



COUNCIL MEETING

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

6.30PM, TUESDAY 20 SEPTEMBER 2016

A handwritten signature in black ink, appearing to read 'Peter Brown', with a long, sweeping horizontal line extending to the right.

Peter Brown
General Manager

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AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses to Council by Members of the Public

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The following matters are proposed to be dealt with in Closed Session and have been distributed to Councillors separately with the Agenda:

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CONFIRMATION AND ADOPTION OF MINUTES CM/4.1/16.09



Subject: Confirmation of Minutes - Council Meeting - 16 August 2016

TRIM No.: SF16/406

Author: Al Johnston, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That the Minutes of the Council Meeting held on 16 August 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of the Council meeting must be submitted to Council for confirmation, in accordance with Section 375 of the Local Government Act 1993.

Attachments:

1. Council Meeting Minutes - 16 August 2016



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 16 AUGUST 2016**

Present:

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson Ward
Councillor Joy Clayton	Bondi Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Bill Mouroukas	Waverley Ward
Councillor Ingrid Strewé	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Peter Brown	General Manager
Cathy Henderson	Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 6.30 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 6.35 pm.

At 9.50 pm, during the consideration of Item CM/8.4/16.08 – Bondi Pavilion Community Cultural Centre – \$1 Million National Historic Sites Grant, Cr Guttman-Jones left the meeting and did not return.

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 the following were received:

- 2.1 Cr Clayton declared a less than significant non-pecuniary interest in the items relating to the Bondi Pavilion, and informed the meeting that she is a user of the Pavilion.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in the items relating to the Bondi Pavilion, and informed the meeting that he is a user of the Pavilion.

3. Addresses to Council by Members of the Public

- 3.1 M Lucas – Item CM/8.10/16.08 – Varna Park Master Plan.
- 3.2 P Winkler – Item CM/8.3/16.08 – RESCISSION MOTION – Extraordinary Council Meeting – 2 August 2016 – CM/5.3/16.08E – Rescission Motion – Establishment of Councillor Transition Reference Group.
- 3.3 P Winkler – Item CM/8.6/16.08 – Bondi Pavilion Upgrade – Letter from Mayor of Randwick Council.
- 3.4 P Winkler – Item CM/8.7/16.08 – Bondi Pavilion Upgrade – Suspension of Work until Community Consultation Completed.
- 3.5 E Morel – Item CM/8.15/16.08 – Bondi Pavilion Upgrade – Further Community Consultation – Design of Community Survey.
- 3.6 E Morel – Item CM/8.5/16.08 – Bondi Pavilion Upgrade – Further Community Consultation – Explanatory Information for Survey.
- 3.7 N Boaz – Item CM/8.11/16.08 – Bondi Pavilion Upgrade – Space Use Classifications and Square Meterage.
- 3.8 M Cox – Item CM/8.12/16.08 – Bondi Pavilion Upgrade – Process.

3.9 G Deacon – Item CM/8.13/16.08 – Bondi Pavilion Upgrade – Timeframe.

4. Confirmation and Adoption of Minutes

CM/4.1/16.08 Confirmation of Minutes - Council Meeting - 19 July 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Goltsman

That the minutes of the Council Meeting held on 19 July 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/16.08 Confirmation of Minutes - Extraordinary Council Meeting - 2 August 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Cusack

That the minutes of the Council Meeting held on 2 August 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

CM/4.3/16.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 July 2016 (SF16/158)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Mouroukas

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 28 July 2016 be received and noted, and that the recommendations contained therein be adopted.

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

5. Mayoral Minutes

CM/5.1/16.08 Serious Incident at Bondi Pavilion (A15/0272)

MOTION / DECISION

Mover: Cr Betts

That Council notes the following statement from the General Manager about a grave incident on Sunday, 14 August 2016.

On Sunday 14 August 2016 one of Council's staff members undertaking his work responsibilities at Bondi Pavilion, according to witness accounts, was allegedly abused and physically manhandled by a group of individuals, as he attempted to remove an unauthorised banner from the Pavilion during the City to Surf

event. The staff member concerned required first aid treatment.

As General Manager I take the duty of care to staff extremely seriously. Indeed there are legislative duties and obligations under the Work Health and Safety Act (WHSA) 2011 requiring the exercise of due diligence to ensure a safe workplace. No one should come to work and be physically confronted and placed in an unsafe environment.

The incident above has been reported to the Police and they are investigating and taking the matter seriously.

Incidents such as the one above can get out of hand very easily and people can be seriously hurt. The WHSA does not exclude elected Councillors who also have enforceable duties under the Act enforceable by fine or prison if serious injury or illness results.

The Bondi Pavilion and its future is a matter of legitimate debate however, it would seem that in this instance heightened emotions have led to an unfortunate consequence.

It is timely and appropriate following the above incident that with the number of matters concerning the Bondi Pavilion listed on the Council Agenda this evening, I request that all Councillors remain cognisant of the heightened emotions that exist around this facility and pitch the tone of the debate accordingly. We all need to remember the inadvertent impact such debate can have on some individuals and the unintended consequences that can arise.

In short, no Council official, including Councillors, should in any way contribute to an environment which may put a staff member at risk of harm or abuse.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Mouroukas and Wakefield.

Against the Motion: Crs Masselos, Strewé, and Wy Kanak.

6. Obituaries

Tim Fitzgerald

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

7. Reports

CM/7.1/16.08 Carry Over from 2015/16 to 2016/17 (A16/0411)

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack

Seconder: Cr Burrill

That Council approves the carrying forward of budget funds from the 2015/16 financial year to the 2016/17 financial year, as detailed in this report and Attachment 1.

CM/7.2/16.08 Investment Portfolio Report - June 2016 (A03/2211)**MOTION / DECISION**

Mover: Cr Cusack

Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – June 2016.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders and Council's Investment Policy.

CM/7.3/16.08 Investigation of Sustainable Investment Options (A05/0197)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack

Seconder: Cr Goltsman

That Council:

1. Receives and notes the reports from Council's independent advisors attached to this report.
2. Invests in non-coal and carbon alternatives where they have an equal or better return on investment and within the current Investment Policy 2016 risk management guidelines.
3. Thanks the financial section officers for producing this report.

CM/7.4/16.08 Planning for Possible Council Amalgamation (A16/0054)**MOTION**

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Receives and notes this report.
2. Acknowledges the work of the Transition Unit and Waverley staff in preparing Council for amalgamation.
3. Notes the correct amount of estimated direct costs relating to transition planning is \$331,570.

AMENDMENT 1

Mover: Cr Wakefield

Seconder: Cr Masselos

That the Motion be adopted subject to the addition of the following clause:

'That a further report comes to Council providing estimates of the full costs to Council as a whole of the amalgamation process.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Amendment: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

AMENDMENT 2

Mover: Cr Wakefield

Seconder: Cr Strewe

That the Motion be adopted subject to the addition of the following clause:

‘That Council notes that it has incurred substantial indirect costs additional to those indicated here.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

Against the Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.

CM/7.5/16.08 Local Government NSW Annual Conference 2016 (A13/0314)

MOTION / DECISION

Mover: Cr Burrill

Seconder: Cr Goltsman

That Council, in respect of the 2016 Local Government NSW (LGNSW) Annual Conference, and on the basis that Waverley Council still exists on 16 October 2016:

1. Nominates the Mayor Cr Sally Betts, Deputy Mayor Cr Tony Kay, Councillor Angela Burrill, Councillor Bill Mouroukas and Councillor Leon Goltsman as voting delegates for voting on motions.
2. Nominates Councillor Andrew Cusack and Councillor Dominic Wy Kanak as reserve voting delegates for voting on motions in this sequence.
3. Agrees that, should any of the above Councillors be unable to attend, the Mayor be delegated authority to appoint alternates.
4. Agrees that the General Manager attend the Conference.
5. Submits an application for any eligible Councillor to receive an award which LGNSW has in place to recognise the contributions of elected members.

**CM/7.6/16.08 Planning Proposal to Amend Waverley Local Environmental Plan 2012 –
Reclassification of Drainage Lot at the Rear of 2-8 Dickson Street, Bronte
(A16/0084)**

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Kay

That Council:

1. Endorses the Planning Proposal to amend Waverley Local Environmental Plan 2012 – Reclassification of Drainage Lot at the Rear of 2-8 Dickson Street, Bronte, as at Attachment 1.
2. Forwards the Planning Proposal to Parliamentary Counsel for finalisation.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

Against the Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.

CM/7.7/16.08 Solar Compactor Bins Infrastructure Project - Tender Exemption (A14/0588)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Kay

That Council, pursuant to section 55(3)(i) of the *Local Government Act 1993*, exempts the purchase and installation of solar compacting bins from the tender requirements of the Act due to the unavailability of competitive tenderers.

CM/7.8/16.08 Bronte Pool Relining - Evaluation of Tenders (A16/0450)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill
Seconder: Cr Cusack

That Council:

1. Treats the Evaluations of Findings report attached to Council's file as confidential as it contains information specified in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with FCS Concrete Repairs for the Bronte Pool Relining.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

**CM/7.9/16.08 Supply and Lay of Asphalt and Associated Services - Evaluation of Tenders
(A16/0387)**

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Treats the Evaluations of Findings report attached to Council's file as confidential as it contains information specified in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with NA Group Pty Ltd for the Supply and Lay of Asphalt and Associated Services at the price detailed in this report.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

8. Notices of Motion

**CM/8.1/16.08 RESCISSION MOTION - Extraordinary Council Meeting - 2 August 2016 -
CM/5.1/16.08E - Rescission Motion - Bondi Pavilion Plan of Management
(A15/0272)**

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Goltsman

That the Rescission Motion be adopted.

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

Division

For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

Against the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

**CM/8.2/16.08 RESCISSION MOTION - Extraordinary Council Meeting - 2 August 2016 -
CM/5.2/16.08E - Rescission Motion - Bondi Pavilion Heritage (A15/0272)**

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Burrill

That the Rescission Motion be adopted.

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

Division

For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

Against the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

**CM/8.3/16.08 RESCISSION MOTION - Extraordinary Council Meeting - 2 August 2016 -
CM/5.3/16.08E - Rescission Motion - Establishment of Councillor Transition
Reference Group (A16/0054)**

MOTION

Mover: Cr Goltsman
Seconder: Cr Kay

That the Rescission Motion be adopted.

FORESHADOWED MOTION

Mover: Cr Goltsman
Seconder: Cr Kay

That Council:

1. Establishes a Councillor Transition Reference Group on the terms outlined in this report.
2. Appoints two Councillors, being the Mayor Cr Sally Betts and Deputy Mayor Cr Tony Kay, to the Councillor Transition Reference Group, similar to the number suggested in the Department of Premier and Cabinet (DCP) Guidelines for post proclamation.
3. Notes that updates on activities of the Councillor Transition Reference Group will be included as part of the General Manager's regular Transition Update reports to Council.

THE RESCISSION MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

Against the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

DECISION: That the Rescission Motion be adopted.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That:

1. Council establishes a Councillor Transition Reference Group until proclamation of the amalgamated council, if this should occur, on the terms outlined in this report.
2. Council appoints two Councillors, being the Mayor Cr Sally Betts and Deputy Mayor Cr Tony Kay, to the Councillor Transition Reference Group.
3. Council notes that updates on activities of the Councillor Transition Reference Group will be included as part of the General Manager's regular Transition Update reports to Council.
4. All Councillors receive all material received by the Councillor Transition Reference Group.
5. Council notes that Councillors are allowed to attend these meetings as observers.
6. Council asserts that this appointment bears no relationship to any post-merger proclamation establishment of councillor representative bodies.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Mouroukas and Strewe.

Against the Motion: Crs Masselos, Wakefield and Wy Kanak.

DECISION: That the Substantive Motion be adopted.

CM/8.4/16.08 Bondi Pavilion Community Cultural Centre – \$1 Million National Historic Sites Grant (A15/0272)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council:

1. Notes that historic Bondi Pavilion on Bondi Beach has received \$1 million under the Australian Government's 'Protecting National Historic Sites' Program.
2. Provides detailed public information to Councillors and the community about how that 'Protecting National Historic Sites' Program grant money is being/was spent.

Crs Clayton and Guttman-Jones were not present for the vote on this item.

CM/8.5/16.08 Bondi Pavilion Upgrade – Further Community Consultation – Explanatory Information for Survey (A15/0272)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That:

1. Council notes that In the current community survey for the further consultation on the Bondi Pavilion, respondents are being asked whether they agree or disagree with the continued use of commercial activities to fund Bondi Pavilion services, cultural activities, repairs and maintenance. No explanatory information is provided so that an informed answer can be given to the question.
2. In order to enable a meaningful response to the survey, the following information be provided on Council's website:
 - (a) The income that Bondi Pavilion generates each year, by categories or activity type, including all classes, commercial activities, festivals, events, etc.
 - (b) The recorded annual costs associated with running the Pavilion by category including staff costs, operating and maintenance costs, capital works etc.
 - (c) The annual income generated from parking meters and parking fines around Bondi Pavilion (Queen Elizabeth Drive).

FORESHADOWED MOTION

Mover: Cr Burrill
Seconder: Cr Cusack

That Council requests that the following information be provided on Council's website:

1. The income that Bondi Pavilion generates each year, by categories or activity type, including all classes, commercial activities, festivals, events, etc.
2. The recorded annual costs associated with running the Pavilion by category including staff costs, operating and maintenance costs, capital works etc.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.

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

THE FORESHADOWED MOTION NOW BECOME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION ACCEPTED AN AMENDMENT TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That Council requests the following information be provided on Council's website in order to assist residents with the completion of the survey:

1. The income that Bondi Pavilion generates each year, by categories or activity type, including all classes, commercial activities, festivals, events, etc.
2. The recorded annual costs associated with running the Pavilion by category including staff costs, operating and maintenance costs, capital works etc.

AMENDMENT

Mover: Cr Wakefield
Seconder: Cr Masselos

That the Substantive Motion be adopted subject to the addition of the following clause:

'That Council reviews for a second time the online survey and attempts to remove any implied or explicit push polling techniques.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

Cr Guttman-Jones was not present for this item. Cr Strewe was not present for the vote on the Substantive Motion.

Cr Wy Kanak requested that it be recorded in the minutes that he voted for the Amendment.

CM/8.6/16.08 Bondi Pavilion Upgrade – Letter from Mayor of Randwick Council (A15/0272)**MOTION (WITHDRAWN)**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council receives and notes the following letter dated 19 July 2016 from Cr D'Souza, Mayor of Randwick, to Cr Betts, Mayor of Waverley that is possibly full of incorrect information and false assumptions:

Dear Mayor Betts

Planned redevelopment of Bondi Pavilion

I draw your attention to parts (c) and (d) of the resolution made at the Council Meeting of 28 June 2016 in relation to the planned redevelopment of the Bondi Pavilion (see below).

'That Council:

a) notes that Waverley Council has agreed to a \$38 million redevelopment of Bondi Pavilion and that there is growing community concern and opposition from the residents of the Waverley, Woollahra and Randwick local government areas in response;

b) resolves that, considering the very likely amalgamation between Randwick, Waverley and Woollahra Councils, that Council writes to the Minister for Local Government noting that the decision was made during the merger proposal period and is considered to be inappropriate at this time;

c) resolves to write to the current Mayors of Waverley and Woollahra Councils and the Minister for Local Government raising fiscal concerns that ratepayers from the three Council areas will be burdened with a debt of over \$20 million; and

d) that Council resolve to write to the Mayor of Waverley Council calling for a suspension of work on the Pavilion project until the pending merged Council entity can itself assess the tender documents received for the conceptual design.'

In accordance with the above resolution, Randwick City Council calls on Waverley Council to suspend work on the Bondi Pavilion project until the pending merged Council entity has the opportunity to assess the tender documents received for the conceptual design.

CM/8.7/16.08 Bondi Pavilion Upgrade – Suspension of Work until Community Consultation Completed (A15/0272)**MOTION**

Mover: Cr Masselos

Seconder: Cr Wakefield

That Council, consistent with the request of Randwick Council, suspends work on the Bondi Pavilion project after the completion of the current round of community consultation.

THE MOTION WAS PUT AND DECLARED LOST.

Cr Guttman-Jones was not present for this item.

CM/8.8/16.08 Financial Contribution to Woollahra Council's Court Case against Amalgamation (A16/0248)**MOTION**

Mover: Cr Wakefield
Seconded: Cr Masselos

That Council contributes \$20,000 to Woollahra Council to assist in their legal challenge after the recent decision by the Land and Environment Court in regard to *Woollahra Municipal Council v Minister for Local Government* [2016] NSWLEC 86.

FORESHADOWED MOTION

Mover: Cr Cusack
Seconded: Cr Goltsman

That Crs Masselos, Strewe and Wakefield be invited to contribute \$20,000 to Woollahra Council to assist in their legal challenge after the recent decision by the Land and Environment Court in regard to *Woollahra Municipal Council v Minister for Local Government* [2016] NSWLEC 86.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION AND WAS PUT AND DECLARED LOST.

Division

For the Substantive Motion: Nil.

Against the Substantive Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas, Strewe and Wy Kanak.

CM/8.9/16.08 Council Amalgamations – Legal Proceedings against State Government (A16/0248)**MOTION (LAPSED DUE TO THE ABSENCE OF A MOVER)**

That Council commences legal proceedings against the State Government in line with other Councils opposed to forced merger.

CM/8.10/16.08 Varna Park Master Plan (A06/0739)**MOTION**

Mover: Cr Masselos
Seconded: Cr Wakefield

That Council:

1. Investigates a Master Plan or other process to upgrade Varna Park.
2. As part of the consultation process, consults with the students of Clovelly State Primary School.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

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

CM/8.11/16.08 Bondi Pavilion Upgrade – Space Use Classifications and Square Meterage (A15/0272)

MOTION

Mover: Cr Strewe

Seconder: Cr Masselos

That Council officers verify and report on the space use classifications and square meterage for the Bondi Pavilion:

Proposed or Existing	Existing
----------------------	----------

Sum of sqm	Column Labels		
Row Labels	Ground	First	Grand Total
Amenities	239	47	286
Commercially Leased - Indoor	1179	73	1252
Common Internal	331	246	577
Community Hireable	684	260	944
Council Use	464	111	575
Services/Plant	75	7	82
Theatre		437	437
Balcony First fl		204	204
Commercially Leased - Outdoor	507		507
Covered Outdoor & Colonnade	636		636
Grand Total	4115	1385	5500

Proposed or Existing	Proposed
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Sum of sqm	Column Labels		
Row Labels	Ground	First	Grand Total
Amenities	405	41	446
Commercially Leased - Indoor	857		857
Common Internal	401		401
Community Hireable	490		490
Council Use	189	91	280
Services/Plant	199	172	371
Theatre	581	95	676
Undecided		955	955
Balcony First fl		209	209
Commercially Leased - Outdoor	406		406

Covered Outdoor & Colonnade	1192	1192
Grand Total	4720 1563	6283

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak.

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

CM/8.12/16.08 Bondi Pavilion Upgrade – Process (A15/0272)

MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Acknowledges the ongoing concern among the community about the processes involved in selecting the proposal by Tonkin Zulaikha Greer Architects for the Bondi Pavilion in December 2015.
2. Notes the release under the *Government Information (Public Access) Act* ('GIPA Act') the Bondi Pavilion Commercial Review ('Urbis Report'), dated February 2015, which was presented to Councillors at its 17 February 2015 meeting as part of CM/10.2/15.02 – CONFIDENTIAL REPORT – Bondi Pavilion Upgrade Projects.
3. Be advised if the Urbis Report was provided to Tonkin Zulaikha Greer Architects as part of the briefing documents, and, if it was provided, under what caveats.
4. Notes that the Council resolution CM/10.2/15.02 in relation to the Bondi Pavilion Upgrade Projects did not endorse the Urbis Report or approve either the report or any of its contents.
5. Notes that part of the Council resolution CM/10.2/15.02 setting out Council's procedures for the selection of Council's preferred tender is as follows:
 5. *Authorises the commencement of an open, advertised expression of interest and selective tender process for the consultant on the basis of the above brief, and delegate to the General Manager the power to approve the list invited for select tender.*
 6. *Notes that later in 2015 Council will receive and consider a report recommending the awarding of the consultant's tender.*
 7. *Notes that after the consultants are appointed, a concept design will be presented for consideration by Council and for community consultation, after which a development application will be prepared.*
6. Requests the relevant officers to consider the urgent proactive release under the *GIPA Act* of all documents presented to the Councillors at its 17 February 2015 meeting as part of Council resolution CM/10.2/15.02.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak.

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

CM/8.13/16.08 Bondi Pavilion Upgrade – Timeframe (A15/0272)

MOTION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council instructs the General Manager to ensure that the advice currently being provided to the community in relation to the proposed \$38 million project for the Bondi Pavilion, that '[t]he development application for the project will not be progressed until after October 2016' (<http://haveyoursaywaverley.com.au/bondi-pavilion-upgrade>), be communicated to the architects contracted for the job, to ensure that no further funds are expended in this exercise.

