeping with and appropriate for the heritage status of the house and garden.

7. Attachments

- 1. Consultation report (under separate cover)
- 2. Bronte House operating budget (5 years) (confidential)

REPORT CM/7.22/25.07

Subject: Bondi Pavilion Internal Courtyard - Shade and Grass

TRIM No: A15/0272

Manager: Tanya Goldberg, Acting Director, Community, Culture and Customer

Experience

Rodhan Haughton, Acting Executive Manager, Major Projects

WAVERLEY

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Does not install additional tree plantings and vegetation to increase tree canopy and shade within the Garu (northern) and Guya (southern) Courtyards at Bondi Pavilion due to planning constraints and the impact this will have on the operations of the Pavilion.

- 2. Does not utilise temporary (unfixed) shade structures and planter boxes due to operational and storage constraints.
- 3. Amends Council's event application process to encourage event organisers to consider the use of temporary shade structures when planning their events.

1. Executive Summary

Council officers have investigated the feasibility of installing additional tree plantings and vegetation to increase tree canopy and shade within the Garu (northern) and Guya (southern) Courtyards at Bondi Pavilion. There are various constraints that would make this difficult to implement in a manner that provides shade via permanent interventions. Council officers have also investigated the feasibility of installing temporary shade structures and other ways to increase vegetation within the courtyard.

2. Introduction/Background

Bondi Pavilion has exceptional heritage significance. Its importance is recognised internationally and by inclusion in national, state and local heritage inventories. Bondi Pavilion is included in the Australian Heritage Council's National Heritage listing for Bondi Beach, Campbell Parade, Bondi Beach, NSW, Australia, and is included in the NSW Heritage Council's State Heritage Register listing for the Bondi Beach Cultural Landscape. It is also listed as a heritage item by Council.

The Bondi Pavilion restoration was designed by architects Tonkin Zulaikha Greer (TZG), which integrated the outdoor and indoor spaces, connecting the beautiful Bondi Beach to the parklands and Campbell Parade, while celebrating the rich history of the building.

In relation to the internal courtyards of Bondi Pavilion, policy item 36 of the Bondi Pavilion Conservations Management Plan states a requirement to 'Retain and conserve the original form and fabric of the courtyard spaces within the Bondi Pavilion complex. Any future development within these courtyards must respect and not obscure their original form and fabric.'

Following the Council meeting on 18 March 2025, Council officers have investigated the feasibility of installing additional tree plantings and vegetation to increase tree canopy and shade within the Garu (northern) and Guya (southern) Courtyards at Bondi Pavilion.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council	CM/8.6/25.03	That Council:
18 March 2025		
		Investigates additional tree plantings and vegetation to increase tree canopy and shade within the Garu (northern) and Guya (southern) Courtyards.
		Officers prepare a report to Council in May 2025 on the outcomes of the investigation and recommendations on next steps.

4. Discussion

Planning Impact

Permanent trees, vegetation and structures

Planning approvals are required to install additional permanent trees, vegetation and structures in the Bondi Pavilion internal courtyard, as the engravings on the concrete slab form part of the building's Heritage Interpretation Strategy. The engravings display the former dressing sheds that were previously located in the internal courtyard.

The existing palm trees installed during the Bondi Pavilion Restoration and Upgrade project, were approved as a compromise by Heritage NSW to provide dappled shade while still maintaining views of the heritage building fabric and throughout the space. Installing trees capable of providing a significant amount of shade to the internal courtyard will obscure views of the tiled roof (a major heritage component of the building) and impact internal sight lines through the courtyard space. Most notably, the sight line from Campbell Parade through to the ocean will be impeded, which was a major design component of the project.

It is likely that Heritage NSW will not approve the installation of permanent, large shade trees in the internal courtyard through the required section 60 application process. Additional tree plantings and vegetation would be eligible for a complying development certificate (CDC) application.

Temporary structures

The installation of temporary (unfixed) structures including marquees, umbrellas and planter boxes would not require planning approval, and could provide an effective alternative approach to shade provision. Temporary structures can better safeguard the flexibility of the courtyard spaces for various uses, however they carry considerations regarding storage when not in use, as well as operational impacts.

Operational impact

Events

The internal courtyard at Bondi Pavilion was designed to be a flexible space that could cater for numerous types of events and event set ups. These events often include the erection of stages, platforms, seating, trusses, temporary shade shelters and other structures.

Installing large trees or other permanent structures in the internal courtyard will impose spatial limitations on these events. Introducing permanent additional grass or similar low-level vegetation to the internal courtyard would also limit the potential structural loads of events using these areas. This constrains the types of events that can be held in the courtyard when considering staging, seating and entertainment rigging. High pedestrian and event use over additional grass will also lead to the deterioration of the vegetation and increased maintenance costs.

It is worth noting that the design and location of the existing trees and low-level vegetation within the courtyard allows for the installation of large marquees within the courtyard and considers multiple different staging and event layouts (see Figure 1 below).