THE MOTION WAS PUT AND DECLARED LOST.

Cr Guttman-Jones was not present for this item.

CM/8.14/16.08 Bondi Pavilion Upgrade – Further Community Consultation – Process (A15/0272)

MOTION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council requires the agency conducting the current community consultation into the \$38 million proposal for the Bondi Pavilion to:

1. Liaise with community stakeholder groups during the process of collating, aggregating and correlating all data gathered from the various sources.
2. Be required to provide Council with the raw data from all consultations (i.e. note from meetings, conversations etc.).
3. Be required to accept written submissions as part of its data gathering.

THE MOTION WAS PUT AND DECLARED LOST.

Cr Guttman-Jones was not present for this item.

CM/8.15/16.08 Bondi Pavilion Upgrade – Further Community Consultation – Design of Community Survey (A15/0272)

MOTION (WITHDRAWN BY CR WY KANAK)

That Council improves the design of the Bondi Pavilion survey to remove any perceived push polling bias.

9. Urgent Business**CM/9.1/16.08 Serious Incident at Bondi Pavilion (A15/0272)**

Council agreed to deal with this matter as an item of urgent business.

MOTION / DECISION

Mover: Cr Strewe
Seconder: Cr Masselos

That:

1. Council notes that the Mayoral Minute Item CM/5.1/16.08 – Serious Incident at Bondi Pavilion – refers to an allegation only; is a police investigation; and may or may not be proved.
2. A report come back to Council on the police investigation.

10. Closed Session**CM/10/16.08 Closed Session**

Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed. None were received.

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Kay

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under the provisions of section 10A(2) of the *Local Government Act 1993* for the reasons specified:

CM/10.1/16.08 CONFIDENTIAL REPORT - Shop 1, 276-278 Bronte Road, Waverley - Lease

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 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) of the *Local Government Act 1993*.
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 1993*.

At 12.16 am, Council moved into closed session.

CM/10.1/16.08 CONFIDENTIAL REPORT - Shop 1, 276-278 Bronte Road, Waverley - Lease (A16/0481)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill
Seconded: Cr Cusack

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Enters into the lease of Shop 1, 276-278 Bronte Road, Waverley, according to the proposal contained in this report.
3. Authorises the Mayor and General Manager to do all things necessary to enter into the lease.

11. Resuming in Open Session

CM/11/16.08 Resuming in Open Session

MOTION / DECISION

Mover: Cr Kay
Seconded: Cr Goltsman

That Council resumes in open session.

At 12.18 am, Council resumed in open session.

Resolutions from closed session made public

In accordance with Clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

12. Meeting Closure

THE MEETING CLOSED AT 12.18 AM.

.....
SIGNED AND CONFIRMED
MAYOR
20 SEPTEMBER 2016

CONFIRMATION AND ADOPTION OF MINUTES CM/4.2/16.09



Subject: Adoption of Minutes - Waverley Traffic Committee Meeting - 25 August 2016

TRIM No.: SF16/158

Author: Al Johnston, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 25 August 2016 be received and noted, and that the recommendations contained therein be adopted.

Introduction/Background

The Waverley Traffic Committee (WTC) is not a committee of Council. The WTC operates under delegation from the Roads and Maritime Services (RMS), an agency of the NSW Government. It is advisory only and has no decision making powers.

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

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

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

Attachments:

1. Waverley Traffic Committee Minutes - 25 August 2016

**MINUTES OF THE WAVERLEY TRAFFIC
COMMITTEE MEETING HELD AT WAVERLEY
COUNCIL CHAMBERS, CNR PAUL STREET AND
BONDI ROAD, BONDI JUNCTION ON
THURSDAY, 25 AUGUST 2016**



Voting Members Present:

Cr T Kay	Waverley Council (Chair)
Sgt L Barrett	NSW Police – Traffic Services, Eastern Suburbs Local Area Command
Mr J Morrison	Representing Gabrielle Upton, MP, Member for Vaucluse and Bruce Notley-Smith, MP, Member for Coogee
Mr B Morson	Roads and Maritime Services – Traffic Management (South)

Also Present:

Cr B Mouroukas	Waverley Council (Alternate Chair)
Mr E Graham	Sydney Buses (Eastern Region)
Cst D Gilchrist	NSW Police – Traffic Services, Eastern Suburbs Local Area Command
Mr D Joannides	Waverley Council – Executive Manager, Creating Waverley
Mr G Garnsey	Waverley Council – Manager, Transport and Development
Mr C Handsaker	Waverley Council – Manager, Customer Parking
Mr S Samadian	Waverley Council – Professional Engineer
Ms J Walker	Waverley Council – Bondi Events and Venue Co-ordinator
Mr T Clarke	Waverley Council – Project Officer, Customer First

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

Apologies

There were no apologies.

Declarations of Pecuniary and Non-Pecuniary Interests

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

Adoption of Previous Minutes by Council – 28 July 2016

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the Minutes of the Waverley Traffic Committee meeting held on 28 July 2016 were adopted by Council at its meeting on 16 August 2016.

PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS

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

TC/C STATE ELECTORATE OF COOGEE**TC/C.01/16.08 Trafalgar Street, Bronte – Installation of No Stopping Line (A03/0042-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs 367 m of yellow No Stopping line on the southern side of Trafalgar Street commencing at the angle parking area to the west and terminating at the existing 'No Stopping'/'No Parking' sign on Calga Street 10 m from the intersection of Trafalgar Street.
2. Installs 20 m of yellow No Stopping line on the northern side of Trafalgar Street commencing 10 m from the intersection of Calga Street and concluding on Calga Street 10 m from the intersection of Trafalgar Street.
3. Removes the existing 'No Stopping' arrow left sign and post located on the southern side of Trafalgar Street before Calga Avenue.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to the addition of clauses 4 and 5 to read as follows:

4. Installs a 'No Stopping' sign at the western end of Trafalgar Street (to the immediate east of the angled parking section) and a two-way 'No Stopping' sign mid-block.
5. Investigates a footpath parking scheme along Trafalgar Street east of the angled parking section.

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

TC/C.02/16.08 Murray Street, Bronte - Construction Zone and Temporary Relocation of a Bus

Zone (A02/0225-02)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 15 m of 'No Parking 7am–5pm Monday-Friday 8am–3pm Saturday Council Authorised Vehicles Excepted' on Murray Street, Bronte, adjacent to the frontage of 30A Murray Street.
2. Relocates bus stop No. 202453 27.6 m to the east and provides a 31.8 m bus zone, to a location adjacent to 38 Murray Street, as shown in Figure 2.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to the addition of clause 3 to read as follows:

3. Delegates authority to the Executive Manager, Creating Waverley, to reinstate the bus zone adjacent to 30A Murray Street on completion of the construction works, subject to consultation with Sydney Buses.

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

**TC/C.03/16.08 Denison Street, Bondi Junction (East Side - Oxford Street to Ebley Street) -
Removal of Resident Parking Restrictions (A03/2581)****COUNCIL OFFICER'S PROPOSAL:**

That :

1. Council removes the '1/2P Ticket 8am–12 noon, 2P Ticket 12noon–9pm Permit Holders Excepted Area 22' on the eastern side of Denison Street between Oxford Street and Ebley Street, Bondi Junction, and reinstates the '1/2P Ticket 8am–12 noon, 2P Ticket 12noon–9pm.'
2. Officers in the Customer First sub-program section notify affected businesses and residents of the above changes to parking restrictions and adjust the signs accordingly.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to clause 2 being deleted.

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

TC/V STATE ELECTORATE OF VAUCLUSE

Nil.

TC/CV ELECTORATES OF COOGEE AND VAUCLUSE**TC/CV.01/16.08 Sculpture by the Sea 2016 - Special Event - Transport Management Plan (A02/0216)****COUNCIL OFFICER'S PROPOSAL:**

That Council approves the traffic and transport arrangements for the Sculpture by the Sea 2016 Special Event as per the attached Transport Management Plan, subject to the following conditions:

1. Council shall:
 - (a) Forward the Transport Management Plan to the RMS for TfNSW approval of the temporary closures and implementation of one-way movements.
 - (b) Undertake the Traffic Control for the event.
 - (c) Develop and implement a Communications Strategy, in conjunction with the Event Organiser, to notify the local residents of the changes to traffic conditions.
2. The Event Organiser shall:
 - (a) Provide an Event Management Plan to Council's events team for approval at least 4 weeks prior to the event including public liability insurance for the event.
 - (b) Apply for cranes permit.
3. The Executive Manager, Creating Waverley, and the Executive Manager, Customer First, and their representative(s), are delegated authority to:
 - (a) Inspect the TMP.
 - (b) Audit the implementation of the TMP.
 - (c) Cancel this approval, without notice or refund.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That Council approves the traffic and transport arrangements for the Sculpture by the Sea 2016 Special Event as per the attached Transport Management Plan (TMP), subject to:

1. The TMP being updated as follows:
 - (a) A potential relocation or deletion of the 15 m school drop-off/pick-up zone in Pacific Avenue following discussion between the Executive Manager, Creating Waverley, NSW Police, Sydney Buses, RMS and Sculpture by the Sea representatives, and a further report to come to the September 2016 Council Meeting.
 - (b) Assuming the 15 m school drop-off/pick-up zone remains in the Waverley Local Government Area, that the restriction be 'No Stopping – Authorised Vehicles Excepted', with the times to be confirmed.
 - (c) The 'Manned Road Closures' table to show Fletcher Street east of Sandridge Street.

- (d) The 'Unmanned Road Closures' table to show Birrell Street east of Tamarama Street, and Darling Street east of Alfred Street.
- (e) Water-filled barriers at the intersection of Gaerloch Avenue and Dellview Street to be extended to the east.

2. The following conditions:

- (a) Council shall:
 - (i) Forward the Transport Management Plan to the RMS for TfNSW approval of the temporary closures and implementation of one-way movements.
 - (ii) Undertake the Traffic Control for the event.
 - (iii) Develop and implement a Communications Strategy, in conjunction with the Event Organiser, to notify the local residents of the changes to traffic conditions.
- (b) The Event Organiser shall:
 - (i) Provide an Event Management Plan to Council's events team for approval at least 4 weeks prior to the event including public liability insurance for the event.
 - (ii) Apply for cranes permit.
- (c) The Executive Manager, Creating Waverley, and the Executive Manager, Customer First, and their representative(s), are delegated authority to:
 - (i) Inspect the TMP.
 - (ii) Audit the implementation of the TMP.
 - (iii) Cancel this approval, without notice or refund.
 - (iv) Modify the TMP as required.

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

The representative of Sydney Buses (Eastern Region) requested that it be recorded in the minutes that the normal 361 bus route would be removed if put in jeopardy by the TMP.

S Condon (on behalf of Sculpture by the Sea Incorporated) addressed the meeting.

THE MEETING CLOSED AT 11.40 AM.

.....
SIGNED AND CONFIRMED
MAYOR
20 SEPTEMBER 2016

MAYORAL MINUTE CM/5/16.09

Subject: Mayoral Minute
Author: Mayor of Waverley, Cr Sally Betts



Mayoral minutes are permissible at Waverley Council meetings under the provisions of the NSW Local Government (General) Regulation 2005 and Council's Code of Meeting Practice. Clause 243 of the Regulation and Section 9.1 of the Code state:

If the mayor is the chairperson at a meeting of Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge.

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

A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a Council employee is, so far as adopted by Council, a resolution of Council.

As noted in Council's Code of Meeting Practice mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice given to the councillors.

OBITUARIES CM/6/16.09

Subject: Obituaries
Author: Peter Brown, General Manager



Bill Ryan
Robert Fletcher

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

**REPORT
CM/7.1/16.09**

Subject: Report on Progress against 2013-17 Delivery Program

TRIM No.: A15/0199

Author: Angela Royal, Executive Manager, Performance Waverley
Sneha Sabu, Coordinator Integrated Planning and Reporting

Director: Peter Brown, General Manager

RECOMMENDATION:

That Council endorses progress to 30 June 2016 with respect to the deliverables detailed in the Delivery Program 2013–17 at Attachment 1 to this report.

1. Executive Summary

This report aims to provide a summary of progress with the activities from Operational Plan 2015 – 2016 as they reflect progress with the deliverables identified in the Delivery Program 2013-17.

Progress can be summarised as follows:

Deliverables	Percent of Deliverables Meeting Target
Sustainable Community	80%
Sustainable Living	70%
Sustainable Environment	83%
Sustainable Governance	70%

2. Introduction/Background**Progress Report on Delivery Program 2013-17**

Section 404(5) of the *Local Government Act 1993* requires that the General Manager ensure regular reports are provided to the Council on progress with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided every six months.

Council's planning is based on our long term community strategic plan, *Waverley Together 3*, which sets out the community's vision for Waverley in 2025. In accordance with the legislation, sitting under the Community Strategic Plan is a four year Delivery Program and a one year Operational Plan (see diagram below).



The Delivery Program is Council’s commitment, during its four year term of office, on what it is going to deliver to the community to assist them to achieve the directions set out in the Community Strategic Plan. The one year Operational Plan, which is a sub-plan of the Delivery Program sets out the activities (services and projects) being undertaken by Waverley Council in the financial year.

The approach to using the Operational Plan actions for reporting on the Delivery Program is in line with the *Integrated Planning and Reporting Manual for Local Government in NSW (March 2013)*, which states (at page 119) that the “the Operational Plan is a sub set of the Delivery Program – not a separate entity so the Delivery Program and the Operational Plan need to be wholly complementary”.

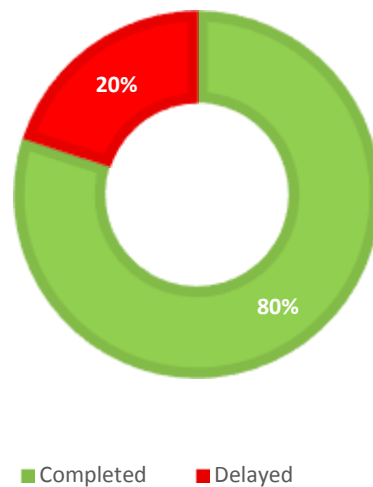
3. Relevant Council Resolutions

There are no previous relevant Council resolutions on this matter

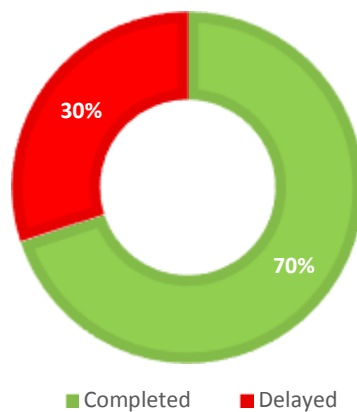
4. Discussion

Waverley’s Community Strategic Plan, Waverley Together 3, is built around four quadrants. They are Sustainable Community, Sustainable Living, Sustainable Environment and Sustainable Governance. The Delivery Program and Operational Plan are also based on these quadrants.

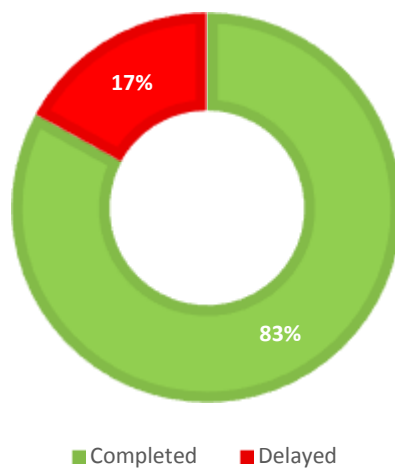
The charts below demonstrates that the majority of deliverables in the Operational Plan have been completed. Reasons for a small minority of deliverables not meeting their targets can be found in the comprehensive results contained in the body of the Progress Report on Delivery Program.

QUADRANT 1: SUSTAINABLE COMMUNITY

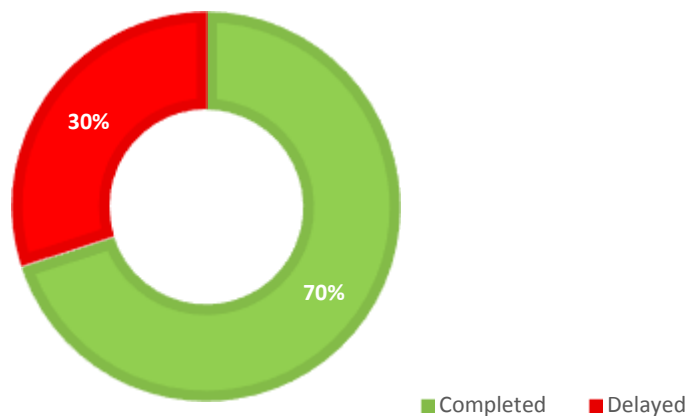
Sustainable Community: 80 per cent of the overall actions in the Sustainable Community quadrant were completed and 20 per cent were delayed.

QUADRANT 2: SUSTAINABLE LIVING

Sustainable Living: 70 per cent of the overall actions in the Sustainable Living quadrant were completed and 30 per cent were delayed

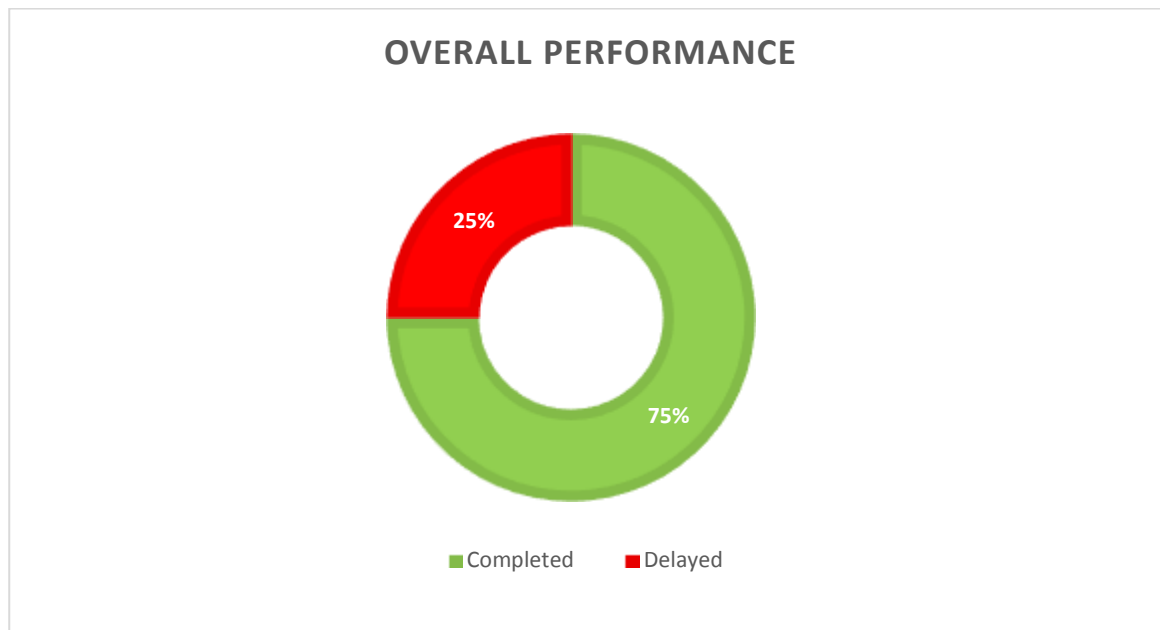
QUADRANT 3: SUSTAINABLE ENVIRONMENT

Sustainable Environment: 83 per cent of the overall actions in the Sustainable Environment quadrant were completed and 17 per cent were delayed.

QUADRANT 4: SUSTAINABLE GOVERNANCE

Sustainable Governance: 70 per cent of the overall actions in the Sustainable Governance quadrant were completed and 30 per cent were delayed.

Overall Performance: 75 per cent of the overall actions were completed and 25 per cent were delayed.



5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: G8 Community information assets are well secured and managed in an accessible way.
Strategy: G8b Promote and advocate the provision of statutory, financial and management information and reporting on time and with a high degree of accuracy..
Deliverable: All reports required by legislation or requested by Government departments and agencies provided.

6. Financial impact statement/Timeframe/Consultation

The actions in the Operational Plan 2015-2016 were included in the budget adopted when the Plan was adopted by Council in June 2015. Funding to implement the Delivery Program over its term is based on the Long Term Financial Plan that supports the Delivery Program.

The Progress Report on Delivery Program 2013-17 is based on information provided by Directors and Executive Managers across Council. The Progress Report on Delivery Program reflects the progress status as of 30 June 2016.

7. Conclusion

The Progress report on the Delivery Program 2013-17 provides progress against the deliverables detailed in the Delivery Program 2013-17.