MARQUEES MARKET AND POP UP EVENTS

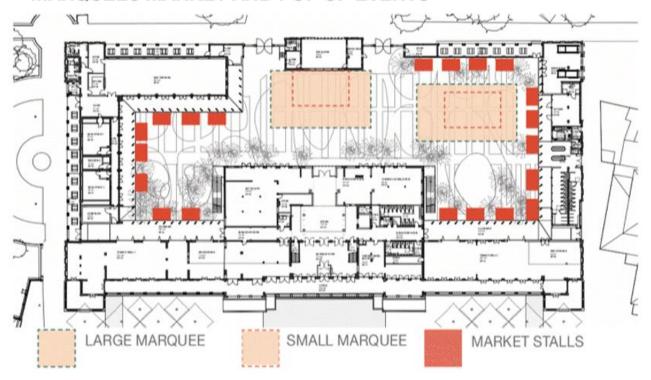


Figure 1. Marquees market and pop-up events plans - Bondi Pavilion Restoration and Upgrade Project.

Event organisers typically utilise the open-plan, flexible layout of the courtyards to create diverse event elements including decorative site installations, screens and trusses, lighting, dining seating, curtains, staging and more. The images below demonstrate this.



Figure 2. Event example (source: Eventive Photography).



Figure 3. Event example (source: Eventive Photography).



Figure 4. Event example (source: Eventive Photography).

Noting that some events are undertaken though the day, it is proposed to amend Council's event application process to encourage event organisers to consider the use of temporary shade structures when planning their events.

Impact of construction for permanent structures

The footings for the existing palm trees are approximately 1.2 m deep, each tree is also surrounded by a mulched area to prevent the concrete slab cracking as the tree grows. Trees capable of providing a significant amount of shade to the internal courtyard would require a much larger footing and larger permeable surface around it to support its root system. This will impose additional spatial limitations on users of the internal courtyard. The construction works required to provide an adequate footing capable of supporting a large tree and its root system would cause a significant impact on building users and visitors of Bondi Pavilion.

The installation of irrigation also needs to be considered as all other trees and vegetation in the internal courtyard are connected to an irrigation system running below the concrete slab. The installation of a new irrigation line or connecting to the existing one (if possible) would lead to a considerable amount of construction noise and dust impacting the users and visitors of the building. Any construction would need to be coordinated with Council's Venue Hire Team, with potential implications to planned events.

Impact of installation of temporary structures

The installation of temporary (unfixed) structures would have a lesser operational impact than permanent structures however this impact could still be significant. Marquees and other temporary shade structures will require Council staff to assemble, disassemble and move them, with larger structures requiring multiple staff to do this safely. This will impose a resourcing strain on Bondi Pavilion operations as the configuration of the internal courtyard changes to cater for the different events and activities held within it. Marquees and other shade structures would also need to be packed down and stored during high wind events which are often unpredictable. Temporary planter boxes and other heavier structures would also need to be moved via a forklift.

Species and performance of trees to provide adequate shade

Any shade trees installed within the internal courtyard would need to be able to tolerate frontline coastal conditions. This limits the selection to evergreen tree species, meaning there is no suitable deciduous species that could be utilised which would provide shade during summer months but also provide the solar access required in winter.

As the movement of the sun changes over the year and throughout the day, having a fixed shade structure like a tree will not always provide shade in the desired location.

Temporary structures

Temporary shade structures

It is worth noting that allowance for temporary shade structures was considered during the Bondi Pavilion Restoration and Upgrade Project, with the design and location of the existing trees and vegetation allowing for the installation of large marquees within the internal courtyard. Landscape Architects JMD worked with head consultant and architect TZG to prepare plans for how the internal courtyard could accommodate temporary shade structures. These plans are provided below.

As the Garu and Guya Courtyards regularly accommodate a wide range of outdoor activities including promotional events, markets, launches, fundraisers, external performances, and large events, the set-up and configuration of the courtyard changes based on each activities needs. The set-ups and configurations of these activities are planned and managed by the event's organisers, which includes provisions of temporary shade structures if the organiser wishes to provide. Some examples of these events are the Ocean Lovers Festival, City2Surf and Mardi Gras Bondi Beach Party.

Council officers have investigated the feasibility of purchasing and providing temporary shade structures in the Pavilion courtyard. These investigations considered large and semi-permanent marquees, collapsible marquees, large planter beds with seating, picnic tables with umbrellas, and standalone umbrellas. Some examples of these are provided in Attachment 1.

Referring to the temporary shade structure options included in Attachment 1, the collapsible marquee (Figure 2), picnic table (Figure 4) and standalone umbrella (Figure 5) could all be purchased under approximately \$5,000 per unit. The planter bed with seating (Figure 3) could be purchased for approximately \$15,000 per unit. The larger semi-permanent marquee (Figure 1) would need to be custom ordered and could cost in excess of \$100,000 per unit.

These options were not deemed to be suitable due to the impact they would have on operations in relation to setting up and packing down the structures as well as there being limited space to store them when not in use. As the configuration of the courtyard changes with each event, if Council were aiming to provide temporary shade structures to accommodate all events, multiple temporary shade structures would need to be purchased for which there would be insufficient storage on site.

It is also noted that shade is limited throughout Bondi Park, it is not unique to Bondi Pavilion. Bondi Park also accommodates outdoor events, including the ones listed above. While the internal courtyard of Bondi Pavilion is exposed to the sun in large sections, patrons can find refuge within the building's loggias, colonnades, atrium, and existing seating in the courtyard. All these areas are accessible by the public with example images from site below (refer to Figures 8, 9 and 10 in the attachment).