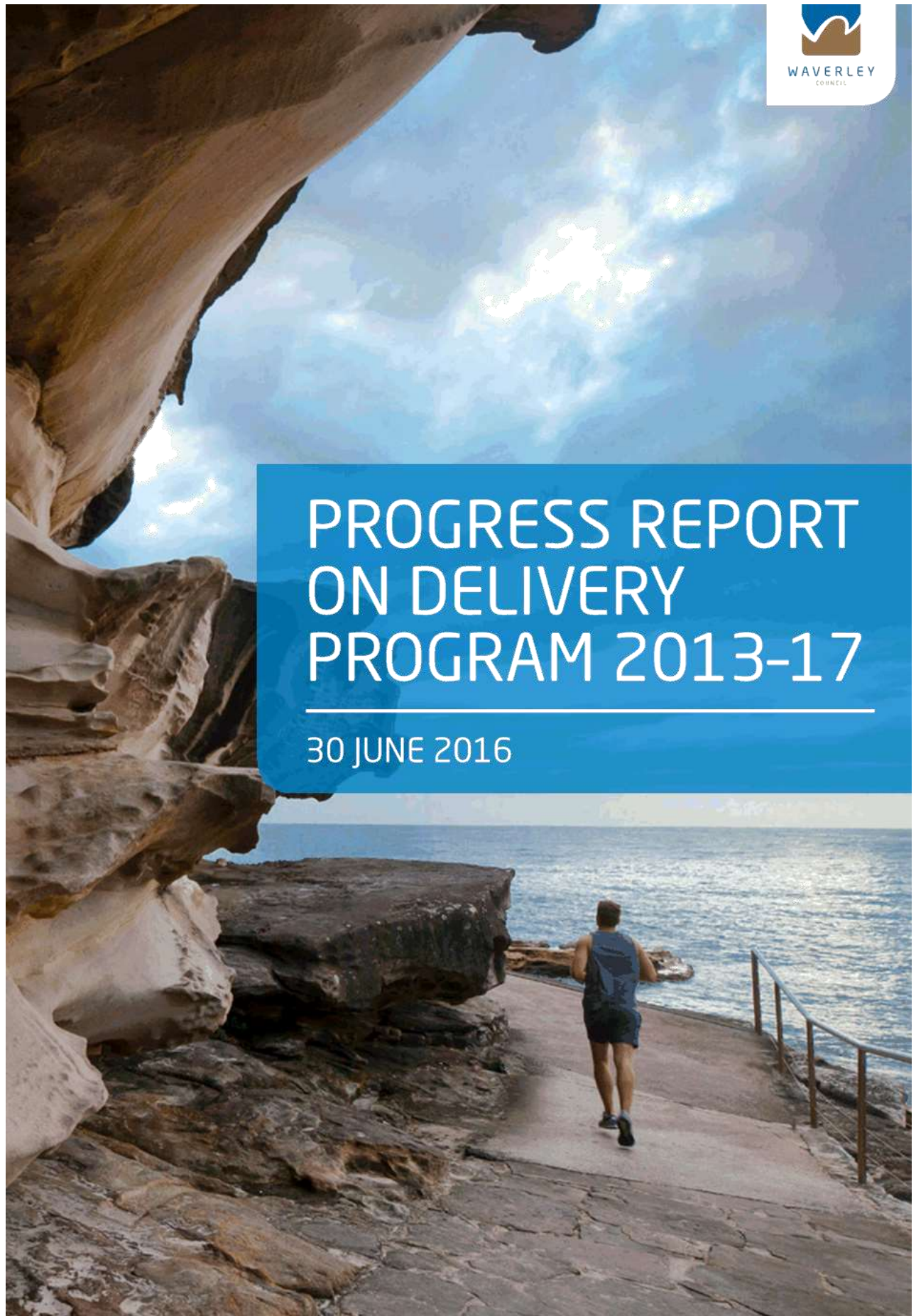
8. Attachments:

1. Progress Report on Delivery Program 30 June 2016



PROGRESS REPORT ON DELIVERY PROGRAM 2013-17

30 JUNE 2016



OUR PERFORMANCE SNAPSHOT

2

Measuring our Progress against Delivery Program 2013-17

Waverley's Community Strategic Plan, Waverley Together 3 (WT3), is built around four quadrants. The Delivery Program and Operational Plan are also based on these quadrants. Each quadrant has a set of directions which

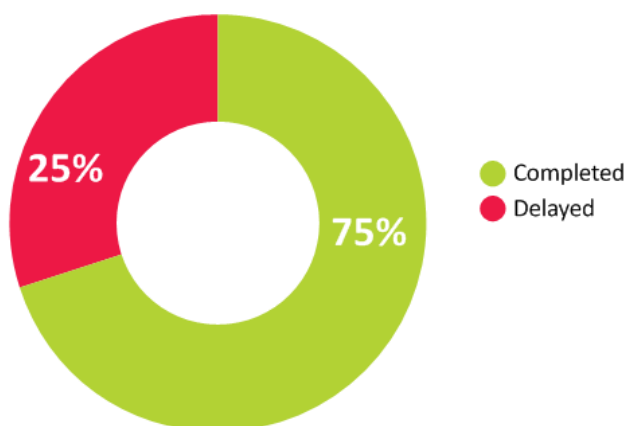
outlines the specific directions we intend to head in. Sitting beneath these are the strategies Council will implement to move in the direction set out in WT3, and Council's reporting tracks our progress in

delivering these. Below is a summary overview of our overall progress, as well as progress in each of the quadrants.

Overall Performance

Waverley Council's overall performance for 2015-16 in meeting targets set out in the Delivery Program 2013-17 and the Operational Plan 2015-16 (1 July 2015-30 June 2016).

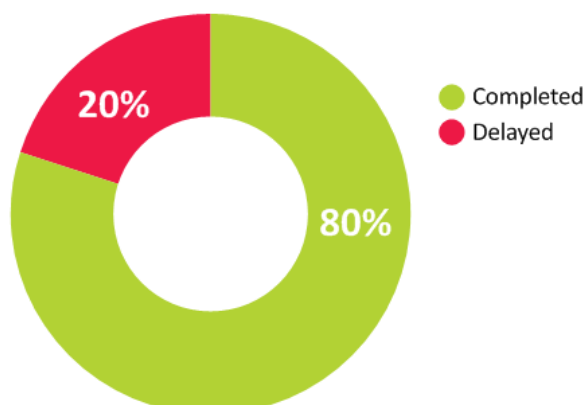
75 per cent of the overall actions were completed and 25 per cent were delayed.



Waverley Council's Performance for 2015-16 by Quadrant

SUSTAINABLE COMMUNITY

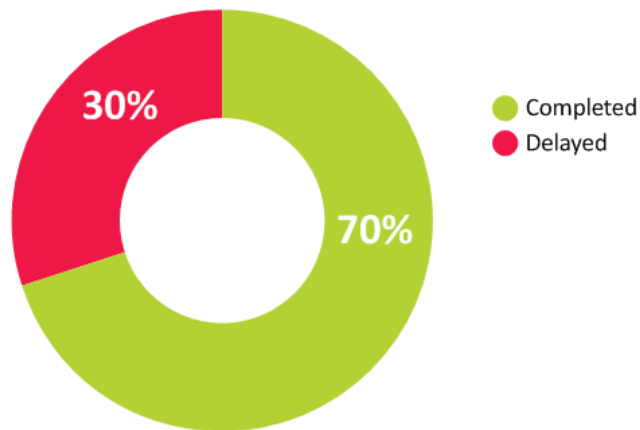
80 per cent of the overall actions in the Sustainable Community quadrant were completed and 20 per cent were delayed.



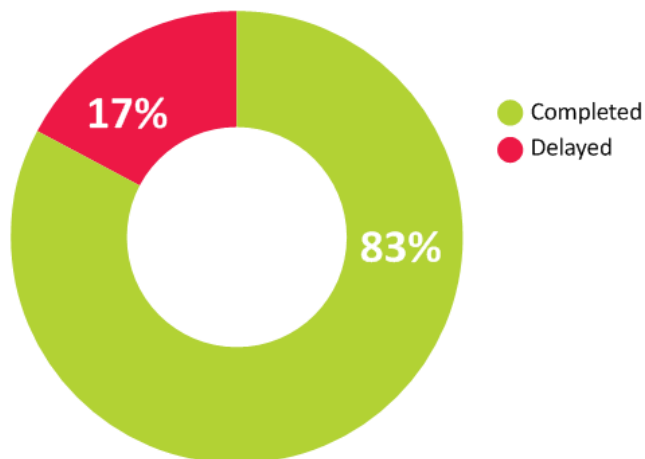
Reasons for delayed actions are provided in the comments column in the detailed report.

SUSTAINABLE LIVING

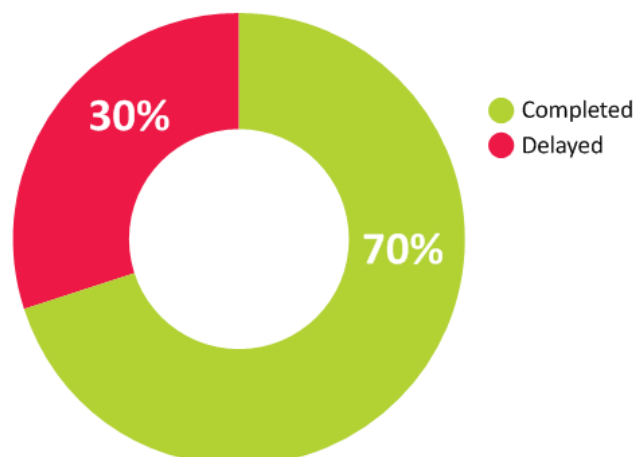
70 per cent of the overall actions in the Sustainable Living quadrant were completed and 30 per cent were delayed.

**SUSTAINABLE ENVIRONMENT**

83 per cent of the overall actions in the Sustainable Environment quadrant were completed and 17 per cent were delayed.

**SUSTAINABLE GOVERNANCE**

70 per cent of the overall actions in the Sustainable Governance quadrant were completed and 30 per cent were delayed.



SUSTAINABLE COMMUNITY

Our Sustainable Community directions, strategies and deliverables contribute to the development of our community capacity, including our cultural vitality and indigenous and post colonial heritage, our sense of community and connection, as well as a safe, healthy and harmonious living environment.

This section represents the 'social' component of the quadruple bottom line.



Direction: C1**Waverley's cultural heritage and diversity is recognised, protected and respected**

5

Strategy: C1a

Support programs that cultivate appreciation of our multi-culturalism, indigenous culture and cultural heritage

Deliverable	Key activity	Outcome	Status	Comments
A coordinated program of social, recreational and cultural events targeting diverse groups	Coordinate Jewish Storytelling Project	100% of identified actions completed on time and within budget	●	
	Develop and implement a program of local studies activities and promotion of resources	Program developed in Q1 and identified actions completed on time	●	
	Develop new creative initiatives that promote culture in everyday life	Program developed in Q1	●	
Resourcing of advocacy and grant seeking to support and strengthen multiculturalism and Indigenous culture in Waverley	Support and promote implementation of Reconciliation Action Plan	Plan developed in Q1	●	
Waverley and South Head cemeteries contribute to the preservation of our cultural heritage	Improve the experience of residents and visitors to South Head Cemetery and Waverley Cemetery	Review complete by Q1 and implemented plan of action by Q3	●	

Progress indicator: ● Completed

Delayed ●

Direction: C2

The community is welcoming and inclusive and people feel they are connected and belong

6

Strategy: C2a

Provide a broad range of relevant, affordable, and accessible programs

Deliverable	Key activity	Outcome	Status	Comments
Affordable and accessible community facilities	Bondi Pavilion Upgrade and Conservation Project	Bondi Pavilion upgrade and conservation project actions completed on time and within budget	●	Council decided to conduct a further consultation and engagement process
A coordinated program of social, recreational and cultural events targeting diverse groups	Celebrate days/weeks of significance(eg Reconciliation Week, Youth Week, Seniors Week)	Deliver at least 6 programs by June 2016	●	
A range of venue hire places for and accessible to the local community and corporate sector	Provide a coordinated program of regular hirer activities through administration of a bi annual EOI process for access to Councils Community Venues	Initiate EOI process Q3	●	
Accessible cemetery services for internments, memorials and associated ceremonial activities	Complete Waverley Cemetery maintenance and infrastructure works	Finalise works by Q4	●	Delayed due to the review of the large retaining wall stability and this has held up completion of some internal fencing

Direction: C2

The community is welcoming and inclusive and people feel they are connected and belong

Strategy: C2b

Encourage and foster community pride

Deliverable	Key activity	Outcome	Status	Comments
Programs which encourage volunteering including civic pride and bushcare that enhance community cohesion	Deliver high profile Garden Awards and Local Heroes events	Events delivered according to calendar	●	

Progress indicator: ● Completed

Delayed ●

Strategy: C2c

Provide a socially inclusive and welcoming library service

7

Deliverable	Key activity	Outcome	Status	Comments
A vibrant and relevant library space that meets user needs	Establish technologically enhanced learning spaces in the library	Plan developed in Q1	●	
	Review long term space planning to address the changing needs of library users	Plan developed in Q1	●	
Programs, events and activities that meet community needs and interests	Establish calendar of Library events	100% of identified actions completed on time and within budget	●	
Current and relevant library collections and services	Review and develop collections management plan	Plan developed Q2	●	
A range of relevant and reliable information and technology services	Implement redesigned Library website	Website launched Q2	●	Cotent is being developed in the context of a possible council merger
Stronger connections and partnerships with the community that encourage participation in the Library and its services and promote the Library as a community learning hub Stronger connections and partnerships with the community that encourage participation in the Library and its services and promote the Library as a community learning hub	Develop and implement feedback mechanisms	Survey developed Q2 and implemented Q3	●	Project deferred. Proposed that survey be developed in conjunction with Randwick and Woollahra
Market and promote Library services, facilities and resources, including e-resources	Develop marketing plan	Plan developed Q2	●	

Progress indicator: ● Completed

Delayed ●

Direction: C3

Housing options are available to enable long term residents and those with a connection to the community to remain in Waverley

Strategy: C3a

Promote the inclusion of affordable housing in new developments

Deliverable	Key activity	Outcome	Status	Comments
Planning controls that support the provision of affordable housing through WLEP 2012 Cl. 4.4(b) or monetary contributions towards affordable housing*	Review the use of VPAs or applications under the Affordable rental housing SEPP	Retain or Increase	●	
	Implement planning controls that seek to retain existing affordable housing	100%	●	

Footnote : WLEP 2012 Clause 4.4.b) was repealed on 30/1/2015

Strategy: C3b

Ensure Council's own portfolio of housing is affordable and accessible

Deliverable	Key activity	Outcome	Status	Comments
Social housing for older people, people with a disability and families on low to middle incomes	Develop and implement annual asset maintenance plan	100% of identified actions completed on time and within budget	●	Plan is in preparation
Affordable housing for low to moderate incomes households who are unable to secure rental housing and who demonstrate a strong connection to the Waverley LGA	Collect data and report annually on affordable housing program	Annual report delivered Q4	●	Data collected and analysed showing strong program performance. Four affordable housing units purchased in partnership with Bridge housing

Strategy: C3c

Investigate and pursue partnerships for housing initiatives

Deliverable	Key activity	Outcome	Status	Comments
A working group to develop local and regional partnerships to address homelessness	Convene meetings of the Waverley Homeless Coalition	Meetings held quarterly	●	

Progress indicator: ● Completed

Delayed ●

Direction: C4

Community support services continue to be targeted to and accessible by those who need them most, including children and young people, older people and people with a disability

Strategy: C4a

Continue to resource and diversify the funding sources of community support services

Deliverable	Key activity	Outcome	Status	Comments
Deliver high quality, targeted and accessible community services and activities	Implement Caring Waverley Welcoming Strategy	100% of recommendations implemented by Q2	●	
Individual support and medium term accommodation places for people with mild intellectual disability	Prepare for National Disability Insurance Scheme and develop sustainable service model for people with disabilities	No of people with disabilities supported. Results of satisfaction survey	●	
Services for the over fifties including an accessible, welcoming seniors centre that offers services to promote health & well being	Work with Seniors Association to strengthen Seniors Centre governance and services	No of programs annually. Results of satisfaction surveys.	●	
High quality, affordable long day care, family day care and holiday programs for 0-5 year old children	Implement strategy to promote Family Day Care, increase number of educators and explore partnerships	Number of children in care and % of places utilised	●	
An increase in the number of child care places provided by Council	Investigate opportunities for expansion of childcare places	Recommendations developed in Q4	●	Discussions with partner councils in neighbouring Randwick and Woollahra indicate strong demand for children's services at a regional level. Some areas appear under-supplied requiring more detailed analysis within the region is required to determine demand/supply issues prior to planning new developments

Progress indicator: ● Completed

Delayed ●

Direction: C4

Community support services continue to be targeted to and accessible by those who need them most, including children and young people, older people and people with a disability

1

Strategy: C4a

Continue to resource and diversify the funding sources of community support services

Deliverable	Key activity	Outcome	Status	Comments
Support to families and their children aged from birth to 5 years including parenting programs and counselling	Coordinate a program of education and support activities	Program implemented by Q4	●	
An increase in the number of child care places provided by Council	Implement strategy to promote Family Day Care, increase number of educators and explore partnerships	Number of children in care and % of places utilised	●	
Recreational, educational and social initiatives for young people	Investigate reinstating targeted traineeships for young people	Recommendations developed in Q4	●	
High quality affordable services for frail older people, including a seniors centre, Home Library Services and programs at Bondi Pavilion	Implement review recommendations for the Seniors Centre	No of programs annually. Results of satisfaction surveys.	●	

Progress indicator: ● Completed

Delayed ●

Strategy: C4b

Support and build the capacity of community organisations

1

Deliverable	Key activity	Outcome	Status	Comments
Financial and other support to the community to improve capacity and to support partnerships that enhance Council's vision in relation to children, young people, older people, those with a disability and marginalised groups	Refresh and promote Council's small grants program and deliver Council's Community Services Grants Program	Level of funding provided annually	●	
	Support community organisations through access to affordable venues through application of the community tenancy policy	Community Leases created for existing tenants by Q4	●	
	Promote rebranded 'Connected Waverley' program and build capacity of local service network	Program implemented Q4	●	

Strategy: C4c

Use emerging trends and contemporary research to inform services

Deliverable	Key activity	Outcome	Status	Comments
Up to date and accessible community profile and demographic information to assist planning for a diverse and tolerant community	Undertake research to update community planning/ profile resources	Resources updated Q4	●	
Documented research on key issues including safety, housing, children, ageing	Publish research findings to Council's website annually	Reports published Q4	●	

Direction: C5

People feel safe in all parts of Waverley

Strategy: C5a

Maintain safety and crime prevention in public areas

Deliverable	Key activity	Outcome	Status	Comments
Implementation of Community Safety Plan	Implement anti social and offensive behaviour prevention program specifically for Major dates	Program developed and implemented Q1	●	
	Develop Safe and Healthy Waverley Strategy	Strategy Developed Q3	●	Council considered the draft strategy and proposed further changes before progressing the strategy further
A "Safe Summer strategy" for Bondi to promote a safe and enjoyable environment at peak times	Coordinate My Bondi Summer program	Report to safety committee by Q3	●	
Investigate Closed Circuit TV	Implement CCTV project	Commenced in Q1	●	

Progress indicator: ● Completed

Delayed ●

Strategy: C5a

Maintain safety and crime prevention in public areas

1

Deliverable	Key activity	Outcome	Status	Comments
Investigate Closed Circuit TV	Implement CCTV project	Commenced in Q1	●	

Strategy: C5b

Strengthen community safety and crime prevention partnerships

Deliverable	Key activity	Outcome	Status	Comments
Support for the operation of a Community Safety Committee	Work with Police to increase safety and reduce crime in the LGA	Collaboration established Q1	●	
Provide emergency management including support for Waverley/ Woollahra SES	Review and update Disaster Management Plan	Plan updated Q1	●	

Strategy: C5c

Maintain high levels of beach safety at Bondi, Bronte and Tamarama

Deliverable	Key activity	Outcome	Status	Comments
A lifeguard service, deploying Council lifeguards and working with surf life saving clubs to safeguard the public and minimise risk to Council at Waverley's beaches	Implement review of winter Lifeguard Service	Collaboration established Q1	●	
	Support Lifeguard Service to achieve no deaths at Waverley's beaches	0 fatalities during patrolled hours	●	
	Upgrade Bronte Lifeguard tower to improve beach safety	Construction complete by Q3	●	Due to the requirement of a new Plan of Management for Bronte Park, all major design work has been put on hold until the outcomes of the Plan are finalised. For this reason, the Bronte Lifeguard Tower has been deferred to 2016/17 and will commence with concept designs in line with the new PoM
A program of Surf Awareness/Education programs	Develop and implement program of surf awareness and education activities	Program implemented Q3	●	
Financial and other support to surf lifesaving clubs in the Waverley area to support the provision of volunteer lifesaving programs	Maintain funding levels to Surf Lifesaving Clubs in Waverley	0% decrease to funding	●	

Progress indicator: ● Completed

Delayed ●

Strategy: C5d

Assist in maintenance of public health in Waverley

1

Deliverable	Key activity	Outcome	Status	Comments
Health, food and hygiene inspections undertaken	Implement enhanced food safety program and business liaison	Program implemented Q2	●	To be implemented in 2016/17
	Review enhanced food safety program and business liaison	Review complete Q4	●	To be implemented in 2016/17
	Implement vermin control plan	Plan implemented Q1	●	

Direction: C6**Arts and cultural activities foster an involved community and a creative environment****Strategy: C6a**

Enrich the community's cultural life and support life long learning

Deliverable	Key activity	Outcome	Status	Comments
A diverse and exciting range of arts and cultural events across Waverley	Implement new creative initiatives including Bondi Junction revitalisation project and commissioning of public art	Plan finalised in Q1 and strategies implemented on time and in budget	●	
	Coordinate delivery of Council's flagship events	100% of identified activities delivered on time and in budget	●	
	Identify opportunities for expansion of cultural program toward a regional focus	Review and recommendations developed Q4	●	
	Develop content creation guidelines	Guidelines established Q4	●	
	Identify external funding opportunities to support programs	Recommendations developed Q2	●	
	Implement program of identified funding opportunities	Program implemented Q1	●	
Implementation of ArtsPlus Plan	Develop creative programming guidelines and benchmark against best practice	Plan developed Q4	●	
Programs , activities and events to enliven the public spaces	Formulate and coordinate implementation of Pop Ups to enliven commercial centres	Guidelines developed Q2	●	

Progress indicator: ● Completed

Delayed ●

Strategy: C6b

Encourage the arts in public places and public art in private developments

1.