Unfixed planter boxes

Council officers have also investigated the provision of unfixed planter beds to increase the vegetation within the courtyard. Some examples of these are shown in Attachment 1. These options (Figures 6 and 7) could be purchased for between \$1,000-10,000 per unit, depending on the chosen planter box.

Unfixed planter boxes would provide additional vegetation to the courtyard but would require a forklift to be moved when required. Their impact on operations would be dependent on their location. When considering the location of the exiting vegetation within the courtyard, the areas without vegetation are frequently used for events and activities. If planter boxes where installed in these locations, they will have to be moved frequently to accommodate events and activities held in the courtyard. The watering and upkeep of such planter boxes would need to be managed by Council staff or an external contractor.

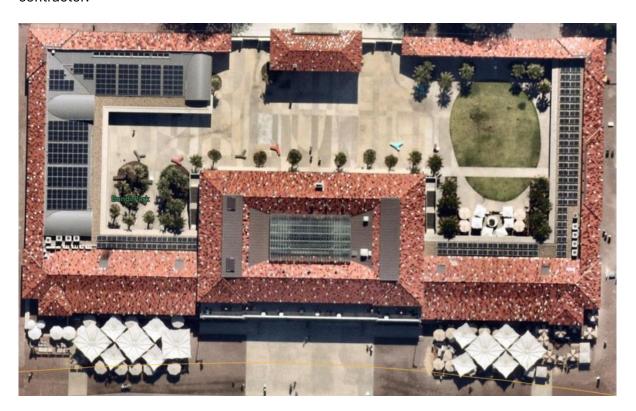


Figure 5. Satellite image of Bondi Pavilion's internal courtyard.

5. Financial Impact

The installation of additional trees and permanent vegetation in the internal courtyard will result in costs for the physical works (including demolition, supply, install, irrigation works etc.) and the ongoing maintenance of the plantings. As a section 60 application would be required to be submitted, there would also be costs for consultants and landscape architects to provide design input and documentation. Further, there may also be the financial impact of cancelling or restricting venue hire bookings to accommodate construction needs.

A detailed cost estimate has not been generated to accompany this report, given the limited feasibility in relation to the investigated tree planting and vegetation. At a high level, if such works did proceed, they could be in the order of \$50,000 to \$75,000, pending exact details.

As noted, earlier, the provision of smaller temporary structures would have a much lesser cost, pending the number of units installed and used.

6. Risks/Issues

It is unlikely that Heritage NSW would approve the installation of permanent shade trees in the internal courtyard through the required section 60 application process.

The biggest risk of installing large shade trees in the internal courtyard at Bondi Pavilion is the impact it will have on the flexibility and adaptive functionality of the courtyard spaces for the diverse uses and many users who rely on this space for their activities, both Council-led and external.

Additional grass or low-level vegetation installed in the internal courtyard is likely to struggle to survive the foot traffic of daily users of the building and especially during events. There is an increased financial risk if Council commits to maintaining additional low-level vegetation within the internal courtyard.

The storage and management of temporary structures including marquees, umbrellas and planter boxes would impose additional operations impact on Bondi Pavilion venue staff, within an already storage-constrained site.

7. Attachments

1. Temporary shade structure options <a>J

Bondi Pavilion Temporary Shade & Vegetation Options

1. Temporary Shade Options



Figure 1 - Example of a Semi-permanent Temporary Structure/Marquee



Figure 2 - Example of a Smaller Collapsible Marquee

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Figure 3 - Example of Planter Bed with Bench and Seating



Figure 4 - Example of a Picnic Table with Umbrella

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Figure 5 - Example of a Standalone Cantilever Umbrella

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2. Unfixed Planter Boxes



Figure 6 - Example of an unfixed Planter Box with Seating



Figure 7 - Example of an unfixed Planter Box

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3. Existing Shade within Bondi Pavilion



Figure 8 - Existing Shaded Seating in the Bondi Pavilion Courtyard



Figure 9 - Existing Shaded Area under the Bondi Pavilion Colonnades

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Figure 10 - Existing Shaded Seating within the Bondi Pavilion Loggias

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REPORT CM/7.23/25.07

Subject: North Bondi Surf Life Saving Club and Forecourt -

Lease and Licence - Exhibition

TRIM No: A25/0714

Manager: Andrew Best, Executive Manager, Property and Facilities

Director: Sharon Cassidy, Director, Assets and Operations



RECOMMENDATION:

That Council:

In accordance with section 47 of the Local Government Act 1993, publicly notifies and exhibits
for 28 days the proposal to grant a lease of up to 20 years to the North Bondi Surf Life Saving
Club for the North Bondi Surf Life Saving Club building and Advanced Rescue Life Saving
Facility.

- 2. In accordance with section 47 of the *Local Government Act 1993*, publicly notifies and exhibits for 28 days the proposal to grant a licence of up to 20 years to the North Bondi Surf Life Saving Club for the forecourt in front of the club building for commercial activation.
- 3. Officers prepare a report to Council following the exhibition period.

1. Executive Summary

The North Bondi Surf Life Saving Club operates from the North Bondi Surf Club building located at Bondi Beach.

Under section 47 of the *Local Government Act*, Council is required to publicly exhibit its intent to offer a lease or licence over community land for a period of over five years.

This report seeks approval to undertake a section 47 public exhibition of the intent to offer a lease over the North Bondi Surf club premises being the surf club building and the Advanced Rescue Life Saving Facility located under the promenade at the Northern end of Bondi Beach for a period of 20 years.

The club has hired the forecourt in front of the building for commercial activations for many years with approval being processed by Council's Major Projects team. The club has requested that Council enter a licence over the forecourt to give them surety of tenure to allow them to continue to generate revenue from these activations over the long term.

This report seeks Council approval to undertake a second section 47 exhibition of the intent to offer a licence over the forecourt located in front of the surf club building for a period of up to a maximum of 20 years, to gain feedback from the community on the proposal.

A report will be brought back to Council to deal with any submissions received through the exhibition of both the lease and licence.

2. Introduction/Background

North Bondi Surf Life Saving Club is located at the Northern end of Bondi Beach. The building is located on Crown Reserve with Council acting as Crown Land Manager for the land in accordance with the *Crown Lands Management Act 2016*.

The clubhouse building was constructed by the club in 2013. The club paid for the cost of the new building with Council providing a grant of \$750,000 towards the cost of the project.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council	CM/7.17/20.09	That Council:
15 September 2020		
		Endorses the proposed Variation of Licence with the North Bondi Surf Life Saving Club to incorporate the newly constructed storage area known as the Advanced Response Lifesaving Facility.
		Authorises the General Manager to finalise negotiations and execute the Variation of Licence.

4. Discussion

The club is currently operating under a short-term licence until negotiations on a new 20-year lease can be finalised. The club was first issued a draft lease for review in August 2023. The delay in completing lease negotiations is related to the club being required to enter a development application (DA) for approval of their Operational Plan of Management and to seek approval for operations that that sit outside the condition of consent of the original DA.

The new lease for the club building is based on the approved Surf Club Leases on Crown Lands template and provides approval for the club to undertake appropriately scaled commercial operations to generate revenue to support the club's activities.



Figure 1. North Bondi Surf Club area plan.

The club currently has exclusive use of Area A (above) being the main surf club building and Area B, the Advanced Response Lifesaving Facility located under the beach promenade. The club will be granted exclusive access to these areas under the long-term lease.

Area C (access road) and Area D (forecourt) are used by the club to facilitate deliveries being made to the building, with the forecourt also utilised to accommodate commercial activations from businesses wishing to promote their brands in an area that provides high exposure. For many years the club has been provided with approvals to host commercial activations on the forecourt via an application process administered by Council's Major Events team.

Areas E and F on the northern and western curtilage provide access to the building and a cut through to the beach. Public access will be retained over these areas, and they are therefore not subject to the lease or licence.

In late 2024, the club approached Council requesting Council provide them with a licence over Area D being the forecourt to run concurrent with the proposed 20-year lease for the building premises. The rationale provided by the club is that the licence would give the club surety of tenure and remove any opportunity for Council to cease providing approvals for these activations in future years through the existing process.

It is proposed to offer the club a non-exclusive licence over these areas to formalise the use of the forecourt for this purpose. It is proposed that the licence run concurrently with the 20-year lease but for a five-year initial term with three further five-year options. This will provide an opportunity to break the arrangement should there be any noncompliance with the licence conditions over the term.

The licence will also provide access rights over Area C being the access road, as it is the means by which delivery vehicles can access the forecourt.

While the club may see the licence as a more efficient way to coordinate these activations, officers recommend that the club are still required to notify Council when activations are scheduled to take place and details of the nature and scale of the activities to ensure that legislative and regulatory requirements and Council policies are adhered to, to ensure conflicts are avoided.

5. Financial Impact

The club has held 23 commercial activations on the forecourt over the past 12 months generating hundreds of thousands of dollars of revenue for the club.

The club currently pays a \$121 administration fee for each application which would be foregone should a licence be approved.

Should a licence be approved by Council, the club would be required to pay the general Crown Land licence fee, which is currently \$642.

Council may consider including a percentage of turnover provision in a future licence to generate revenue towards the cost of meeting Council's maintenance obligations under the new lease.

6. Risks/Issues

There have been instances in the past 12 months where the club have booked large multiple day activations on the forecourt that have been over-scaled, involving the construction of large structures and stretching the limits of Council's approval.

Unless the licence is negotiated to include controls over the scale of activations that the club can approve on the forecourt there is the risk that the number of these over scaled events will increase with the potential for negative impacts on the community being denied access to the area, amplified noise impacts etc.

Council has sponsorship arrangements in place with partners through its sponsorship policy. Should a licence be entered it is important that the club continue to inform Council of planned events prior to entering into agreements as there is the risk that the nature of some events may place Council in breach of sponsorship arrangements. Further to this Council has entered licences with several mobile vendor licences, Council needs to be assured that events approved by the club under the proposed licence does not negatively impact the trade of these businesses and potentially place Council in breach of these licence obligations.

It is likely that the other three Waverley surf clubs on becoming aware of Council entering a licence with the North Bondi club over public land adjacent to the clubhouse building will expect that a similar opportunity be provided for their clubs.

7. Attachments

Nil.