Deliverable	Key activity	Outcome	Status	Comments
Art in the public space	Implement Public Art Masterplan	100% of identified activities delivered on time and in budget	●	
A public art trail in Waverley	Promote the public art trail	Guide developed and accessible by Q2	●	

Strategy: C6c

Foster opportunities in the creative sector

Deliverable	Key activity	Outcome	Status	Comments
Support, advice and affordable and accessible venues provided to assist artists and others to hold arts and cultural events and activities	Implement calendar of exhibitions in Waverley Library and Bondi Pavilion	100% of identified activities delivered on time and in budget	●	

Direction: C7**Health and quality of life are improved through a range of recreation and leisure opportunities****Strategy: C7a**

Retain, protect and improve the quality and usability of green spaces

Deliverable	Key activity	Outcome	Status	Comments
2008 Recreation Needs Study implemented	Implement priority actions from Recreational Needs Study	Actions implemented Q4	●	
Up to date POMs and strategies for parks, reserves and other green spaces	Report annually on adopted POMs	Reports completed Q2	●	
Sustainable, well maintained and well used recreation facilities	Sustainable, well maintained and well used recreation facilities	Upgrades complete by Q4	●	
	Improve the maintenance program for Waverley beaches / ocean pools to provide a better experience for the community	Review complete by Q1 and implemented plan of action by Q4	●	


Progress indicator: ● Completed

Delayed ●

Strategy: C7b








Plan and prioritise future recreation and leisure facilities based on regional as well as local needs using appropriate data and trends

1

Deliverable	Key activity	Outcome	Status	Comments
Recreation opportunities provided in response to community needs	Carry out activities which support local sport and recreation groups	Participation more than 30,000 visits per annum		

Strategy: C7c

Provide and support a range of facilities and activities to improve the physical and mental health of community members

Deliverable	Key activity	Outcome	Status	Comments
Active and passive recreation facilities on Council land or through joint ventures	Investigate Sport opportunities at Rodney Reserve	Recommendations developed Q4		
	Ensure multi purpose courts are built in Waverley Park	Construction complete by Q3		Construction has begun and will be completed in December 2016
Sporting fields and other active recreation facilities upgraded	Installation of sport lighting across Waverley Park	100% of identified actions completed on time and within budget		Waverley 1, 2 and 3 are completed. Multi purpose courts will be completed in December 2016
Playgrounds upgraded	Implement Playground Strategy	100% of identified actions completed on time and within budget		MacPherson Park completed. Dickson and O'Donnell Reserves are 80% complete and are expected to be completed in July 2016.
Implementation of priority projects to deliver facilities and infrastructure upgraded in parks and reserves	Implement key activities identified in Bondi Plan of Management	100% of identified actions completed on time and within budget		
	Implement infrastructure upgrades as per SAMP 4 schedule	100% of identified actions completed on time and within budget		
	Implement signage review recommendations	Ongoing		Contractor being engaged to implement signage trial in Tamarama Park.

Progress indicator:  Completed

Delayed 





SUSTAINABLE LIVING

Our Sustainable Living directions, strategies and deliverables support the liveability and economic viability of the Waverley area. They cover everything from place management strategies to improve the look and feel of villages and town centres and promote economic development, through to planning for the best built form and better transport, parking and access.

This section represents the 'economic' component of the quadruple bottom line.

Direction: L1**Waverley's economy is vibrant and robust and supports the creation of a variety of jobs and business opportunities**

1

Strategy: L1a

Reinforce Bondi Junctions role as a regional centre with a mix of residential, retail, hospitality, business, commercial, professional services and entertainment activities

Deliverable	Key activity	Outcome	Status	Comments
Initiatives implemented to encourage and sustain visitation and stimulate economic activity	Prepare a Masterplan for Bondi Junction Civic heart project	Draft Masterplan Brief to be prepared following Needs Analysis subject to Council agreement	●	Delayed until amalgamation decisions
Well utilised, integrated and welcoming public and private domains in Bondi Junction achieved through the development approval process	Scope and develop project as a result of WOSP	List viable projects by Q4	●	Awaiting decision on Bondi Junction cycleway
Bondi Junction Complete Streets program implemented	Implement priority activities from Bondi Junction Complete Streets program	Streetscape improvements for Stage 1 Oxford Street from York Road to Newland Street, Denison Street from Oxford Street to Spring Street and Spring Street complete in Q4.	●	Outstanding issues on preferred cycleway route from Sydney Buses being investigated. Currently involved with Transport for NSW, RMS and the Mayor, Sally Betts to resolve issues prior to finalising design
Improved communication with major Bondi Junction stakeholders	Develop and implement Heartbeat of the East engagement program	Commence implementation in Q3	●	

Progress indicator: ● Completed

Delayed ●

Strategy: L1b

19

Encourage and support a diverse mix of shops and services in Waverley's commercial areas including villages and neighbourhood centres to meet the needs of both residents and visitors

Deliverable	Key activity	Outcome	Status	Comments
Well utilised, integrated and welcoming public and private domains in Bondi achieved through the development approval process	Review controls relating to Outdoor footpath Restaurants in Campbell Parade, Bondi Beach	Controls reviewed by Q4		Awaiting trial of new outdoor dining pilot project at Bondi Pacifica.
Initiatives and programs implemented to increase visitation and sustain a diverse mix of commercial activity	Generate and maintain diverse sources of local economic data for use in long-term planning by Council and the public	Improved visitor experiences in the area with clearer information and opportunities to enjoy the area by Q4		
	Review and improve policy and processes involving activity in public spaces	Improved vibrancy of commercial and village centres with renewed place management initiatives and practices by Q4		Urban interventions program is in progress. Commercial activity is included in public spaces policy
	Strengthen support to small business through established industry partnerships and engage with local business in diverse ways	Increased collaboration between Council and industry to support and strengthen local businesses and the economy by Q4		Will be completed in August 2016
	Develop new and strengthen existing collaboration for greater research and business support while maintaining and strengthening relationships with media organisations to promote business news in Waverley	Increased promotion of collaboration and stronger relationships between Government, Council and industry by Q4		
Public domain works undertaken as part of overall Design Framework for Bondi Beach	Undertake Bondi Road streetscape improvement works	Complete implementation in Q2		

Progress indicator: Completed

Delayed



Strategy: L1c

Support the creation of jobs and business opportunities in Waverley's commercial areas including its villages and neighbourhood centres

Deliverable	Key activity	Outcome	Status	Comments
Up to date and accessible business start up and development information on Councils website	Provide up to date information for businesses via the Waverley website	Ongoing		
	Partner with relevant NSW and Federal Government Agencies to support marketing (for long term investment and visitation)	Increased investment, visitation and stronger visitor economy a co-ordinated approach between Government and Industry by Q4		This is underway with the launch of new visitors guide to Bondi
	Partner with Government agencies, tertiary institutions and others to undertake annual economic research projects to underpin future economic development projects and activities	Shared existing and future economic development research and information for innovative projects by Q4		

Strategy: L1d

Create vibrant public places through the support and provision of a range of community and visitor related activities

Deliverable	Key activity	Outcome	Status	Comments
Programs, activities and events to enliven the public spaces	Develop new mobile vending licence policy	Policy developed in Q2		This will be finalised in 2016/17
Programs, activities and events to enliven the public spaces	Formulate and coordinate implementation of Pop Ups to enliven commercial centres	2 per year		

Progress indicator:  Completed





Delayed 

Direction: L2**Visitors and tourists are welcomed and make a positive contribution to the community and economy**

2


Strategy: L2a

Develop and implement tourism initiatives to benefit both the local economy and community

Deliverable	Key activity	Outcome	Status	Comments
Visitor management and safety program implemented	Implement new event policy processes and guidelines to attract and manage outdoor events	Commence implementation in Q3		
	Encourage investment in the sustainable supply of appropriate visitor accommodation	Improved supply and range of visitor accommodation by Q4		Due to staffing constraints
Visitor information promotes shopping, dining, and recreational activities	Investigate the establishment of an entity that facilitates discussion and feedback on Waverley's visitor economy	Increased co-ordinated approach between industry and government to support the visitor economy by Q4		Due to staffing constraints
Regular communication with tourism providers and organisations	Improve supply of essential information about the local area across a variety of communication mediums for domestic and international visitors alike	Improved visitor experiences in the area with clearer branding of commercial and village centres and visitor information (as well as online) by Q4		

Strategy: L2b

Ensure visitor related activities contribute positively to the local community and economy

Deliverable	Key activity	Outcome	Status	Comments
Visitor management and safety program implemented	Implement new event policy processes and guidelines to attract and manage outdoor events	Commence implementation in Q3		

Progress indicator:  CompletedDelayed 

Direction: L3**Waverley's public places and spaces look and feel good**

2

Strategy: L3a

Ensure that public places are clean and well maintained

Deliverable	Key activity	Outcome	Status	Comments
Implement Council Graffiti Management Policy	Undertake regular education and enforcement program	Program implemented and evaluated in Q4	●	
Abandoned cars removed	Identify, remove and appropriately dispose of abandoned cars in Waverley	Ongoing	●	
Implement Companion Animal Management Program	Ensure compliance with Companions Animals Act	Ongoing	●	
Improve facilities and infrastructure in public places	Implement key activities within the Bondi Park Plan of Management	Priority projects implemented by Q4	●	
	Complete North Bondi and Marks Park toilet upgrades	Works complete in Q4	●	
All playgrounds inspected and regularly maintained	Implemented playground maintenance and upgrades as per SAMP schedule	Ongoing	●	
Trees in streets and reserves are maintained	Respond to customer requests within service level standard	Ongoing	●	
Adopt a Tree program continued	Implement Adopt a Tree program in accordance with Street Tree Masterplan	90% of Adopt a Tree requests actioned	●	
Footpath Garden program continued	Implement Footpath Garden program	90% of applications approved	●	
Improved coordination of public place services in Waverley	Improve the operational performance across the Clean and Attractive program to meet desired outcomes	Reduced complaints of service delivery by 25%	●	
		Increase face-to-face customer engagement by 20%	●	
		Reduce lead time for work actions by 25%	●	
		Implement a staff development program	●	

Progress indicator: ● Completed

Delayed ●

Strategy: L3a continued

Ensure that public places are clean and well maintained

Deliverable	Key activity	Outcome	Status	Comments
Improved coordination of public place services in Waverley	Improve the experience of residents and visitors to South Head Cemetery and Waverley Cemetery	Review complete by Q1 and implemented plan of action by Q3	●	
All public place areas are well maintained	Review and implement an improved public place cleansing program	Review complete by Q1 and action plan implemented by Q3	●	
Programmed cleaning and maintenance of Council assets undertaken	Review and implement an improved public place cleansing program	Review complete by Q4	●	
Implement Council Graffiti Management Policy	Graffiti and posters removed in accordance with Council policy	Service level standard	●	
Public place regulation and compliance programs undertaken	Undertake regular patrols of public places to ensure compliance with Service Level Agreements	Report monthly on SLA's and key metrics	●	
Implement beach and ocean pool cleaning program	Clean Waverley beaches and ocean pools in accordance with service standard	Report monthly	●	
Parks and reserves are clean and regularly maintained and upgraded as required	Implement priority cleaning, maintenance, planting and landscape improvement works	Ongoing	●	
Inspection and removal of dumped rubbish and where appropriate enforcement action	Dumped rubbish reported, inspected and removed within service standard	Within 5 days of notification	●	
	Implement illegal dumping education and enforcement program	Ongoing	●	

Strategy: L3b

Develop e-reporting process for illegal graffiti posters and rubbish dumping

Deliverable	Key activity	Outcome	Status	Comments
E-reporting system available for residents to report graffiti and promoted on Councils website	Graffiti reporting system developed for Council website	System operational by Q3	●	

Progress indicator: ● Completed

Delayed ●

Direction: L4**The unique physical qualities and strong sense of identity of Waverley's villages is respected and celebrated**

2

Strategy: L4a

Use planning and heritage policies and controls to protect and improve the unique built environment

Deliverable	Key activity	Outcome	Status	Comments
Approved developments maintain and enhance the identity of Waverley's villages	Provide referral advice on DAs and review and update planning controls as required.	Ongoing	●	
All properties with heritage significance listed within LEP	Review heritage inventory sheets for each heritage conservation area	Revised and updated Heritage Inventory Sheets uploaded to the Heritage Office Website by December 2015	●	Delayed due to resource constraints

Strategy: L4b

Maintain a distinct sense of identity for individual village centres

Deliverable	Key activity	Outcome	Status	Comments
Civic Pride and Looking Good improvement programs implemented	Implement priority works identified in the Local Villages Development Control Plan and the SAMP 4 schedule	Works complete on time and within budget in Q3	●	
	Gateway, TCD Planning, Nature Strip	Works complete on time and within budget in Q3	●	

Progress indicator: ● Completed

Delayed ●

Direction: L5**Buildings are well designed, safe and accessible and the new is balanced with the old**

2

Strategy: L5a

Ensure planning controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected

Deliverable	Key activity	Outcome	Status	Comments
Comprehensive Local Environmental Plan (LEP) and Waverley Development Control Plan updated annually as per statutory requirements	Review LEP and DCP	As required	●	
	LEP and DCP to be publicly exhibited as required	As required	●	
	Arrange for LEP and DCP to be adopted by Council	As required	●	
Compliance with Council requests for new or amended planning policies or land use plans	Update policies as requested by Council	As required	●	
Building regulation, inspection and compliance undertaken	Undertake building compliance and fire safety inspections and issue occupation certificates	As required	●	
Approved developments achieve high quality urban design outcomes	Assess Planning Proposals and where appropriate amend Waverley Local Environmental Plan accordingly	Ongoing	●	
Strategic Land use policies and plans are reviewed regularly	Ensure all strategic land use plans are reviewed regularly	Ongoing	●	

Strategy: L5b

Protect and maintain heritage significant buildings while ensuring they are fit for use


Deliverable	Key activity	Outcome	Status	Comments
Oversee the upgrade of Bondi Pavilion	Manage design process for architect for upgrade to the Bondi Pavilion	100% of identified actions delivered on time and in budget	●	Delayed to allow for extended public consultation on concept designs
Expert heritage advice on development applications	Provide heritage advice to development applicants and Council staff	90% of referrals completed within service standard	●	
An ongoing public education campaign on heritage and good design	Facilitate Heritage and Urban Design Awards	Award held in Q3	●	

Progress indicator: ● Completed

Delayed ●



Strategy: L5c

Consider the use of planning controls and agreements to provide improvements to built infrastructure

Deliverable	Key activity	Outcome	Status	Comments
Opportunities to deliver public infrastructure through Planning Agreement	Review Voluntary Planning Agreements Policy to deliver maximum public benefit	VPA Policy adopted by Council		






Strategy: L5d

Develop a vision for Bondi Junction which creates vibrant and accessible public places through high quality urban design and placemaking principles

Deliverable	Key activity	Outcome	Sub-Program	
Bondi Junction is safer and more vibrant at night	Implement Complete Streets program in Bondi Junction	Priority projects implemented by Q4		
Conduct retail hierarchy study in Bondi Junction	Implement Economic Development Strategy	Priority projects implemented by Q4		To be completed by September 2016

Direction: L6**Streets are safe and vibrant places which facilitate movement and interaction****Strategy: L6a**

Reduce vehicle crashes and pedestrian injury by improving road and traffic safety measures

Deliverable	Key activity	Outcome	Status	Comments
Improve road user safety	Develop road user safety strategy targeting specific groups	Strategy developed in Q3		To be developed in 2016/17
Traffic and pedestrian crashes reviewed annually and strategies implemented to improve safety	Undertake traffic improvement works at Military Road, Dover Heights	Works complete on time and within budget in Q4		Preliminary designs completed and community consultation to commence
Improve safety around schools	Design intersection upgrade works at Albion Street and Bronte Road	Works complete on time and within budget in Q4		
Construction of traffic islands in the Council area	Traffic islands designed and implemented as per SAMP schedule	Ongoing		
Traffic and pedestrian crashes reviewed annually and strategies implemented to improve safety	Implement priority traffic management works identified in SAMP 4	Works complete on time and within budget in Q4		

Progress indicator:  CompletedDelayed 

Strategy: L6b

Stabilise or reduce private passenger vehicle numbers or trips

Deliverable	Key activity	Outcome	Status	Comments
Waverley Transport Plan review completed	Prepare the Waverley's People, Movement and Places Study, incorporating the Interim Access Study for Bondi Beach	Study complete in Q4	●	The Waverley's People Movement and Places Study is progressing and is likely to be completed in September 2016
Infrastructure, education and promotion programs to encourage car efficiency and active travel	Coordinate sustainable transport events and workshops that promote sustainable transport	Ongoing	●	
Improved quality and frequency of public transport in the LGA	Develop business case for the Waverley light rail project	Business case developed in Q4	●	The Bondi Road Corridor Transport Strategy is progressing and is likely to be completed in August 2016

Strategy: L6c

Ensure access to major movement hubs is clear and direct

Deliverable	Key activity	Outcome	Status	Comments
Improve pedestrian and commuter connections to public transport	Undertake an Expression of Interest to develop the Rowe Street site by providing direct pedestrian access to the Bus / Rail Interchange	Create new lots for sale prior to EOI process Q4	●	Application for road closure currently underway - process delayed due to resourcing

Strategy: L6d

Create place based centres which prioritise the pedestrian experience

Deliverable	Key activity	Outcome	Status	Comments
Improve public domain infrastructure	Implement Bondi Junction Complete Streets Program and Waverley Bike Plan	Streetscape improvements for Stage 1 Oxford Street from York Road to Newland Street, Denison Street from Oxford Street to Spring Street and Spring Street complete in Q4	●	Outstanding issues on preferred cycleway route from Sydney Buses being investigated. Currently engaging Transport for NSW and Road and Maritime Services to resolve issues prior to finalising design.

Progress indicator: ● Completed

Delayed ●

Direction: L7**People frequently walk and ride their bikes, particularly for local trips**

21

Strategy: L7a

Create safe and accessible pedestrian and cycle links into, out of and within Waverley

Deliverable	Key activity	Outcome	Status	Comments
Footpath amenity and accessibility improved	Implement high priority works identified in the Bondi Junction Complete Streets program	Works complete on time and within budget in Q4	●	
Availability of bike parking improved	Implement high priority works in the Waverley Bike Plan	Works complete on time and within budget in Q4	●	
Footpath amenity and accessibility improved	Develop and implement Bondi Beach pedestrian plan	Works complete on time and within budget in Q4	●	Pedestrian improvements focussed within Bondi Park as a priority to minimised car / red conflict. Works completed

Direction: L8**Improved quality, integration and increased frequency of public transport in Waverley****Strategy: L8a**

Improve and augment public transport along main routes

Deliverable	Key activity	Outcome	Status	Comments
Information on Bondi Junction and Bondi Beach promotes the use of public transport	Provide information on the use of public transport in marketing material for events and activities at Bondi Beach and Bondi Junction	100% of Council marketing material promotes the use of public transport	●	
Parking patrol conducted along main roads during weekdays	Patrol and enforce parking regulations along main roads during the week	Number of daily patrols	●	
Parking patrol conducted along transport corridors during weekends	Patrol and enforce parking regulations along transport corridors during the weekend	Number of daily patrols	●	
Support for public buses to directly connect neighbourhood centres	Review bus operations annually with RMS	Meet once per year	●	
Bus shelters maintained and replaced	Implement bus shelter maintenance and replacement program	Bus shelters replaced as required.	●	


Progress indicator: ● Completed

Delayed ●

Strategy: L8b


Ensure all modes of public transport are accessible for all users

21

Deliverable	Key activity	Outcome	Status	Comments
Our infrastructure provides fair and equitable access to public transport	Ensure all works are compliant with Commonwealth Disability Standards for Accessible Public Transport	100% compliance		


Strategy: L8c

Improve access to the BJ interchange

Deliverable	Key activity	Outcome	Status	Comments
More efficient and safer access to the Bondi Junction bus / rail interchange	Investigate options for improving the commuter access to the bus/rail interchange from the surrounding street system	Options finalised and presented to Council for finalisation by June 2016		Application for road closure currently underway - process delayed due to resourcing.

Strategy: L8d

Implement mass transit between BJ and Bondi Beach

Deliverable	Key activity	Outcome	Status	Comments
Partner with NSW Government to improve mass transit from Bondi Junction to Bondi Beach	Prepare business case for Light Rail along the Bondi Road corridor	Business case developed in Q4		The Bondi Road Corridor Transport Strategy is progressing and is likely to be completed in August 2016.

Progress indicator:  CompletedDelayed 

Direction: L9**Parking, both on street and off street, is equitably accessed and effectively managed**

31

Strategy: L9a

Ensure fair access to parking services through regular review of parking demand, fee structures, enforcement and facilities

Deliverable	Key activity	Outcome	Status	Comments
Parking patrols conducted in commercial and residential areas	Patrol and enforce agreed areas	Ongoing	●	
Accepted recommendations from Resident Parking Schemes and Parking Pricing Reviews implemented	Implement review recommendations	Ongoing	●	
Review and develop new parking management processes	Implement Car Park Facilities and Equipment upgrade	Works completed on time and within budget in Q4	●	Tender process finalised. Works to begin in 2016/17

Strategy: L9b

Increase the community's knowledge and awareness of safe parking practices

Deliverable	Key activity	Outcome	Status	Comments
Rolling education program to promote safe parking	Collect feedback, develop and implement education program on safe parking	Program developed in Q4	●	To be implemented in 2016/17

Progress indicator: ● Completed

Delayed ●



SUSTAINABLE ENVIRONMENT

Our Sustainable Environment directions, strategies and deliverables improve environmental sustainability. For example, strategies which seek to promote recycling and reuse in the community, maintain and enhance wildlife corridors, and encourage water and energy saving by the community.

This section represents the 'environment' component of the quadruple bottom line.

Direction: E1**Waverley's community contributes to the reduction of greenhouse gas emissions**

3

Strategy: E1a

Improve energy efficiency of public place lighting

Deliverable	Key activity	Outcome	Status	Comments
Partner with Ausgrid to improve the energy efficiency of public place lighting	Actively participate in the SSROC Street Lighting Improvement Program	Quarterly Updates provided to Council	●	
	Investigate opportunities for public domain and street lighting LED upgrades	Investigation complete in Q4	●	Ausgrid LED tender completed. Ausgrid implementation proposal reviewed.

Strategy: E1b

Investigate and implement low carbon technologies

Deliverable	Key activity	Outcome	Status	Comments
Opportunities for low carbon and renewable technologies on Council assets are investigated	Undertake green infrastructure solutions studies (energy, water, and waste) for Bondi Junction	Complete studies in Q2	●	
	Investigate opportunities for expansion of solar PV on Council assets	Investigation complete in Q2	●	
Partner with major greenhouse emitters in Waverley to undertake low carbon feasibilities	Develop the Bondi Junction Green Infrastructure Masterplan	Draft Masterplan complete in Q4	●	Energy, water and waste solutions available by Q4. Masterplan in development for completion late 2016.
Encourage uptake of low carbon technology in the community	Facilitate the Building Future Bondi Junction Partnership to encourage improved building performance in the Bondi Junction Precinct	2 meetings with the Partnership each year	●	

Progress indicator: ● Completed

Delayed ●

Strategy: E1c**Improve energy efficiency of new and existing building stock**

3

Deliverable	Key activity	Outcome	Status	Comments
Incentives developed to encourage sustainable building design and construction beyond BASIX through the DA process	Complete a review of best practice NSW Local Environmental Plans that have successfully integrated incentives for sustainability excellence	Report to Council on outcomes by Q2	●	
Information and education for residents on energy efficient technologies and behaviours	Provide regular up to date information to Waverley residents via Waverley website	Update website monthly	●	
Opportunities for improved energy efficiency and low carbon technology in residential and commercial development identified and implemented	Work with Building Future Bondi Junction partners to identify opportunities on key sites	Key sites investigation complete in Q2	●	
Identify and implement energy efficiency retrofit opportunities on Council assets	Manage and continually improve green infrastructure monitoring and control systems	Ongoing	●	
	Improve the environmental performance of priority Council assets	Ongoing	●	
	Provide specialist green infrastructure technical advice for Council capital works and asset management projects	Ongoing	●	
Incentives developed to encourage sustainable retrofits of existing building stock	Identify opportunities for sustainability incentive programs through the Regional Environment Strategy	Opportunities identified by Q2	●	

Progress indicator: ● Completed

Delayed ●

Strategy: E1d

Encourage and support the Waverley community to minimise electricity use and reliance on non-renewable energy

Deliverable	Key activity	Outcome	Status	Comments
Implementation of low carbon and renewable technologies in new and existing residential, commercial, and retail development	Develop a Regional Environment Strategy for Randwick, Waverley and Woollahra Councils	Draft strategy to Council Q2	●	
Uptake of greenpower by residents and businesses encouraged through promotions and retail partnerships	Provide up to date information for Waverley residents via the Waverley website	Update website monthly	●	
Partner with major residential and non-residential electricity consumers to reduce consumption and improve efficiency	Facilitate the Building Future Bondi Junction Partnership to encourage improved building performance in the Bondi Junction Precinct	Work with a minimum of two partners each year	●	
	Implement significant regional greenhouse gas reduction programs across the Eastern Suburbs	Commence implementation by Q3	●	
	Develop Green Infrastructure Masterplan for Bondi Junction	Draft plan finalised by Q4	●	Energy, water and waste solutions will be available by Q4. Masterplan in development for completion late 2016.

Strategy: E1e

Increase the energy efficiency of car use through increased passengers, car pooling, car share, smaller cars, fuel efficiency, and reducing trips

Deliverable	Key activity	Outcome	Status	Comments
Increased use of car share vehicles to reduce private vehicle ownership, vehicle kilometres travelled and parking demand	Identify and create additional car share spaces	5% increase on previous year	●	
Infrastructure, education and promotion programs to encourage car efficiency and active travel	Implement Sustainable Transport Action Plan	100% identified actions completion time and within budget	●	
Improve environmental performance of Councils fleet	Implement identified actions in the Sustainable Fleet policy	100% identified actions complete	●	95% of the identified actions in the Draft Sustainable Fleet Policy 2012 are completed

Progress indicator: ● Completed

Delayed ●

Strategy: E1f

Increase trips by active travel including walking, cycling, and public transport

3.

Deliverable	Key activity	Outcome	Status	Comments
An expanded bicycle network together with the provision of bike facilities throughout the LGA	Implement identified actions in the Waverley Bike Plan	100% of identified actions complete	●	
Pedestrian networks developed, which enable pedestrians to enjoy safe, convenient and coherent independent mobility	Implement priority actions in the Bondi Junction Complete Streets program	100% of identified actions complete	●	

Direction: E2**Waverley and its community are well prepared for climate change****Strategy: E2a**

Identify, plan and respond to future impacts of climate change

Deliverable	Key activity	Outcome	Status	Comments
Continue to assess and manage climate change impacts in Waverley	Seek to participate in the SSROC Heat Map project to identify urban heat islands in Waverley	Finalise participation by Q2	●	SSROC Urban Heat Map preparation was unsuccessful due to equipment problems
Investigate and implement micro-climate management actions to reduce urban heat island effects	Integrate Heat Map findings into Councils Urban Ecology Plan	Findings integrated into Urban Ecology Plan by Q4	●	SSROC Urban Heat Map preparation was unsuccessful due to equipment problems

Strategy: E2b

Ensure Council and the community are well prepared for climate change

Deliverable	Key activity	Outcome	Status	Comments
Develop and implement climate change adaptation plan	Implement priority projects from the Waverley Coastal Risk Policy	Projects implemented by Q4	●	

Progress indicator: ● Completed

Delayed ●

Direction: E3**Waverley's community, including its visitors, reduces the amount of waste it generates and increases the amount it reuses and recycles****Strategy: E3a**

Reduce waste generation and maximise recycling in the community

Deliverable	Key activity	Outcome	Status	Comments
A domestic waste and recycling service, together with a public place litter collection service	Provide an efficient and appropriate domestic waste collection and public place recycling service for Waverley residents	Report annually on performance against 75% diversion from landfill	●	
Local collection options for the responsible disposal or recycling of non-putrescible wastes	Investigate and coordinate collection services of non-putrescible wastes	2 ewaste collections per year	●	
A domestic waste and recycling service, together with a public place litter collection service	Develop new Waste Avoidance and Resource Recovery (WARR) Plan	Prepare draft plan by Q3	●	
	Finalise the Bondi Junction Waste Solutions Study	Report finalised in Q2	●	
	Implement the key recommendations of the Domestic Waste Service Review	Commence implementation in Q1	●	Implementation postponed due to external issues relating to Local Government transition period. Project plan will develop optimal service designs in preparation for amalgamated entity.

Progress indicator: ● Completed

Delayed ●

Direction: E3

Waverley's community, including its visitors, reduces the amount of waste it generates and increases the amount it reuses and recycles

Strategy: E3a

Reduce waste generation and maximise recycling in the community

Deliverable	Key activity	Outcome	Status	Comments
Work with businesses, schools and residents to increase recycling and recovery rates and decrease waste generation rates	Develop and implement a waste engagement strategy for Waverley	Commence implementation in Q3	●	
Residential food waste reduction program implemented	Roll out the Compost Revolution program in partnership with Woollahra and Randwick residents	200 new participants per year	●	
A waste and litter management strategy for public places that integrates infrastructure, education, management and enforcement	Implement key recommendations from the Bondi Beach Waste Solutions Study to improve waste management and reduce littering	Commence implementation by Q4	●	Project deferred to 2016/17 capital works program. Council has participated in the development of a broader litter prevention strategy with SSROC (completed June 2016). Additionally an EPA Litter Prevention Grant was awarded for the Bondi Unwrapped Project to address litter at four hotspots in the Bondi Beach area (to be delivered 2016/17)
Local events and initiatives that encourage recycling of other waste types	Coordinate local events that encourage recycling of other waste types	2 events per year	●	
Work with SSROC to investigate regional waste reuse, recovery and disposal opportunities	Work with SSROC to seek regional grant funding opportunities where possible	Ongoing	●	

Progress indicator: ● Completed

Delayed ●

Direction: E3

Waverley's community, including its visitors, reduces the amount of waste it generates and increases the amount it reuses and recycles

3

Strategy: E3b

Reduce illegal dumping and littering

Deliverable	Key activity	Outcome	Status	Comments
Implement infrastructure, education and enforcement programs to reduce littering and illegal dumping	Develop and Implement Councils Bulky Waste Management Plan to reduce incidence of illegal dumping and littering	Commence implementation in Q3	●	
Partner with the NSW Government and SSROC to deliver an integrated littering and illegal dumping program	Develop a funding proposal with SSROC for a regional RID squad to reduce illegal dumping	Funding approval finalised by Q1	●	

Strategy: E3c

Investigate and implement emerging technologies to maximise landfill diversion

Deliverable	Key activity	Outcome	Status	Comments
Continue to investigate and implement emerging waste technologies that will reduce waste to landfill and improve recycling	Investigate opportunities to improve recovery rates through existing waste contracts	Ongoing	●	

Progress indicator: ● Completed

Delayed ●

Direction: E4

Water is used carefully and sparingly in Waverley's buildings, gardens, businesses and Council operations.

3

Strategy: E4a

Improve water efficiency of new and existing building stock

Deliverable	Key activity	Outcome	Status	Comments
Reduction in potable water use in new Council assets	Develop Sustainable Building Policy for new Council assets	Policy developed in Q3	●	
Work with strata to promote water efficiency and reuse in MUDs	Develop a Regional Environment Strategy for Randwick, Waverley and Woollahra Councils	Draft strategy to Council Q2	●	Potential strategies on reducing water use in MUDs are currently being investigated by consultant. Report is due in April 2017.
Water efficiency and recycling technology at Councils highest consuming sites are investigated and implemented	Manage and continually improve green infrastructure monitoring and control systems	Ongoing	●	
Irrigation efficiency at key Council sites	Design and construction of stormwater harvesting systems at Tamarama Park	System commissioned by Q4	●	
	Scoping and design for expansion of Waverley Park water recycling system	Scoping complete in Q4	●	

Strategy: E4b

Encourage and support the Waverley community to minimise water consumption and reliance on potable water supplies

Deliverable	Key activity	Outcome	Status	Comments
Provide practical advice to residents and businesses on water efficient design and technologies	Provide up to date information for Waverley residents via the Waverley website	Update website monthly	●	
Communication and awareness activities on water efficiency and emerging technologies	Provide up to date information for Waverley residents via the Waverley website	Update website monthly	●	
Continue to work with businesses to reduce potable water consumption	Implement the Eastern Suburbs Business Program in partnership with Sydney Water, Randwick and Woollahra Councils	20 highest consumers in Waverley audited by Q2	●	

Progress indicator: ● Completed

Delayed ●

Strategy: E4c

Investigate and implement recycled water technologies

4

Deliverable	Key activity	Outcome	Status	Comments
Water harvesting and reuse opportunities at key sites	Design and construction of Tamarama Stormwater Harvesting System	System commissioned by Q4	●	

Direction: E5**The waterways and beaches are clean and free of pollutants****Strategy: E5a**

Minimise pollutants in stormwater discharged into waterways

Deliverable	Key activity	Outcome	Status	Comments
Water quality at key coastal sites is regularly monitored	Participate in EPA Beachwatch monitoring program	Weekly	●	
Inspections of LGA to ensure compliance with the Protections of the Environment Operations Act 1997	Respond to customer MERIT requests	Merits finalised within service standard	●	
Pollution prevention devices installed and maintained throughout the LGA	Monitor and maintain devices throughout LGA as per contract	Update contract control group on progress monthly	●	
Stormwater harvesting infrastructure maintained	Monitor and maintain infrastructure throughout LGA as per contract	Update contract control group on progress monthly	●	
Targeted community stormwater pollution awareness and education program	Develop and implement community engagement program on the Tamarama stormwater harvesting program	Commence implementation in Q1	●	

Strategy: E5b

Minimise the discharge of untreated wastewater and sewage overflows into receiving waterways

Deliverable	Key activity	Outcome	Status	Comments
Partner with external organisations to promote water quality improvement programs	Work with Sydney Water and the EPA to identify and implement water quality improvement in Waverley	Ongoing	●	
Integrated water quality management program implemented in Waverley	Construction of Tamarama / Phillip Street Gross Pollutant Trap	Construction complete Q4	●	Not cost effective. Alternative stormwater quality solutions investigated for PCG consideration.
	Investigate opportunities for raingardens in the LGA to reduce stormwater pollution	Investigation complete Q2	●	

Progress indicator: ● Completed

Delayed ●

Direction: E6

A network of parks and coastal reserves, street trees and other planting provides a habitat for a thriving local ecology.

Strategy: E6a

Ensure no further loss of remnant vegetation

Deliverable	Key activity	Outcome	Status	Comments
Implement Tree Management Plan to maximise canopy cover in Waverley	Implement priority actions from the Tree Management Plan to increase plantings and ensure adequate survival rates	Number of trees planted increase over previous year	●	
Significant tree register is maintained and updated	Ensure Significant Tree Register is up to date and available for community access via the Council website	Annual Review	●	
Implement local native seed propagation program for local plantings	Partner with Randwick nursery to continue local seed propagation program	Collected seed is propagated	●	

Strategy: E6b

Improve the condition of existing areas of remnant vegetation

Deliverable	Key activity	Outcome	Status	Comments
Waverley Street tree planting program implemented	Implement program in priority areas	2 priority areas planted each year	●	
	Review Street Tree MasterPlan	Review complete Q2	●	
	Implement electronic tree inspection approval process (Blink)	Implemented Q3	●	Feasibility of proposal was assessed by PCG and found not to be feasible. No further works required
Council strategy for the protection, restoration and enhancement of remnant vegetation and habitat	Develop the Waverley Urban Ecology Plan that integrates the Bronte Restoration Action Plan, Remnant Vegetation Action Plans and Tamarama Ecological Restoration Action Plan	Prepare draft plan by Q2	●	Bronte ERAP, Tamarama ERFAP and Biodiversity Action Plan - Remnant Sites currently being implemented. Major activity in 15-16 was the grant funded buffer plantings which required the planting of approximately 33,000 tubestock.
Remediation and restoration programs for Waverley remnants are implemented	Implement the priority projects identified in the Waverley Urban Ecology Plan	Commence implementation Q2	●	

Progress indicator: ● Completed

Delayed ●

Strategy: E6c

Increase the quality and quantity of habitat cover in Waverley LGA

4

Deliverable	Key activity	Outcome	Status	Comments
Encourage native plantings on public and private property in identified habitat corridors	Review and improve the Waverley Bushcare program	Review complete in Q2	●	

Direction: E7**Our coastal waters provide a habitat for a thriving marine ecology****Strategy: E7a**

Protect local marine biodiversity through education and enforcement

Deliverable	Key activity	Outcome	Status	Comments
Enforcement of NSW marine regulations	Customer complaints investigated and finalised	Within the service standard	●	
Partner with the Marine Discovery Centre to educate the community about our local marine environment	Support the Marine Discovery Centre, as relevant	Ongoing	●	
Work with external organisations to protect local marine biodiversity	Work with Sydney Coastal Councils Group to implement regional biodiversity programs	Ongoing	●	

Progress indicator: ● Completed

Delayed ●

Direction: E8**Waverley is an environmentally educated and committed community****Strategy: E8a**

Encourage and support community involvement in our environment program

Deliverable	Key activity	Outcome	Status	Comments
Communication and awareness activities on Councils sustainability program	Develop and implement a Sustainable Waverley community engagement strategy	Commence implementation in Q3	●	
Coordinate and support the Eastern Suburbs Sustainable Schools Network	Coordinate ESSN in partnership with Randwick and Woollahra Councils	4 meetings per year	●	
Work with local childcare centres to improve environmental performance	Provide up to date resources to Waverley childcare centres as required	Ongoing	●	Initial emphasis on primary school Green Sparks Program. Resources will be extended to cater for childcare centres. 10 Childcare centres have pledged to be part of the Second Nature Campaign and will receive access to resources through this platform
Coordinate a Waverley Sustainable Schools Program	Run Councils Sustainability Grants program	Two rounds conducted in Q1 and Q3	●	

Strategy: E8b

An environmental workshop program for Waverley residents that will facilitate positive environmental change

Deliverable	Key activity	Outcome	Status	Comments
An environmental workshop program for Waverley residents that will facilitate positive environmental change	Run Councils Sustainability Workshop series	A minimum of 4 workshops per annum	●	
A lecture and activity series developed so residents can continue to be informed and engaged in sustainability	Run Councils Sustainability Workshop series	A minimum of 4 workshops per annum	●	
A summer activities program so residents can gain a greater appreciation and understanding of the coast	Run the Sydney Coastal Councils Group Summerama program	A minimum of 2 targeted coastal activities per year	●	

Progress indicator: ● Completed

Delayed ●



SUSTAINABLE GOVERNANCE

Our Sustainable Governance directions, strategies and deliverables aid in the efficiency, transparency and accountability of Council operations. They ensure we're governed well – codes of conduct for staff and councillors, financial, asset and information management, risk and safety, organisational development, procurement policies, customer service charters, community engagement and integrated planning.

This section represents the 'governance' component of the quadruple bottom line.