REPORT CM/7.24/25.07

Subject: Tender Evaluation - SSROC - Transactional Banking

Services

TRIM No: SF17/2878

Manager: Teena Su, Executive Manager, Finance

Director: Tara Czinner, Director, Corporate Services



RECOMMENDATION:

That Council:

- 1. Treats the tender evaluation attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The tender evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
- 2. Under section 178(1)(a) of the *Local Government (General) Regulation 2021*, accepts the preferred tenderer, Commonwealth Bank of Australia Ltd, for the supply of transactional banking services, as per the schedule of rates attached to the report.
- 3. Authorises the General Manager or delegate to enter into contract on behalf of Council with the preferred tenderer for three years with two two-year options at the discretion of SSROC and Council.
- 4. Notes that SSROC will notify unsuccessful tenderers of the decision in accordance with section 179 of the Local Government (General) Regulation 2021.

1. Executive Summary

A procurement process has been undertaken via the Southern Sydney Regional Organisation of Councils (SSROC) to secure a high-quality provider of transactional banking services that meets councils' needs at competitive pricing, while also satisfying legal, regulatory and technological requirements. A request for tender was issued, seeking services from a Tier 1 bank authorised by the Australian Prudential Regulation Authority (APRA).

2. Description of Service or Product being Tendered

A request for tender (RFT) was developed in communication and collaboration with participating SSROC councils and aimed to renew and enhance the current SSROC transactional banking contract (reference SSROC B18).

In 2018, SSROC facilitated the tender process for Council's transactional banking services. The incumbent supplier is Commonwealth Bank (see section 5 below).

3. Scope of Tender

The contract will deliver Transactional Banking servicing for participating councils' needs. The key services include:

- Provision of council banking accounts, including but not limited to:
 - o Main and sub accounts.
 - o Rates accounts.
 - o Fees, fines, charges accounts.
 - Leisure centre accounts.
 - Childcare centre accounts.
 - o Parking bays accounts.
 - o Other specific council centre accounts.
 - o Cheque clearing accounts.
 - o Investment accounts.
 - o Plus, merchant and corporate card accounts.
- Provision of online payment and processing platform for councils' customers for payment of council rates, bills, fees, fines.
- Cash management, overdraft, line of credit capability, receivables and payables management, BPay biller, direct debit and eDDR requests, payables management via third party credit and debit providers e.g. Merchant service provision via Mastercard, VISA, over the counter (OTC) payments and cheque payments processing capacity.
- Eftpos terminal provision, and corporate card provision and account management
- Short term and longer-term cash investment accounts provision and investment product access information.
- Assurance of support systems in place, support desk, dedicated local government banking contacts for finance information, banking and systems/platforms operations.
- Provision of platform, products, data access training and education as necessary
- Advanced advisory, analytical services upon request.
- Other technological advancements provided as applicable.
- Adherence and conformity to all regulatory requirements for authorised deposit taking institutions and for Tier 1 organisations.
- Ensured financial compliance and inserted and managed tiers of financial, and information security including cyber security, and *Anti-Money Laundering and Counter Terrorism Financing Act* requirements.

4. Reason for Tender

Under the *Local Government Act* 1993, councils are not required to tender for banking services, no matter the total value of the contract.

However, in this case, it had been seven years since councils last sought proposals from the major banks. To ensure fairness and transparency, and to test the current market, participating councils chose to run a full open tender process.

This approach allowed:

- All major banks the chance to compete and present their best offers.
- A fair evaluation of current providers versus new options.
- An opportunity to confirm councils are getting the best value and service available in the market.

5. Relevant Council Resolutions

Meeting and date	Item No.	Resolution	
Operations	OC/5.4/18.08	That Council:	
Committee			
7 August 2018		1. Treats the attachment to this report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.	
		2. Notes that the General Manager has signed the SSROC Banking Services Contract with SSROC's recommended preferred services provider, the Commonwealth Bank of Australia, for an initial period of five years (plus 1 x 2 year extension) for Council's transactional banking services.	

6. Discussion

Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Susan Hincks Team Leader Accounting Services, Sutherland Shire Council
- Leon Sofokleous Team Leader Financial Processes, Canterbury-Bankstown Council
- Amal Kemp Strategic Regional Procurement Project Officer, SSROC
- Roger Bramble Evaluation Chair SSROC Strategic Regional Procurement Project Officer, SSROC

Tenders were called on Tuesday, 18 February 2025. Advertisements for the tender were placed in the Council's website and e-tendering platform VendorPanel.

Tenders closed on Wednesday, 19 March 2025, 2.00 pm.

The Panel used the RFT Evaluation to determine which tenders offered the best value for money.

Tenders received

The following tenders were received:

- Commonwealth Bank of Australia Ltd.
- National Bank of Australia Ltd.

Late tenders

Nil.

Non-conforming tenders

Nil.

Alternative tenders

Nil.

Tender evaluation

The following two tenders met the mandatory requirements and proceeded to detailed evaluation:

- Commonwealth Bank of Australia Ltd.
- National Bank of Australia Ltd.

Conforming tenders were evaluated in accordance with the *Local Government Act* 1993, the *Local Government (General) Regulation 2021*, Council's Procurement Procedure, the Office of Local Government's Tendering Guidelines for NSW Local Government and the RFT Evaluation.

The Panel agreed on the following advertised selection criteria:

- Any serious non-conformity to tender.
- Tendered price and rates (pricing schedule).
- Tenderer profile/staff (Forms 9, 12, 13):
 - o Capability and capacity to perform required services.
 - o Size/history of organisation.
 - Prior performance (formally documented) references and relevant experience (Forms 12 and 14).
- Service standards and delivery methodology (Form 16):
 - Services delivery methodology Order to delivery, time frames and process.
 - o Technology- systems, data collection etc.
 - o Reporting/invoicing
 - Delivery processes and timing.
 - o Innovation/value additions (not price).
 - Modern slavery- products sourced ethically.
 - Quality assurance systems and processes.
- Sustainability and environment:
 - Demonstrated environment management systems/policies.
 - Sustainability of processes/systems.
 - o Relevant documentation/accreditation.
 - o Product sustainability/sustainable product options.
- Statement of conformance.
- Conflict of interest.
- Fair work performance.
- Proposed contract departures.
- Insurances and claims.
- Work health and safety.

Tenders were given a score on each of the evaluation criteria and ranked in accordance with their scores. Final scores and rankings are shown in the confidential tender evaluation attached to the report.

Tender Evaluation Panel's recommendation

Following evaluation of the tenders, the Tender Evaluation Panel recommends that the preferred tenderer provides the best value to Council because:

- The preferred tenderer's head office is in Sydney CBD.
- They ranked first in non-price criteria, first in pricing and first overall.
- They tendered a range of value-add services including standard client consulting free to charge, advanced consulting and advisory, advanced analytics services, Daily IQ data analytics and Better Business insights free to councils, Council IQ, ProMaster Expense Management System, Unilink, Virtual Accounts Platform, none of which were met by the other tenderer in their submission.
- Their offer provides a significant opportunity for councils to explore and utilise across the contract term (further details of these services will be made available to councils beyond this report).
- They have a true local-government-focused division for transactional banking and associated service and support. Providing a dedicated local government banking relationship team and customer support team and system including an Australian on-shore help desk. This dedication also enables councils to have early and ongoing access to upgrades, innovative products and services as the come to market and within the scope of the banking services

Further details are provided in the attached tender evaluation.

The second ranked tenderer is not recommended on this occasion because:

- Their head office in based in Melbourne.
- They were quite competitive in most areas of the requirements, but their offering was not as
 comprehensive, cost effective, and advantageous as preferred supplier. The second ranked
 tenderer was, however, seen as a good quality submission and offer and only lost out to a
 better offer, not due to a lack of demonstrated capacity, services or systems/technology to
 provide the service.
- They ranked second 2nd for pricing, non-price and overall.

The second ranked tenderer nevertheless provided information on a highly professional and available transactional banking solution for councils encompassing all key requested services and financial accounts and payment and receipt requirements.

7. Financial Impact

The budget for the service is a recurring operating expense which has incorporated in the annual budget.

The preferred tenderer's price is included in the confidential tender evaluation attached to the report.

8. Risks/Issues

Three risks have been identified. Two risks were rated low, and one risk was rated medium. Risks are identified in the attached confidential tender evaluation. The risk's owners are identified, and mitigation strategies/actions are recommended.

9. Attachments

1. Tender evaluation (confidential)

NOTICE OF MOTION CM/8.1/25.07

Subject: Aboriginal Rock Carvings at Bondi Golf Course -

Preservation

TRIM No: A03/2567

Submitted by: Councillor Wy Kanak



MOTION:

That Council:

- In consultation with First Nations stakeholders, puts in place careful, sensitive Aboriginal
 heritage preservation and landscape treatments, including appropriate native plantings, for the
 Aboriginal rock carvings on the cliffs at Bondi Golf Course, North Bondi.
- 2. Allocates funding from existing landscaping budgets or accesses grants.
- 3. Investigates undertaking the work as a First Nations employment project, as was a previous project at the site that addressed site protection drainage issues.

Background

The landscape setting and state of these rock carvings is degrading and does not reflect their environmental and cultural significance. Respectful landscape improvements could be planned and implemented to bring suitable native planting and biodiversity benefits to this important local feature.

General Manager's comment

Officers are currently preparing an Aboriginal Heritage Study led by The Gujaga Foundation, which is coordinating the appropriate knowledge holders from the community to decide how the sites should be protected. The study is primarily a historical review to be completed this year and would inform future plans of management, including the mechanisms to better protect the heritage value of the Aboriginal rock carvings referred to in this motion.

Fletcher Rayner

Director, Planning, Sustainability and Compliance

NOTICE OF MOTION CM/8.2/25.07

Subject: Bondi Park Fitness Station

TRIM No: A13/0520

Submitted by: Councillor Nemesh

Councillor Stephenson



MOTION:

That Council:

- 1. Notes that during the COVID-19 pandemic and up to April 2025, free weights and other equipment types were informally allowed at the Bondi Park Fitness Station.
- 2. Permits the use of free weights and other fitness items at Bondi Park Fitness Station, subject to:
 - (a) The location of the free weights and other fitness items being restricted to an area within the fitness station boundary.
 - (b) No more than two of each type of fitness equipment being left within the area.
 - (c) In the case of weight-bearing equipment (e.g. dumbbells and kettlebells), no more than two of the same weight being allowed.
 - (d) The tethering and anchoring off existing trees remaining prohibited.
- 3. Allocates funds from existing signage budgets to replace the signage to permit this use.
- 4. Notes that commercial activities will continue to be prohibited.
- 5. Will impound equipment it deems to be unsafe.