Direction: G1

Inspiring community leadership is achieved through decision making processes that are open, transparent, corruption resistant and based on sound integrated planning

4

Strategy: G1a

Develop and maintain a framework of plans and policies that ensures open and transparent operations that facilitate equitable benefit sharing and progress towards sustainability

Deliverable	Key activity	Outcome	Status	Comments
Significant governance policies developed and existing policies reviewed regularly and access to Council's policy register provided	Develop and implement a policy review program for all Council policies	Corporate policies reviewed every three years		Framework has been developed and register developed. Complete review of policies has been delayed pending amalgamation
A suite of innovative integrated corporate plans that meet legislative requirements	Ensure alignment of all Corporate Plans with the Community Strategic Plan	Community Strategic Plan revised every 4 years		Community Strategic Plan review is completed. However the plan is not revised pending amalgamation decisions
A suite of integrated corporate plans that meet legislative requirements developed and maintained	Develop an annual Operational Plan	Plan adopted by Council in June 2016		
Regular reporting to Council on progress with implementation of integrated corporate plans	Regularly reporting on progress of Delivery Program	Report to Council every six months		
Regular reporting to Council on progress with implementation of integrated corporate plans	Report on progress of the Community Strategic Plan	Complete information requirements for the period 2012-2015 by June 2016		



Direction: G1

Inspiring community leadership is achieved through decision making processes that are open, transparent, corruption resistant and based on sound integrated planning

4


Strategy: G1b

Promote and embed good governance and corruption prevention practices in operational activities

Deliverable	Key activity	Outcome	Status	Comments
Regular ethics and Code of Conduct training provided for Councillors and staff	Provide ethics and Code of Conduct training to Councillors, new and existing staff	Improved compliance with requirements		Code of Conduct Training for existing staff has been scheduled for July/ August 2016. All new staff have attended Code of Conduct training. Ethics and Code of Conduct training provided to Councillors
Internal audit function supported and operating effectively and efficiently	Implement, support and review internal audit program	Internal audit program adopted, implemented and reviewed annually		

Strategy: G1c

Our leaders advocate on our behalf to promote our areas interests and win resources





Deliverable	Key activity	Outcome	Status	Comments
Advocacy for the provision of resources for the Waverley local government area	Liaise/lobby State Government to introduce laws beneficial to local government	Regional collaboration/ advocacy activities undertaken per year		

Direction: G2**Our community is actively engaged and well informed decision processes**

4




Strategy: G2a

Promote and require strategic directions that are inclusive and reflect the views of the community

Deliverable	Key activity	Outcome	Status	Comments
A Community Engagement Strategy that meets legislative requirements	Undertake a review of the Waverley Development Assessment Panel to allow greater community participation	Completed Q2		
	Develop the Bondi Junction vision	Outcomes in December 2015		
A Community Strategic Plan that is inclusive	Undertake a Community survey to inform the development of Waverley Together 4	Survey completed by April 2016		
A Community Engagement Strategy that meets legislative requirements	Coordinate community consultation on the management of Waverley Cemetery	Consultation outcomes reported to Council Q2		Council is awaiting the outcome of our application for State and National Heritage listing. A new Conservation Management Plan and Plan of Management for the Cemetery will be developed and a consultation strategy implemented




Strategy: G2b

Provide opportunities in a variety of forums for all stakeholders to contribute to community decision making

Deliverable	Key activity	Outcome	Status	Comments
Advisory committees, precinct committees and community forums supported and maintained	Manage the operations of the Precinct program	Number of precinct meetings held per year		
	Provide support to Council endorsed community participatory committees and groups	Provide support as required		
A website that supports community comment and engagement and includes a 'Have a Say' portal	Develop innovative web solutions to improve consultation and improve participation in Council activities	Increased interaction through Council's website		

Strategy: G2c

Promote and advocate communications that are targeted, accessible and clearly branded





Deliverable	Key activity	Outcome	Status	Comments
A regular professionally produced and interesting community newsletter	Content is targeted according to reader feedback	Increase in number of readers		
Communication provided in different formats and community languages including provision of language aide scheme and access to Telephone Interpreter Service (TIS)	Ensuring Council materials are accessible in key languages through on-line and telephone interpreter services	All Council communications accessible		
Social media and other communications channels improved to maximise the effectiveness of two-way communications between Council and the community, and to enhance service satisfaction	Development and monitoring of social media sites by Council	On-going increase in engagement levels of Council social media sites and posts		

Direction: G3

Services are accessible and provided in a professional, friendly and timely manner

Strategy: G3a




Promote and advocate systems and procedures that support efficient and effective service delivery which meets or exceeds customer satisfaction goals

Deliverable	Key activity	Outcome	Status	Comments
Improved business process and information systems	Implement library print management project to establish cash free transactions	Implemented Q4 subject to available funding		Will be implemented in 2016/17
	Develop and implement an "Open for Business" approach that improves key processes to make it easier to do business in Waverley	Increased business confidence and improved efficiencies related to interaction with doing business with council. Reduction of red tape and processes that negatively impact local business and local activities by Q4		Awaiting appointment of new staff
Training in systems and processes that support customer service provided to identified staff	Optimise the use of MERIT across Council to improve customer service through Learning and Development program	Implemented Q4		
	Review and implement new technology and equipment for frontline staff	Implemented Q4		

4



Strategy: G3a continued

Promote and advocate systems and procedures that support efficient and effective service delivery which meets or exceeds customer satisfaction goals

Deliverable	Key activity	Outcome	Status	Comments
More services are provided on line	Increase availability of online services	Increase in available online services		
	Implement Masterplan as part of suite of e-planning initiatives	Implemented Q4		
Enhance business process and information systems	Review business application process and identify efficiencies	2 annual process reviews conducted per sub-program area		

Strategy: G3b

Monitor and report regularly against the service standards for customer service



Deliverable	Key activity	Outcome	Status	Comments
Regular customer surveys conducted	Monitor customer satisfaction with Councils online services	80% satisfaction rate		
Performance against standards for customer requests and complaints recorded in Council's Customer Request Management System (Merit) monitored and reported	Monitor and report on customer requests and complaints in Council's customer request management system	80% completed within service standard		

Direction: G4

Coordinated, efficient and effective services are delivered through the most appropriate agencies and partnerships











Strategy: G4a

Promote and advocate the regular review of services to ensure they are efficient, effective and responsive to customer needs



Deliverable	Key activity	Outcome	Status	Comments
A program of continuous improvement in customer service	Rollout new Customer Service Strategy across Council	Roll out completed Q3		
Efficiency and effectiveness gains through increasing the variety of services delivered on-line	Development of a staff intranet that communicates and engages staff in Council's vision and mission	Intranet upgrade completed Q2		

Strategy: G4b

Provide a range of efficient and effective corporate support services







Deliverable	Key activity	Outcome	Status	Comments
Efficiency and effectiveness gains through increasing the variety of services delivered on-line	Development of a staff intranet that communicates and engages staff in Council's vision and mission	Intranet upgrade completed Q2		Second round procurement undertaken to achieve better cost benefits
Increased Project Management consistency and alignment across Council services	Deliver nominated organisation-wide projects under new Project Management Framework	Project fully implemented Q4		
Professional and timely support and assistance to Councillors and meetings of Council and Council committees	Provide agenda and minutes for meetings of Council and Council's standing committees	Within service standard		
	Provide support to Councillors to enable them to effectively carry out their official duties	Support provided within 7 days of request		
Implement Digital Waverley strategy	Provide a computer and communications network that supports the work of Council	Network available 95% of time		
	Upgrades of Core Digital Infrastructure	Upgrade completed Q2		
	Migration to Microsoft Messaging Environment (O365)	Migration completed Q2		
	Mobilisation of systems and applications	Mobilisation completed Q3		
	Finalise IT Asset Management Solution	Solution finalised Q4		
An efficient and effective payroll service	Produce fortnightly payroll and pay staff	Staff paid on time		









Strategy: G4b

Provide a range of efficient and effective corporate support services

Deliverable	Key activity	Outcome	Status	Comments
An efficient and effective payroll service	Produce fortnightly payroll and pay staff	Staff paid on time		
Council's vehicle fleet and plant maintained	Develop and implement Sustainable Fleet and Plant Management Plan	Whole of life cost, utilisation, flat rate repair		Whole of Life cost is captured in General Ledger. Not feasible to achieve a flat rate on all repairs. Vehicle re-sale prices are taken into account when purchasing
An efficient and effective payroll service	Roll out MyHR to all staff	Roll out completed Q2		All staff need access to Council email system. Project delayed until email access is enabled for all employees
	Investigate streamlining processes into an on-line environment	Completed Q4		
More services are provided on line	Introduction of electronic application lodgement and assessment processes	On-line process implemented Q3		Introduction of electronic lodgement of some application types have been completed while others are awaiting completion. Awaiting on NSW Dept of planning guidelines for assessment processes.
	Provide online planning policies	Implement and review an online property based planning scheme based on Council's LEP and DCP by December 2015		



Strategy: G4b continued

Provide a range of efficient and effective corporate support services

Deliverable	Key activity	Outcome	Status	Comments
Council's vehicle fleet and plant maintained	Develop and implement Sustainable Fleet and Plant Management Plan	Plan developed and implemented Q2		The broader sustainability elements are incorporated into the draft Sustainable Fleet Policy and Purchasing Procedures
Efficient and effective corporate procurement services	Coordinate tendering across Council	12 audits of purchasing conducted annually		
	Provide advice on purchasing	Support provided within 7 days of request		
	Undertake audits of compliance with Council's purchasing policy	12 audits completed annually		4 audits were completed
Store operations that are efficient, effective and delivered in a timely manner	Develop a stores management plan	Plan developed Q2		
More services are provided on line	Establish new reporting structure across the organisation with live KPI's/ Performance Analytics	On-line process implemented Q2		


Strategy: G4c

Pursue and participate in regional resource sharing and partnership initiatives which provide community benefits

Deliverable	Key activity	Outcome	Status	Comments
Participation in partnerships and projects through SSROC	Review participation in SSROC projects	Review finalised Q1		
Participation in partnerships and projects with other councils and organisations	Participation in Library cooperatives	Two library partnerships		

Strategy: G4d

Actively engage in industry continuous improvement and reform with government and private sector partners to seek long term community benefit.










Deliverable	Key activity	Outcome	Status	Comments
Be an industry leader in Local Government reform	Participate in the Fit for the Future program	In accordance with State requirements		

Direction: G5

Waverley is financially sustainable with revenue and resources required to support implementation of the community's plans and to provide infrastructure performance and services our community needs









Strategy: G5a

Promote and advocate the provision of financial reporting systems in an accurate, timely, transparent and honest manner to ensure sustainability of public assets and resources

Deliverable	Key activity	Outcome	Status	Comments
Financial advice and coordination to ensure Council meets overall budget performance targets providedv	Establish a new chart of accounts to streamline and facilitate better reporting and flexibility.	Completed Q3		
	Improve quarter end close off procedure for better financial management	Completed Q2		
	Review of financial aspect of asset management portfolio and perform legislative reporting	In accordance with legislative reporting		
	Manage Council's financial performance to achieve targets set	Annual budget targets met or exceeded		
	Conduct and report on quarterly reviews of budget performance	At least 7 green lights on Local Government Finance Health Check Indicators		
	Ensure year end accounts are completed	Annual financial audit completed and reported on time		
	Issue rates notices quarterly and collect rates levied	Rate notices issued in accordance with legislative timetable		
	Achieve a return on Council's cash investments	Rate of return on cash exceeds UBS Warburg AUD Bank Bill Index		
	Develop a new process of cost allocation to all services and products	Completed Q4		






Report on Financial Performance - 2015/16

Strategy: G5b**Undertake long term financial and economic planning****5.**

Deliverable	Key activity	Outcome	Status	Comments
A revised Investment Strategy	Work with internal partners to develop commercial property investment strategy	Working Group co-ordinated to work with internal partners on Council's property portfolio		Consideration of Council owned properties forming part of the Bondi Junction Civic Heart project form the basis for work being undertaken at present on Investment Strategy 3.
Four-year forecast prepared annually	Develop and report on four-year forecast	Four year forecast completed and reported Q3		
Ten year financial plan (LTFP) reviewed annually	Review and report on LTFP each year based on four year forecast and	10 year financial plan completed and reported Q3		
Council's expenditure is funded sustainably	Ensure expenditure requirements have identified funding sources	Surplus or balanced budget achieved annually		
Council's expenditure satisfies the needs of the community	Ensure budget is aligned with the Community Strategic Plan	Quarterly budget review reports to Council		
Investment Strategy that is being implemented	Implement remaining projects of Investment Strategy 2 adopted in September 2007, as revised	Progress reporting in Quarterly Budget Reviews		Relevant projects have been and are being implemented whilst others are subject to review in the new Property Investment Strategy currently being prepared
A revised Investment Strategy	Development of Investment Strategy 3 documentation	Development and revision of Investment Strategy documentation		Consideration of Council owned properties forming part of the Bondi Junction Civic Heart project form the basis for work being undertaken at present on Investment Strategy 3
Ten year financial plan (LTFP) reviewed annually	Review external funding opportunities to reduce operational costs	Ongoing		

Strategy: G5c

Promote the establishment and maintenance of commercial business operations that contribute to Waverley's financial sustainability



Deliverable	Key activity	Outcome	Status	Comments
Budgeted financial performance for Council car park business operations met or exceeded	Implement measures to increase revenue and reduce costs through effective management and development of Council car parks	Fully documented standard operating procedures for all of Council's car parks by Q2		
Investigate opportunities for funding and strategic financial management of Council facilities and programs	Develop and implement strategy to optimize revenue generating of indoor and outdoor venues	Revenue equals / > previous year		
Budgeted financial performance for all commercial leases met or exceeded	Review, evaluate and develop new strategy for management of Council's properties	Strategy developed Q4		Project is on hold pending amalgamation decisions
Budgeted financial performance for Cemetery business operations met or exceeded	Manage the Waverley Council Cemetery program	equals / > budgeted financial performance for Council operations		
Budgeted financial performance for commercial waste collection and recycling service met or exceeded	Manage Waverley Council's Commercial Waste business unit and recycling services	equals / > budgeted financial performance for Council waste operations		

Direction: G6

Regularly revise Council's Strategic Asset Management Plans and integrate with financial planning processes



Strategy: G6a

Cost effective Strategic Asset Management Plans (SAMPs) that are compliant with legislative requirements

Deliverable	Key activity	Outcome	Status	Comments
Cost effective Strategic Asset Management Plans (SAMPs) that are compliant with legislative requirements	Updated assessment of assets incorporated into preparation of SAMP5	Report on assets Q4		Project on hold pending amalgamation decisions. Awaiting preparation of a consolidated asset management plan.
Long Term Financial Plans (LTFPs) that reflect the full assessed cost of adopted Asset Management Plans	Report to Council at least annually on asset management funding	Report to Council Q3		

Strategy: G6b

Implement adopted Asset Management Plans




Deliverable	Key activity	Outcome	Status	Comments
A program of capital works developed and implemented	Asset upgrades identified in SAMP 4 are implemented	80% Condition 1&2 as per WT3		
An annual asset maintenance program	Develop annual buildings asset management program to meet the needs of the new facilities structure	Program for following year developed Q2		Program currently being updated

Direction: G7

In service delivery sound safety and risk management practices are maintained to protect the community and service agency staff




Strategy: G7a

Provide a safer environment by implementing specific risk management practices.

Deliverable	Key activity	Outcome	Status	Comments
Operational risk processes and strategies developed	Review WERM Risk Registers to manage individual risks as per the Risk Management Framework	Risk register up to date		
Developing and implementing a Disaster Recovery Plan	Working groups held with significant operational sites across Council	Plan adopted Q2		Project delayed due to IT upgrades and implementation of the Digital Strategy, therefore development of the IT Disaster Management Plan was also delayed which is the most significant component of the Business Continuity Plan
Developing and implementing a Disaster Recovery Plan	Business Continuity Committee meets on a regular basis to review and update draft Business Continuity Plans	3 meetings per annum		Consultant to be engaged in 2016 - 2017 to create new Plans as per new organisational structure. On completion of the new draft Plans, the Committee will be re-established.

Strategy: G7b

Maintain safe workplaces

Deliverable	Key activity	Outcome	Status	Comments
Number of lost time injuries and incidents reduced	Monitor and report on lost time injuries, OH&S incidents and time to complete corrective actions	5% reduction in lost time injuries		
Number of lost time injuries and incidents reduced	Monitor and report on lost time injuries, OH&S incidents and time to complete corrective actions	5% reduction in incidents		
Number of lost time injuries and incidents reduced	Monitor and report on lost time injuries, OH&S incidents and time to complete corrective actions	90 % of corrective actions raised that are closed		

Direction: G8**Community information assets are well secured and managed in an accessible way**

5

Strategy: G8a

Promote and advocate the improved management of, and access to, information across Waverley






Deliverable	Key activity	Outcome	Status	Comments
Develop and implement Knowledge Management System for enhanced access to customer service information	Implement internal knowledge management system for staff and documentation of Customer First records and procedures	System developed Q3	●	Digital Waverley has introduced ProMapp and processes and procedures have been mapped. This information will integrate with a new knowledgebase system that Digital are investigating
Records management and information access services provided	Maintain Council's records management system	90% of staff who comply with Council's Records Management Policy	●	All new and current staff sign Records Management Policy acknowledgement form. Further work is being done to further enhance compliance
	Provide records management services	90% Percentage of staff who comply with Council's Records Management Policy	●	Record management services are provided and in place. Further work is being done to further enhance compliance
	Provide advice and training in the use of Council's records management system	90% Percentage of staff who comply with Council's Records Management Policy	●	All new staff are provided with one on one TRIM training. Class room courses are also being scheduled
	Audit and report on compliance with the use of Council's records management system	90% Percentage of staff who comply with Council's Records Management Policy	●	Audit conducted. Further work is being done to further enhance compliance
Compliance with Government Information (Public Access) and Privacy and Personal Information Protection Acts	Develop and implement program for compliance with Government Information (Public Access) Act	100% of applications under GIPA and PPIP Acts processed annually in accordance with legislative timeframe	●	

Direction: G8**Community information assets are well secured and managed in an accessible way**

5

Strategy: G8a








Promote and advocate the improved management of, and access to, information across Waverley

Deliverable	Key activity	Outcome	Status	Comments
Compliance with Government Information (Public Access) and Privacy and Personal Information Protection Acts	Provide access to information under Government Information (Public Access) Act (the GIPA Act)	100% of applications under GIPA and PPIP Acts processed annually in accordance with legislative timeframe		99% GIPA applications completed in accordance with legislative framework
	Manage requests and privacy complaints under Privacy and Personal Information Protection Act (the PPIP Act)	100% of applications under GIPA and PPIP Acts processed annually in accordance with legislative timeframe		
Effectiveness of web site monitored	Web pages maintained based on relevance, currency and feedback	10% increase in number of visits to website each year		
Geographic information system (GIS) across Council maintained	Maintain and update Council's geographic information (GIS) system	Software and mapping database updates completed annually		
	Provide a publicly accessible digital mapping system	Increase in number of users accessing the mapping website from base year 2010-11		

Strategy: G8b

Promote and advocate the provision of statutory, financial and management information and reporting on time and with a high degree of accuracy

6

Deliverable	Key activity	Outcome	Status	Comments
Annual reports on key councils plans and policies completed	Explore new process and format for cross council reporting on access and equity activities	New process finalised Q1		
	Report on implementation of mandated Disability Inclusion Plan	Report Finalised in Q4		In progress as part of development of a regional approach with Randwick and Woollahra
	Explore new process and format for cross council reporting on access and equity activities	New process finalised Q1		
All reports required by legislation or requested by Government departments and agencies provided	Complete Operational Plan as required by legislation	Percentage of reports required by legislation provided on time and in required format		
	Complete and submit Annual Report by due date	Percentage of reports required by legislation provided on time and in required format		
	Provide Companion Animal reporting as required	Reports required by legislation provided on time and in required format		
	Submit annual audited financial accounts to DLG by due date	90% or above of reports required by legislation provided on time and in required format		















Direction: G9**A committed and adaptable workforce governed by good leadership makes a strong contribution to achieving the community vision**

6

Strategy: G9a






Attract and retain highly skilled employees who take pride in delivering exceptional services to achieve the community's vision.