Background

The Bondi Beach exercise area was purpose-designed in collaboration with the fitness park users and inputs from personnel trainers and sports physiologists in 2014 and supported by the local Rotary Club. Its design was for static equipment only with a range of pieces to enable a complete body weight based fitness workout.

During COVID, Council unofficially relaxed its prohibitions to allow personal trainers to use our parks and reserves to help residents maintain their health and wellbeing and enable personnel trainers to run their businesses while indoor fitness gyms were closed. Since COVID, officers have been steadily working to reign in commercial operators in our parks and reserves.

This relaxed position has seen an increase in the use of our outdoor gym areas and over the last two years a steady increase in personal equipment being left at Bondi Park Fitness Station. This has led to officers working users to remove equipment in line with the regulations.

Community feedback has been received that the current approach is undermining a self-managed culture. Use of free weights and other fitness items would allow good use of the space encouraging fitness activities.

General Manager's comment

Officers are aware from recent occurrences that allowing free weights and other fitness items to be left unattended at the Bondi Park Fitness Station could create trip hazards and impede the safety fall zones around the static equipment. This could expose Council to claims for injuries either due to trips or impeding the safety fall zones. In addition, monitoring compliance with the details in this motion could be challenging, requiring additional resources.

Council could consider allowing the use of free weights in the gym on the provision that they are removed at the end of each day—thus removing any risk of claims or injury and not requiring additional resources. Alternatively, if Council supports the proposal unamended, it is recommended that officers seek legal advice on Council's exposure prior to proceeding.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION CM/8.3/25.07

Subject: Development Contributions Plan

TRIM No: A23/0030

Submitted by: Councillor Nemesh

Councillor Spicer Councillor Westwood Councillor Stephenson Councillor Townsend Councillor Frazer



MOTION:

That:

- 1. Commences a review of the capital works program within the Waverley Development Contributions Plan 2006 (section 7.12 contributions plan) to ensure it accurately reflects Council-endorsed capital works and relevant adopted strategies.
- 2. Reviews the current fixed rate levy to ensure it remains appropriate, is economically feasible and is capable of providing a sustainable source of developer contributions to fund future works.
- 3. Officers prepare a report to Council no later than October 2025.

Background

Council's Development Contributions Plan 2006 (section 7.12 plan) outlines the development contribution rates that Council can levy on applicants towards public infrastructure requirements to support a growing population. The plan is authorised under section 7.12 of the *Environmental and Planning and Assessment Act 1979* and *Environmental and Planning and Assessment Regulation 2021*, which outline the rates and method for calculating development contributions.

Our section 7.12 plan includes the procedures for levying development contributions and importantly includes a detailed schedule of capital works for which funds from the plan will financially contribute to.

The last review of the section 7.12 Plan was in March 2023. With the deletion of the public benefit register from the Planning Agreement Policy, there is a greater importance for the capital works program in the section 7.12 plan to be reviewed to ensure it reflects Council committed works and adopted strategies.

General Manager's comment

If resolved by Council, a report can be prepared in the time frame.

Fletcher Rayner
Director, Planning, Sustainability and Compliance

NOTICE OF MOTION CM/8.4/25.07

Subject: Beach Accessibility

TRIM No: A21/0205

Submitted by: Councillor Spicer

Councillor Townsend



MOTION:

That Council:

- 1. Prioritises beach accessibility at Bondi Beach by reinstating beach access matting in time for summer 2025.
- 2. Undertakes an operational and safety review to identify safe and practical options for the regular deployment of beach access matting.
- 3. Notes that until 2023, beach access matting was regularly deployed at the northern end of Bondi Beach to support access for all users, including wheelchair users
- 4. Collaborates with the Access and Inclusion Advisory Panel and the Surf Life Saving Committee to establish a volunteer support program to assist wheelchair users with beach access and water safety.
- 5. Promotes these improvements once implemented and ensures information about beach wheelchairs, the booking process and the location of accessible and ambulant facilities is made widely available to the community.
- 6. Writes to all surf life saving clubs in Waverley to inform them of Council's accessibility initiatives and to request their support and involvement in the delivery of the volunteer support program.
- 7. Further writes to the following stakeholders to inform them of this motion:
 - (a) Member for Wentworth, Allegra Spender MP.
 - (b) Member for Coogee, Marjorie O'Neill MP.
 - (c) Member for Vaucluse, Kellie Sloane MP.
 - (d) The Minister for Families and Communities and Minister for Disability Inclusion, the Hon Kate Washington MP.
 - (e) All Precincts.

Background

Bondi Beach is one of Australia's most iconic and visited public spaces. Yet equitable access to the beach and water remains a challenge for people with disability and limited mobility.

While some positive features are in place, including two bookable beach wheelchairs for adults and children, and level promenade access from Campbell Parade and the northern end, there are still gaps in enabling independent and safe access onto the sand and into the water.

Until 2023, Council regularly deployed beach access matting at the northern end of the beach. This provided vital support for wheelchair users and others with mobility challenges. Deployment was discontinued due to manual handling safety concerns. Although alternative options have been reviewed, a prioritised operational and safety review is now necessary to ensure reinstatement of this essential infrastructure ahead of summer 2025.