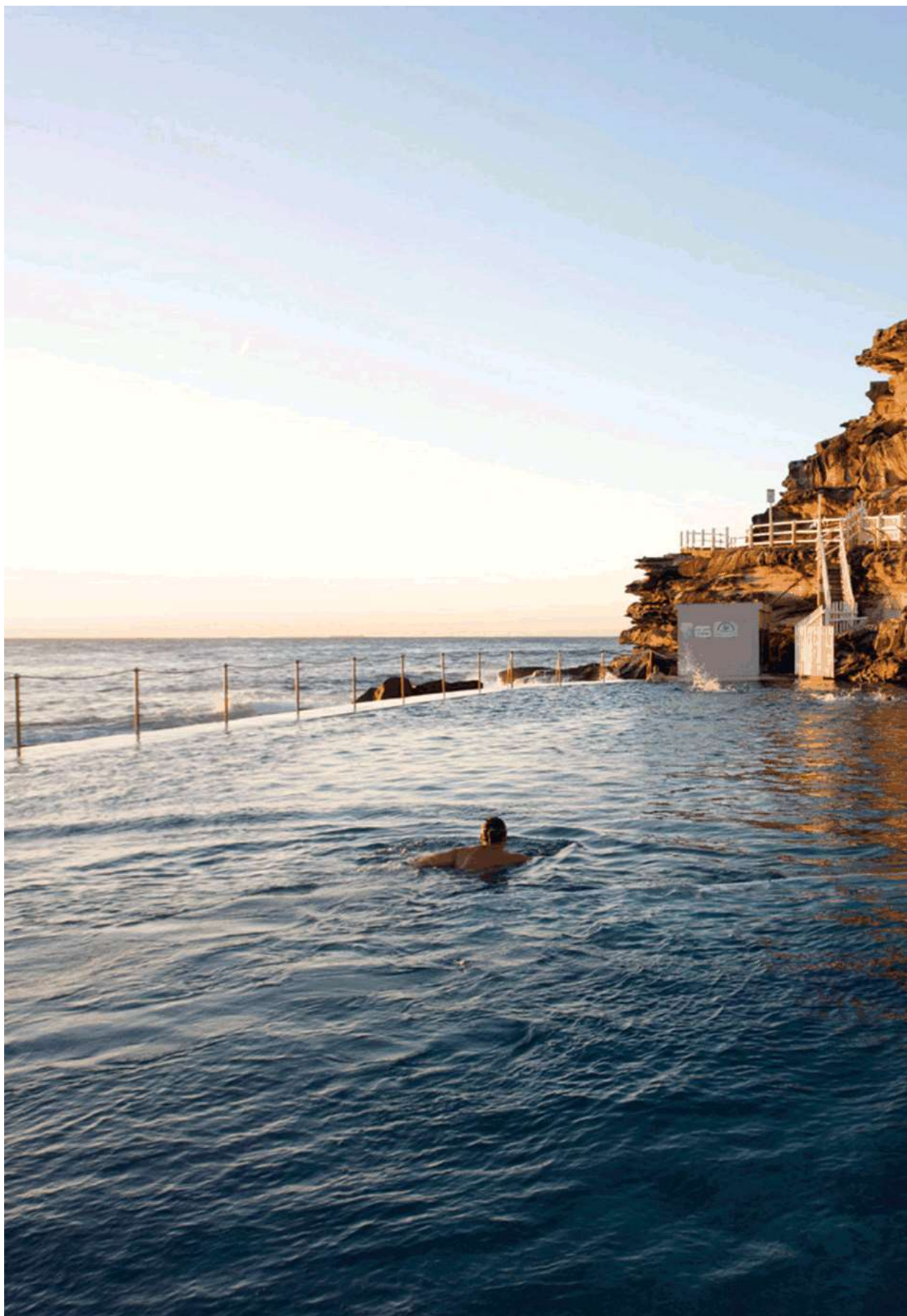
Deliverable	Key activity	Outcome	Status	Comments
Councils workforce plan is implemented	Implement an apprenticeship and traineeship program to start to develop the next generation of public sector delivery staff	Implemented Q4		Apprentices employed in Waverley Renewal and four Junior Engineer positions within Waverley Renewal. An overall program has not been developed due to competing priorities and will be implemented in 2016/2017
Promote a high performing workforce that is responsive to the needs of the Council.	Implement new Annual L&D plan with core capabilities and values integrated	Implemented Q1		
Council is attracting high quality, invested people, utilising best practice recruitment actions	Review Council's employee establishment with the Executive Leadership Team to ensure Council has the necessary skills and resources to meet our community's service expectations	Ongoing		
	Review recruitment processes and branding to engage current and future staff	Review completed Q2		Complete review of recruitment has been delayed pending amalgamation. Improvements to transitioning to on-line system have been implemented, in addition to improvement in Authority To Recruit process
Improved Waverley Performance Business Processes and Practices	Upgrade Waverley Performance Systems (HRMS - Human Resource Management Systems) across People Culture Learning and Safety.	Upgrade complete Q4		
	Review against best practice to develop HR policies, supporting documentation and training programs, replacing all current documents	Review completed Q3		Initial review initiated but total review of policies is delayed due to awaiting amalgamation decisions.



Strategy: G9b

Create a positive organisational culture that build skills in alignment with Council's mission and values

Deliverable	Key activity	Outcome	Status	Comments
Implement annual Leadership Development Action Plan	Executive & Senior Leadership team approved professional development plans – attendance on courses, mentoring or coaching request are scheduled.	Annual ESLT development plans are developed and rolled out		TREC into Learning rolling out in July 2016 and Leadership Core Capabilities captured in this process.
	Executive & Senior Leadership team approved professional development plans – attendance on courses, mentoring or coaching request are scheduled.	Organisational wide OCI/LSI survey data or pulse survey results		
Develop staff to deliver future services in line with Council's strategic objectives	Implement initiatives to create a positive performance culture that builds skills in alignment with Council's Mission and Values	Ongoing		Delayed due to resource constraints. This will be implemented in 2016/2017
Improved performance management system for senior leadership to monitor achievement and ensure accountability	Review, engage key stakeholders and develop new performance management system for senior leadership to monitor achievement and ensure accountability	New system implemented Q2		System implementation delayed due to amalgamation. The three Councils will need to investigate a leadership framework/ system and it was deemed not viable to introduce a system which may soon be superseded.
	Develop new online annual performance review system	New online annual performance review system implemented Q3		System implementation delayed due to amalgamation. The three Councils will need to investigate a performance management on-line platform and it was deemed not viable to introduce a system which may soon be superseded.



REPORT CM/7.2/16.09



Subject: Investment Portfolio Report - July 2016

TRIM No.: A03/2211

Author: Francesco Rombola, Executive Manager Financial Waverley

Director: Peter Brown, General Manager

RECOMMENDATION:

That Council:

1. Receives the investment Portfolio Report – July 2016.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders and Council's Investment Policy.

1. Executive Summary

For July 2016, Council's investment portfolio generated \$273,497 of interest. As this is the first period for the 2016 – 2017 financial, \$273,497 is also the year to date figure.

The \$273,497 represents a monthly movement of 10.21% when compared to the \$2,678,258 annual budget, as adopted on the 21st June 2016 Council meeting.

The interest on investment budget for the 2016 - 2017 Financial Year was adopted by Council at the June 21st 2016 Council meeting and was set at \$2,678,258 for the 2016 - 2017 Financial year. It will be reviewed and, if required, revised quarterly as part of Councils regular quarterly reviews.

2 Introduction/Background

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

The following table below illustrates the monthly interest income received by Council and how this tracks against the original budget and any quarterly adjustments.

Month	Original Budget (\$,000)	Actual Monthly (\$,000)	Actual YTD (\$)	Tracking YTD Original Budget %
July	2,678,258	273,497	273,497	10.21

2. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council Meeting 16 August 2016	CM/7.1/16.07	That Council: 1. Receives the Investment Portfolio Report – July 2016. 2. Notes that all investments have been made in accordance with the requirements of section 625 of the <i>Local Government Act 1993</i> and directions from the Minister for Local Government, including Ministerial Investment Orders and Council's Investment Policy.
Council Meeting 21 June 2016	CM/7.3/16.06	That Council: 1. Adopts the Investment Policy 2016, as attached to this report. 2. Notes and endorses the retrospective changes and clarification to previous Investment Policies.

3. Discussion

For the month of July 2016 Council's cash investment portfolio generated interest earnings of \$273,456 or 10.21% of the full year budget of \$2,678,258.

Council's investment portfolio posted a Marked-to-Market return in July 2016 of 3.43% pa versus the AusBond Bank Bill Index benchmark return of 2.06% pa. Based on the 'yield only' calculation (Weighted Return of Investments) the portfolio posted a return of 3.00% pa.

The 3.43% Marked-to-Market return is a calculated figure supplied by our external independent investment advisors. It is derived by discounting future cash flows by the bank bill swap rate (adjusted for the bank's credit rating), to gain a net present value of the investments and in turn an annual rate of return. In the instance of the interest rate being higher than the adjusted swap rate, the annual rate of return is skewed by investments made within that period, as the margin produces an inflated net present value which unwinds as the investment advances to maturity. This therefore adversely affects the performance calculation in later months despite no impact on actual interest earned.

For the financial year to date, Council's investment portfolio has exceeded the AusBond bank bill index benchmark by 1.38% pa (3.43% vs 2.06% pa)

Portfolio Value

Council's investment portfolio, as at 31 July 2016, has a current market value of \$137,962,293 which represents a premium of \$1,110,113 above the \$136,852,181 face value of the portfolio with the portfolio generating a 2.92% average purchase yield. The table below provides a summary by investment (asset) type.

Asset Group	Face Value	Current Value	\$ Gain / (Loss)	Average Purchase Yield
Fixed Rate Bonds	\$1,500,000	\$1,571,793	\$71,793	6.00%
Cash Accounts	\$12,344,040	\$12,344,040	\$0	1.29%
Floating Rate Notes	\$23,000,000	\$23,201,406	\$201,406	3.14%

Floating Rate Term Deposits	\$3,000,000	\$3,017,096	\$17,096	4.00%
Managed Funds	\$4,108,141	\$4,108,141	\$0	2.83%
Term Deposits	\$92,900,000	\$93,719,818	\$819,818	3.00%
	\$136,852,181	\$137,962,294	\$1,110,113	2.92%

Analysis

Attached to this report is the Summary of Investment Portfolio, as prepared by Council's independent financial advisor, Prudential Investment Services Corp, for the period ending 31 July 2016.

Included in that report is a table showing that Council's investment portfolio, over the last twelve months, has exceeded the AusBond bank bill index benchmark by 0.48% pa (2.72% vs 2.23% pa), and for the month of July it has exceeded the AusBond bank bill index by 1.38% pa (3.43 to 2.06). The Portfolio achieved the stated benchmark measure 'Rate of return on cash exceeds AusBond Bank Bill Index' as illustrated in the table below:

Month	Portfolio Last 12 months %	Benchmark Last 12 months %	Variance %
Aug-15	3.50	2.15	1.35
Sep-15	2.10	2.16	-0.07
Oct-15	3.09	2.25	0.84
Nov 15	1.67	2.05	-0.38
Dec-15	2.38	2.28	0.10
Jan-16	3.27	2.39	0.88
Feb-16	2.38	2.26	0.12
Mar-16	2.42	2.36	0.06
Apr-16	2.99	2.45	0.54
May-16	2.62	2.30	0.32
Jun-16	2.63	2.02	0.61
July-16	3.43	2.06	1.38
Average % return Over the last 12 months	2.72	2.23	0.48

4. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

- Direction: G5 Waverley is financially sustainable with revenue and resources required to support implementation of the community's plans and to provide infrastructure performance and services our community needs.
- Strategy: G5a Promote and advocate the provision of financial reporting systems in an accurate, timely, transparent and honest manner to ensure sustainability of public assets and resources.
- Deliverable: Financial advice and coordination to ensure Council meets overall budget performance targets provided.

5. Financial impact statement/Timeframe/Consultation

As at 31 July 2016, Council achieved an interest income of \$273,497 which represents 10.21% of the total 2016-017 budgeted income of 2,678,258. At this stage it is expected that council is on track to meet its forecasted budget income.

This report has been prepared in consultation with Council's Management and Systems Accountant, Accounts receivable officer and Council's independent financial advisers, Prudential Investment Services Corp.

6. Conclusion

Council's investment portfolio has achieved \$273,497 in interest receipts for the month of July 2016, and as July is the first period of the 2016-2017 financial year it is also the financial year to date figure. Council is on track to meet its forecasted 2016-2017 budgeted interest income figure of \$2,678,258.

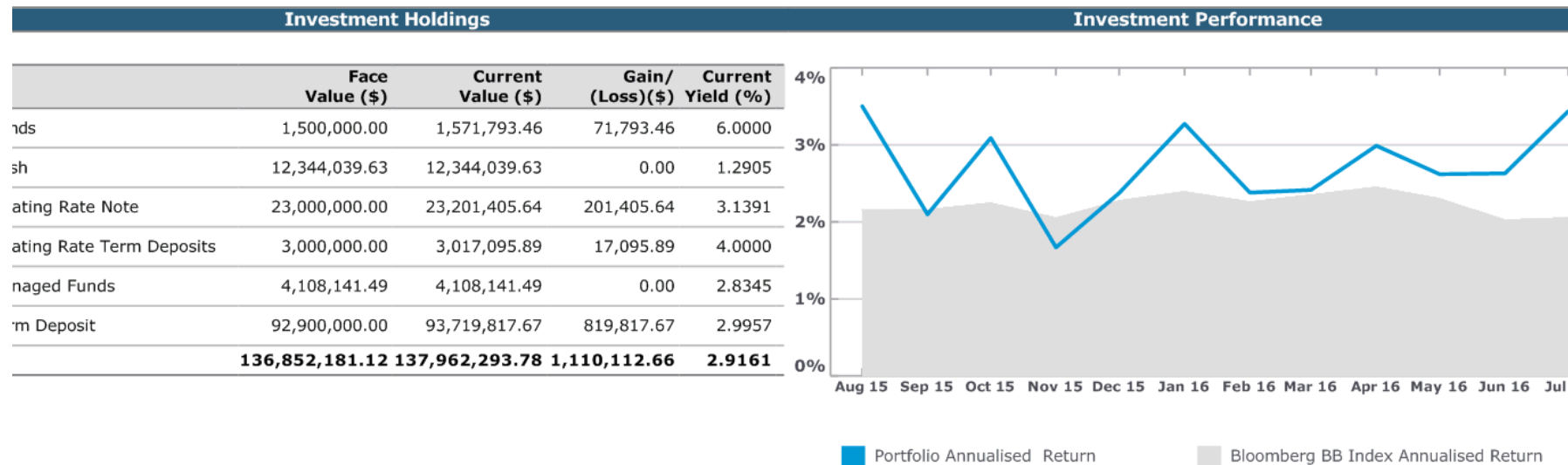
7. Attachments:

1. Waverley Council - Summary of Investment Portfolio - July 2016



Investment Summary Report July 2016

Executive Summary



Investment Holdings Report



Cash Accounts

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
5,000,000.00	1.3500%	Commonwealth Bank of Australia	A-1+	5,000,000.00	120789	24hr Ca
3,464,213.55	1.2500%	Commonwealth Bank of Australia	A-1+	3,464,213.55	120794	General Func
28,775.38	1.2500%	Commonwealth Bank of Australia	A-1+	28,775.38	120795	Trust Func
2,446,768.03	1.2500%	Commonwealth Bank of Australia	A-1+	2,446,768.03	120796	Cemetery Func
1,350,217.00	1.2500%	Commonwealth Bank of Australia	A-1+	1,350,217.00	120797	Depositor Func
5,329.78	1.2500%	Commonwealth Bank of Australia	A-1+	5,329.78	120799	Denison St C
24,492.08	1.2500%	Commonwealth Bank of Australia	A-1+	24,492.08	120800	Eastgate C
7,992.17	1.2500%	Commonwealth Bank of Australia	A-1+	7,992.17	120801	Hollywood Av C
16,251.64	1.2500%	Commonwealth Bank of Australia	A-1+	16,251.64	370151	Library Gi
12,344,039.63	1.2905%			12,344,039.63		

Managed Funds

Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
4,108,141.49	2.8345%	New South Wales T-Corp	MF	Cash Facility	4,108,141.49	505262	
4,108,141.49	2.8345%				4,108,141.49		

Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
-Aug-16	2,500,000.00	2.8500%	National Australia Bank	A-1+	2,500,000.00	4-Nov-15	2,552,900.68	511042	52,900.68	AtMaturity	
-Aug-16	2,000,000.00	3.1000%	Bank of Queensland	A-2	2,000,000.00	11-Feb-16	2,029,216.44	533159	29,216.44	AtMaturity	
-Aug-16	4,000,000.00	2.9500%	National Australia Bank	A-1+	4,000,000.00	25-May-15	4,021,983.56	505252	21,983.56	Annually	
-Aug-16	4,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	4,000,000.00	25-Aug-15	4,103,068.49	508258	103,068.49	AtMaturity	
-Aug-16	2,000,000.00	2.9000%	ME Bank	A-2	2,000,000.00	31-May-16	2,009,852.05	533744	9,852.05	AtMaturity	
-Sep-16	9,000,000.00	3.0500%	National Australia Bank	A-1+	9,000,000.00	20-Mar-15	9,100,023.29	503202	100,023.29	Annually	
-Sep-16	3,000,000.00	2.9500%	National Australia Bank	A-1+	3,000,000.00	20-May-16	3,017,700.00	533680	17,700.00	AtMaturity	
-Sep-16	3,500,000.00	2.9200%	Suncorp Bank	A-1	3,500,000.00	20-Jun-16	3,511,760.00	533842	11,760.00	AtMaturity	

Investment Holdings Report



Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
-Sep-16	3,000,000.00	3.0100%	National Australia Bank	A-1+	3,000,000.00	24-Mar-15	3,032,161.64	503243	32,161.64	Annually	
-Oct-16	3,900,000.00	3.1000%	National Australia Bank	A-1+	3,900,000.00	30-Mar-16	3,941,072.88	533373	41,072.88	AtMaturity	
-Oct-16	2,500,000.00	3.1000%	National Australia Bank	A-1+	2,500,000.00	13-Apr-16	2,523,356.16	533422	23,356.16	AtMaturity	
-Oct-16	2,500,000.00	3.1500%	Bank of Queensland	A-2	2,500,000.00	13-Apr-16	2,523,732.88	533423	23,732.88	AtMaturity	
-Oct-16	3,000,000.00	2.9500%	ME Bank	A-2	3,000,000.00	20-May-16	3,017,700.00	533682	17,700.00	AtMaturity	
-Oct-16	2,500,000.00	2.9300%	Commonwealth Bank of Australia	A-1+	2,500,000.00	20-Nov-15	2,551,174.66	511203	51,174.66	AtMaturity	
-Oct-16	3,000,000.00	3.1000%	Bank of Queensland	A-2	3,000,000.00	29-Mar-16	3,031,849.32	533369	31,849.32	AtMaturity	
-Nov-16	2,000,000.00	2.9400%	National Australia Bank	A-1+	2,000,000.00	31-May-16	2,009,987.95	533745	9,987.95	AtMaturity	
-Nov-16	2,500,000.00	3.0000%	Suncorp Bank	A-1	2,500,000.00	15-Jun-16	2,509,657.53	533820	9,657.53	AtMaturity	
-Nov-16	3,500,000.00	2.9500%	Suncorp Bank	A-1	3,500,000.00	20-Jun-16	3,511,880.82	533840	11,880.82	AtMaturity	
-Dec-16	1,500,000.00	3.1000%	Westpac Group	A-1+	1,500,000.00	5-May-16	1,511,210.96	533530	11,210.96	AtMaturity	
-Dec-16	1,500,000.00	3.1000%	Westpac Group	A-1+	1,500,000.00	5-May-16	1,511,210.96	533531	11,210.96	AtMaturity	
-Dec-16	4,500,000.00	3.0500%	National Australia Bank	A-1+	4,500,000.00	20-Mar-15	4,550,011.64	503203	50,011.64	Annually	
-Dec-16	4,000,000.00	2.9600%	Suncorp Bank	A-1	4,000,000.00	23-Jun-16	4,012,650.96	533901	12,650.96	AtMaturity	
-Dec-16	4,500,000.00	3.0400%	Commonwealth Bank of Australia	A-1+	4,500,000.00	20-Mar-15	4,549,847.67	503206	49,847.67	SemiAnnually	
-Jan-17	2,000,000.00	2.9400%	National Australia Bank	A-1+	2,000,000.00	31-May-16	2,009,987.95	533746	9,987.95	AtMaturity	
-Jan-17	2,000,000.00	2.9500%	National Australia Bank	A-1+	2,000,000.00	6-Jul-16	2,004,202.74	534010	4,202.74	AtMaturity	
-Jan-17	5,000,000.00	3.0000%	Suncorp Bank	A-1	5,000,000.00	20-Jun-16	5,017,260.27	533841	17,260.27	AtMaturity	
-Mar-17	3,000,000.00	3.1200%	ME Bank	A-2	3,000,000.00	29-Mar-16	3,032,054.79	533370	32,054.79	AtMaturity	
-Apr-17	1,000,000.00	3.2000%	ME Bank	A-2	1,000,000.00	21-Apr-16	1,008,942.47	533432	8,942.47	AtMaturity	
-Apr-17	3,500,000.00	2.9000%	National Australia Bank	A-1+	3,500,000.00	20-Jul-16	3,503,336.99	534050	3,336.99	AtMaturity	
May-17	2,000,000.00	2.9500%	Bendigo and Adelaide Bank	A-2	2,000,000.00	31-May-16	2,010,021.92	533747	10,021.92	AtMaturity	
92,900,000.00		2.9957%			92,900,000.00		93,719,817.67		819,817.67		

Investment Holdings Report



Floating Rate Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date
Jun-21	3,000,000.00	4.0000%	Commonwealth Bank of Australia ¾yr@4.00% then 3moBBSW+1.08%	AA-	3,000,000.00	10-Jun-16	3,017,095.89	533800	17,095.89	12-Sep-16
3,000,000.00		4.0000%			3,000,000.00		3,017,095.89		17,095.89	