Council's Access and Inclusion Advisory Panel has identified this as a key initiative. The Committee has strongly advocated for the return of beach matting along with improved support for users on the beach. In response, this motion proposes the establishment of a volunteer program to assist wheelchair users with beach access and water safety. This program would be developed in collaboration with the Access and Inclusion Advisory Panel and the Surf Life Saving Committee. Local surf clubs will be invited to participate in its delivery.

In addition to reinstating matting and implementing a support program, promotion of existing accessible infrastructure should be strengthened. This includes the booking process for beach wheelchairs and the location of accessible and ambulant toilets, showers and change facilities to ensure the broader community is aware of what is available.

This motion sets out a practical plan to deliver these outcomes in time for summer 2025.

General Manager's comment

Officers will continue to prioritise the operational and safety review of alternative deployment methods and location for the beach matting targeting resolution for summer 2025. If resolved by Council, officers will collaborate with the Access and Inclusion Advisory Panel and the Surf Life Saving Committee on implementation of a volunteer program where volunteers assist with beach access for wheelchair users.

Sharon Cassidy Director, Assets and Operations

NOTICE OF MOTION CM/8.5/25.07

Subject: Bondi Pavilion - Community Spaces Consultation

TRIM No: A15/0272

Submitted by: Councillor Wy Kanak



MOTION:

That Council consults further with the community, Precincts and stakeholders on the Strategic Property Review Committee's recommendations, as noted by Council at its meeting on 17 June 2025, before proceeding with the recommended changes to the Bondi Pavilion Welcome Centre and Venue Office.

Background

At its meeting on 17 June 2025, Council resolved to note the minutes from the Strategic Property Review Committee meeting held on the 1 May 2025. The minutes of the meeting state as follows:

Bondi Pavilion Space Optimisation Options:

The Committee received and discussed a briefing note to present information for consideration of the Committee in relation to the proposed reconfiguration and reuse of spaces at Bondi Pavilion.

Committee Recommendation:

The Committee supported the proposal to install a community gallery in the existing Bondi Story Room space.

The Committee supported Option 2 – strip out of both the existing Welcome Centre and the Venue Office, for commercial use, to accommodate either one large tenancy or two smaller tenancies. With an alternative customer service/venue office to be constructed in the existing High Tide Room storeroom.

Community/stakeholder representations on this matter have been received objecting to the implications of going ahead with the Strategic Property Committee recommendations and seeking further community consultation on community spaces at Bondi Pavilion. The ratio of community-preferred spaces as opposed to commercial spaces was a strong factor in the community campaign for Bondi Pavilion known as 'A Makeover NOT a Takeover.'

General Manager's comment

It is noted that this motion refers to noting the minutes of the Strategic Property Review Committee (SPRC) from 1 May 2025. The SPRC is not a decision-making committee. Council considered a report on this item at the May 2025 Council meeting (CM/7.12/25.05 - Bondi Pavilion - Internal Space) and resolved unanimously as follows:

That Council:

1. Replaces the Bondi Story Room at Bondi Pavilion with a community gallery space

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2. Constructs a new Customer Service and Venue Office adjacent to the High Tide Room at Bondi Pavilion, including the installation of interactive screens that allow the public to continue to access the Bondi Story Room exhibit.

- 3. In respect of the existing Welcome Centre and Venue Office:
 - (a) Publicly notifies and exhibits for 28 days the proposal to grant a lease of the space up to a maximum of ten years for the provision of beach related refreshments, in accordance with section 47 of the Local Government Act 1993.
 - (b) Officers prepare a report to Council following the exhibition period.
 - (c) Lodges a development application to change the use of the space to enable the commercial provision of beach related refreshments.
- 4. Notes that Council officers will notify Friends of Bondi Pavilion and local Precinct Committees of replacing the Bondi Story Room with a community gallery space.

In accordance with clause 3 of the Council resolution, the exhibition of the proposal to grant a lease of the space up to a maximum of 10 years for the provision of beach-related refreshments will provide an opportunity for all community members, Precinct representatives and the Friends of Bondi Pavilion to provide feedback. This will then be reported to Council for consideration. Council officers recommend that this consultation process continues to be followed.

Sharon Cassidy Director, Assets and Operations

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URGENT BUSINESS CM/10/25.07

Subject: Urgent Business

Author: Emily Scott, General Manager



In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

- 1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
- 2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

CLOSED SESSION CM/11/25.07

Subject: Moving into Closed Session

Author: Emily Scott, General Manager



RECOMMENDATION:

That:

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

CM/11.1/25.07 CONFIDENTIAL REPORT - Bondi Beach Surf School - Licence

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

CM/11.2/25.07 CONFIDENTIAL REPORT - 63A Wairoa Avenue, North Bondi - Lease

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

CM/11.3/25.07 CONFIDENTIAL REPORT - 422 Oxford Street, Bondi Junction - Lease

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

CM/11.4/25.07 CONFIDENTIAL REPORT - Tender Exemption - Cleaning and Hygiene 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/12/25.07

Subject: Resuming in Open Session

Author: Emily Scott, General Manager



RECOMMENDATION:

That Council resumes in open session.

Introduction/Background

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