Floating Rate Notes

Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date
Nov-16	2,000,000.00	3.2350%	ME Bank Snr FRN (Nov16) BBSW+1.25%	A-2	2,000,000.00	28-Nov-13	2,014,707.40	402974	11,167.40	29-Aug-16
May-17	3,000,000.00	3.1833%	BEN Snr FRN (May17) BBSW+1.20%	A-2	3,007,948.76	12-Sep-13	3,032,124.72	398449	19,884.72	17-Aug-16
Oct-18	2,500,000.00	2.7149%	CBA Snr FRN (Oct18) BBSW+0.78%	AA-	2,500,000.00	19-Oct-15	2,507,592.36	510101	2,417.36	19-Oct-16
Nov-18	2,000,000.00	3.2550%	BEN Snr FRN (Nov18) BBSW+1.27%	A-	2,004,260.00	5-Feb-14	2,024,793.42	420520	13,733.42	15-Aug-16
May-19	7,000,000.00	2.9950%	WBC Snr FRN (May19) BBSW+1.00%	AA-	7,000,000.00	11-Mar-16	7,083,163.84	533331	47,673.84	10-Aug-16
Apr-20	3,000,000.00	3.3150%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB+	3,000,000.00	7-Apr-15	3,007,321.64	504013	6,811.64	7-Oct-16
Apr-21	1,500,000.00	3.3500%	SUN Snr FRN (Apr21) BBSW+1.38%	A+	1,500,000.00	12-Apr-16	1,510,268.42	533415	2,753.42	12-Oct-16
May-21	2,000,000.00	3.4733%	BoQ Snr FRN (May21) BBSW+1.48%	A-	2,000,000.00	18-May-16	2,021,433.84	533605	14,273.84	18-Aug-16
23,000,000.00		3.1391%			23,012,208.76		23,201,405.64		118,715.64	

Fixed Rate Bonds

Maturity Date	Face Value (\$)	Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield
Feb-17	1,500,000.00	6.0000%	NAB Snr Bond (Feb17) 6.00%	A-1+	1,483,470.00	15-Feb-12	1,571,793.46	336188	41,538.46	6.2601%
1,500,000.00					1,483,470.00		1,571,793.46		41,538.46	6.2601%

Accrued Interest Report



Accrued Interest Report

Asset Type	Deal Number	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days Accrued	Interest Accrued (\$)	Percentage Return
Bonds								
B Snr Bond (Feb17) 6.00%	336188	1,500,000.00	15-Feb-12	15-Feb-17	0.00	31	7,664.84	6.00%
					0.00		7,664.84	6.00%
Shares								
Commonwealth Bank of Australia	120789	5,000,000.00				31		
Commonwealth Bank of Australia	120794	3,464,213.55				31		
Commonwealth Bank of Australia	120795	28,775.38				31		
Commonwealth Bank of Australia	120796	2,446,768.03				31		
Commonwealth Bank of Australia	120797	1,350,217.00				31		
Commonwealth Bank of Australia	120799	5,329.78				31		
Commonwealth Bank of Australia	120800	24,492.08				31		
Commonwealth Bank of Australia	120801	7,992.17				31		
Commonwealth Bank of Australia	370151	16,251.64				31		
Floating Rate Note								
Bank Snr FRN (Nov16) BBSW+1.25%	402974	2,000,000.00	28-Nov-13	28-Nov-16	0.00	31	5,495.07	3.23%
V Snr FRN (May17) BBSW+1.20%	398449	3,000,000.00	17-Sep-13	17-May-17	0.00	31	8,110.87	3.18%
A Snr FRN (Oct18) BBSW+0.78%	510101	2,500,000.00	19-Oct-15	19-Oct-18	19,105.00	31	6,196.38	2.92%
V Snr FRN (Nov18) BBSW+1.27%	420520	2,000,000.00	10-Feb-14	14-Nov-18	0.00	31	5,529.04	3.25%
C Snr FRN (May19) BBSW+1.00%	533331	7,000,000.00	11-Mar-16	10-May-19	0.00	31	17,805.89	3.00%
3S Snr FRN (Apr20) BBSW+1.35%	504013	3,000,000.00	7-Apr-15	7-Apr-20	27,038.22	31	8,594.38	3.37%
N Snr FRN (Apr21) BBSW+1.38%	533415	1,500,000.00	12-Apr-16	12-Apr-21	13,612.60	31	4,398.90	3.45%
Q Snr FRN (May21) BBSW+1.48%	533605	2,000,000.00	18-May-16	18-May-21	0.00	31	5,899.85	3.47%
					59,755.82		62,030.39	3.18%

Accrued Interest Report



Accrued Interest Report

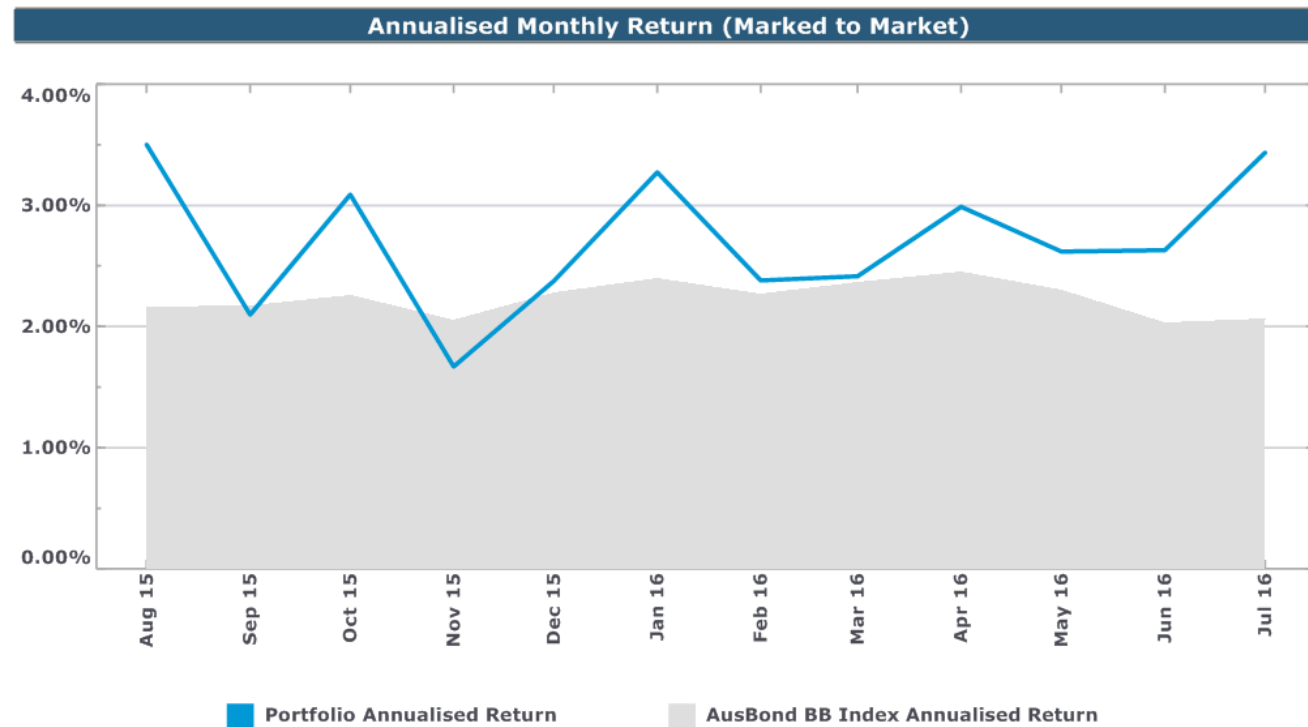
Asset Type	Deal Number	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days Accrued	Interest Accrued (\$)	Percentage Return
Fixed Rate Term Deposits								
Commonwealth Bank of Australia	533800	3,000,000.00	10-Jun-16	10-Jun-21	0.00	31	10,191.78	4.00%
					0.00		10,191.78	4.00%
Managed Funds								
W South Wales T-Corp	505262	4,108,141.49	30-Jun-15	31-Dec-16	0.00	31	9,740.68	2.83%
					0.00		9,740.68	2.83%
Term Deposit								
Bank of Queensland	533150	3,000,000.00	4-Feb-16	6-Jul-16	38,354.79	5	1,253.42	3.05%
Bank of Queensland	533073	2,500,000.00	12-Jan-16	13-Jul-16	38,856.16	12	2,547.95	3.10%
Commonwealth Bank of Australia	508171	3,500,000.00	17-Aug-15	20-Jul-16	92,371.23	19	5,192.47	2.85%
Heritage Bank	533345	3,000,000.00	17-Mar-16	27-Jul-16	35,260.27	26	6,945.21	3.25%
National Australia Bank	511042	2,500,000.00	4-Nov-15	3-Aug-16	0.00	31	6,051.37	2.85%
Bank of Queensland	533159	2,000,000.00	11-Feb-16	9-Aug-16	0.00	31	5,265.75	3.10%
National Australia Bank	505252	4,000,000.00	25-May-15	23-Aug-16	0.00	31	10,021.92	2.95%
Indigo and Adelaide Bank	508258	4,000,000.00	25-Aug-15	24-Aug-16	0.00	31	9,342.47	2.75%
Bank	533744	2,000,000.00	31-May-16	31-Aug-16	0.00	31	4,926.03	2.90%
National Australia Bank	503202	9,000,000.00	20-Mar-15	20-Sep-16	0.00	31	23,313.70	3.05%
National Australia Bank	533680	3,000,000.00	20-May-16	20-Sep-16	0.00	31	7,516.44	2.95%
Corp Bank	533842	3,500,000.00	20-Jun-16	20-Sep-16	0.00	31	8,680.00	2.92%
National Australia Bank	503243	3,000,000.00	24-Mar-15	28-Sep-16	0.00	31	7,669.32	3.01%
National Australia Bank	533373	3,900,000.00	30-Mar-16	5-Oct-16	0.00	31	10,268.22	3.10%
National Australia Bank	533422	2,500,000.00	13-Apr-16	12-Oct-16	0.00	31	6,582.19	3.10%
Bank of Queensland	533423	2,500,000.00	13-Apr-16	12-Oct-16	0.00	31	6,688.36	3.15%
Commonwealth Bank of Australia	511203	2,500,000.00	20-Nov-15	19-Oct-16	0.00	31	6,221.23	2.93%

Accrued Interest Report



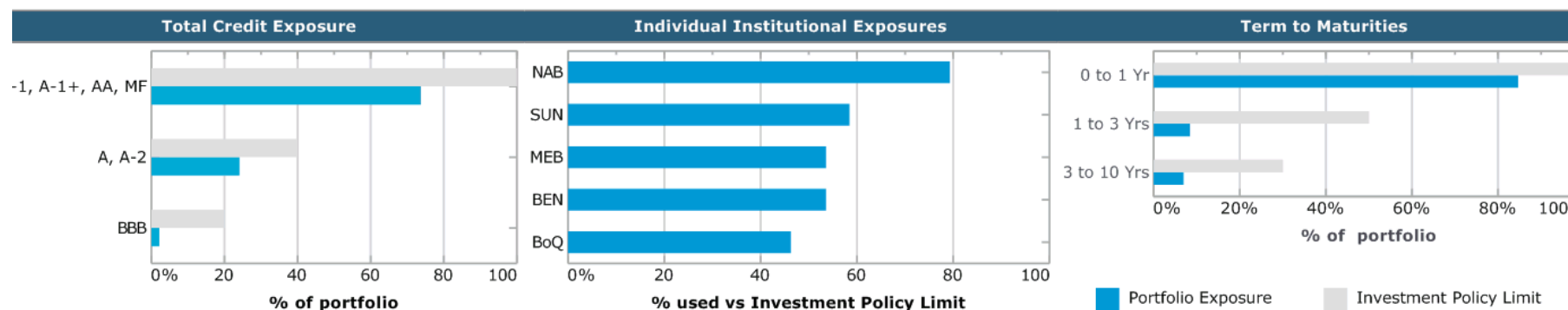
Accrued Interest Report								
Asset Type	Deal Number	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days Accrued	Interest Accrued (\$)	Percentage Return
Bank	533682	3,000,000.00	20-May-16	19-Oct-16	0.00	31	7,516.44	2.95%
Bank of Queensland	533369	3,000,000.00	29-Mar-16	26-Oct-16	0.00	31	7,898.63	3.10%
National Australia Bank	533745	2,000,000.00	31-May-16	2-Nov-16	0.00	31	4,993.97	2.94%
ANZ Bank	533820	2,500,000.00	15-Jun-16	16-Nov-16	0.00	31	6,369.86	3.00%
ANZ Bank	533840	3,500,000.00	20-Jun-16	23-Nov-16	0.00	31	8,769.18	2.95%
Westpac Group	533530	1,500,000.00	5-May-16	5-Dec-16	0.00	31	3,949.32	3.10%
Westpac Group	533531	1,500,000.00	5-May-16	5-Dec-16	0.00	31	3,949.32	3.10%
National Australia Bank	503203	4,500,000.00	20-Mar-15	20-Dec-16	0.00	31	11,656.85	3.05%
Commonwealth Bank of Australia	503206	4,500,000.00	20-Mar-15	20-Dec-16	0.00	31	11,618.63	3.04%
ANZ Bank	533901	4,000,000.00	23-Jun-16	20-Dec-16	0.00	31	10,055.89	2.96%
National Australia Bank	533746	2,000,000.00	31-May-16	4-Jan-17	0.00	31	4,993.97	2.94%
National Australia Bank	534010	2,000,000.00	6-Jul-16	4-Jan-17	0.00	26	4,202.74	2.95%
ANZ Bank	533841	5,000,000.00	20-Jun-16	18-Jan-17	0.00	31	12,739.73	3.00%
Bank	533370	3,000,000.00	29-Mar-16	29-Mar-17	0.00	31	7,949.59	3.12%
Bank	533432	1,000,000.00	21-Apr-16	19-Apr-17	0.00	31	2,717.81	3.20%
National Australia Bank	534050	3,500,000.00	20-Jul-16	26-Apr-17	0.00	12	3,336.99	2.90%
Indigo and Adelaide Bank	533747	2,000,000.00	31-May-16	31-May-17	0.00	31	5,010.96	2.95%
					204,842.47		246,215.89	3.00%
Grand Totals					264,598.29		335,843.57	3.09%

Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Jul 2016	3.43%	2.06%	1.38%
Last 3 Months	2.90%	2.13%	0.77%
Last 6 Months	2.75%	2.25%	0.51%
Financial Year to Date	3.43%	2.06%	1.38%
Last 12 months	2.72%	2.23%	0.48%

Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	18,500,000	
Short Term	A-1+	65,744,040	
Short Term	MF	4,108,141	
Long Term	AA	12,500,000	
		100,852,181	74% 100% ✓
Short Term	A-2	27,500,000	
Long Term	A	5,500,000	
		33,000,000	24% 40% ✓
Long Term	BBB	3,000,000	
		3,000,000	2% 20% ✓
		136,852,181	100%

✓ = compliant
✗ = non-compliant

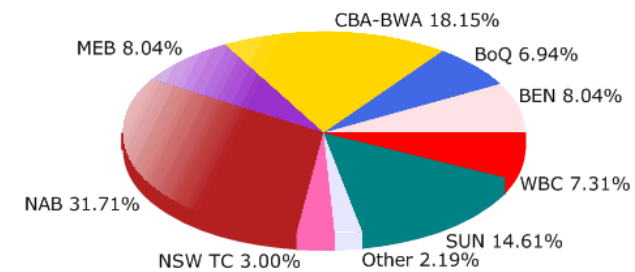
	% used vs Investment Policy Limit
National Australia Bank (A-1+, AA-)	79% ✓
Suncorp Bank (A-1, A+)	58% ✓
Members Equity Bank (A-2, BBB+)	54% ✓
Bendigo and Adelaide Bank (A-2, A-)	54% ✓
Bank of Queensland (A-2, A-)	46% ✓
Commonwealth Bank of Australia (A-1+, AA-)	45% ✓
Newcastle Permanent Building Society (A-2,	22% ✓
Westpac Group (A-1+, AA-)	18% ✓
New South Wales T-Corp (MF)	3% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	115,852,181	85% 100%
Between 1 and 3 Years	11,500,000	8% 50%
Between 3 and 10 Years	9,500,000	7% 30%
	136,852,181	
Detailed Maturity Profile		Face Value (\$)
00. Cash	12,344,040	9%
01. Less Than 30 Days	12,500,000	9%
02. Between 30 Days and 60 Days	20,500,000	15%
03. Between 60 Days and 90 Days	17,400,000	13%
04. Between 90 Days and 180 Days	39,108,141	29%
05. Between 180 Days and 365 Days	14,000,000	10%
06. Between 365 Days and 3 Years	11,500,000	8%
07. Between 3 Years and 5 Years	9,500,000	7%
	136,852,181	

Individual Institutional Exposures Report



Individual Institutional Exposures				Individual Institutional Exposure Charts																															
Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)																																
Bank of Queensland	A-2, A-	9,500,000	20,527,827	<table><thead><tr><th>Bank</th><th>Portfolio Exposure (\$)</th><th>Investment Policy Limit (\$)</th></tr></thead><tbody><tr><td>BEN</td><td>5,000,000</td><td>15,000,000</td></tr><tr><td>BoQ</td><td>5,000,000</td><td>15,000,000</td></tr><tr><td>CBA-B.</td><td>20,000,000</td><td>50,000,000</td></tr><tr><td>MEB</td><td>5,000,000</td><td>15,000,000</td></tr><tr><td>NAB</td><td>40,000,000</td><td>50,000,000</td></tr><tr><td>NPBS</td><td>1,000,000</td><td>10,000,000</td></tr><tr><td>NSW TC</td><td>1,000,000</td><td>140,000,000</td></tr><tr><td>SUN</td><td>15,000,000</td><td>30,000,000</td></tr><tr><td>WBC</td><td>5,000,000</td><td>50,000,000</td></tr></tbody></table>		Bank	Portfolio Exposure (\$)	Investment Policy Limit (\$)	BEN	5,000,000	15,000,000	BoQ	5,000,000	15,000,000	CBA-B.	20,000,000	50,000,000	MEB	5,000,000	15,000,000	NAB	40,000,000	50,000,000	NPBS	1,000,000	10,000,000	NSW TC	1,000,000	140,000,000	SUN	15,000,000	30,000,000	WBC	5,000,000	50,000,000
Bank	Portfolio Exposure (\$)	Investment Policy Limit (\$)																																	
BEN	5,000,000	15,000,000																																	
BoQ	5,000,000	15,000,000																																	
CBA-B.	20,000,000	50,000,000																																	
MEB	5,000,000	15,000,000																																	
NAB	40,000,000	50,000,000																																	
NPBS	1,000,000	10,000,000																																	
NSW TC	1,000,000	140,000,000																																	
SUN	15,000,000	30,000,000																																	
WBC	5,000,000	50,000,000																																	
Endigo and Adelaide Bank	A-2, A-	11,000,000	20,527,827																																
Commonwealth Bank of Australia	A-1+, AA-	24,844,040	54,740,872																																
Members Equity Bank	A-2, BBB+	11,000,000	20,527,827																																
National Australia Bank	A-1+, AA-	43,400,000	54,740,872																																
New South Wales T-Corp	MF	4,108,141	136,852,181																																
Newcastle Permanent Building Society	A-2, BBB+	3,000,000	13,685,218																																
uncorp Bank	A-1, A+	20,000,000	34,213,045																																
Westpac Group	A-1+, AA-	10,000,000	54,740,872																																
136,852,181																																			



Cash Flows Report



Current Month Cashflows							
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received		
6-Jul-16	533150	Bank of Queensland	Term Deposits	Interest - Received	38,354.79		
		Bank of Queensland	Term Deposits	Maturity Face Value - Received	3,000,000.00		
		Deal Total			3,038,354.79		
	534010	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00		
				Deal Total			-2,000,000.00
				Day Total			1,038,354.79
7-Jul-16	504013	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	27,038.22		
				Deal Total			27,038.22
				Day Total			27,038.22
12-Jul-16	533415	Suncorp Bank	Floating Rate Note	Coupon - Received	13,612.60		
				Deal Total			13,612.60
				Day Total			13,612.60
13-Jul-16	533073	Bank of Queensland	Term Deposits	Interest - Received	38,856.16		
		Bank of Queensland	Term Deposits	Maturity Face Value - Received	2,500,000.00		
		Deal Total			2,538,856.16		
			Day Total			2,538,856.16	
19-Jul-16	510101	Commonwealth Bank of Australia	Floating Rate Note	Coupon - Received	19,105.00		
				Deal Total			19,105.00
				Day Total			19,105.00
20-Jul-16	508171	Commonwealth Bank of Australia	Term Deposits	Interest - Received	92,371.23		
		Commonwealth Bank of Australia	Term Deposits	Maturity Face Value - Received	3,500,000.00		
		Deal Total			3,592,371.23		
	534050	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-3,500,000.00		
				Deal Total			-3,500,000.00
				Day Total			92,371.23
27-Jul-16	533345	Heritage Bank	Term Deposits	Interest - Received	35,260.27		
		Heritage Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00		
		Deal Total			3,035,260.27		

Cash Flows Report



Current Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
Day Total					3,035,260.27
Net Cash Movement for Period					6,764,598.29

Next Month Cashflows

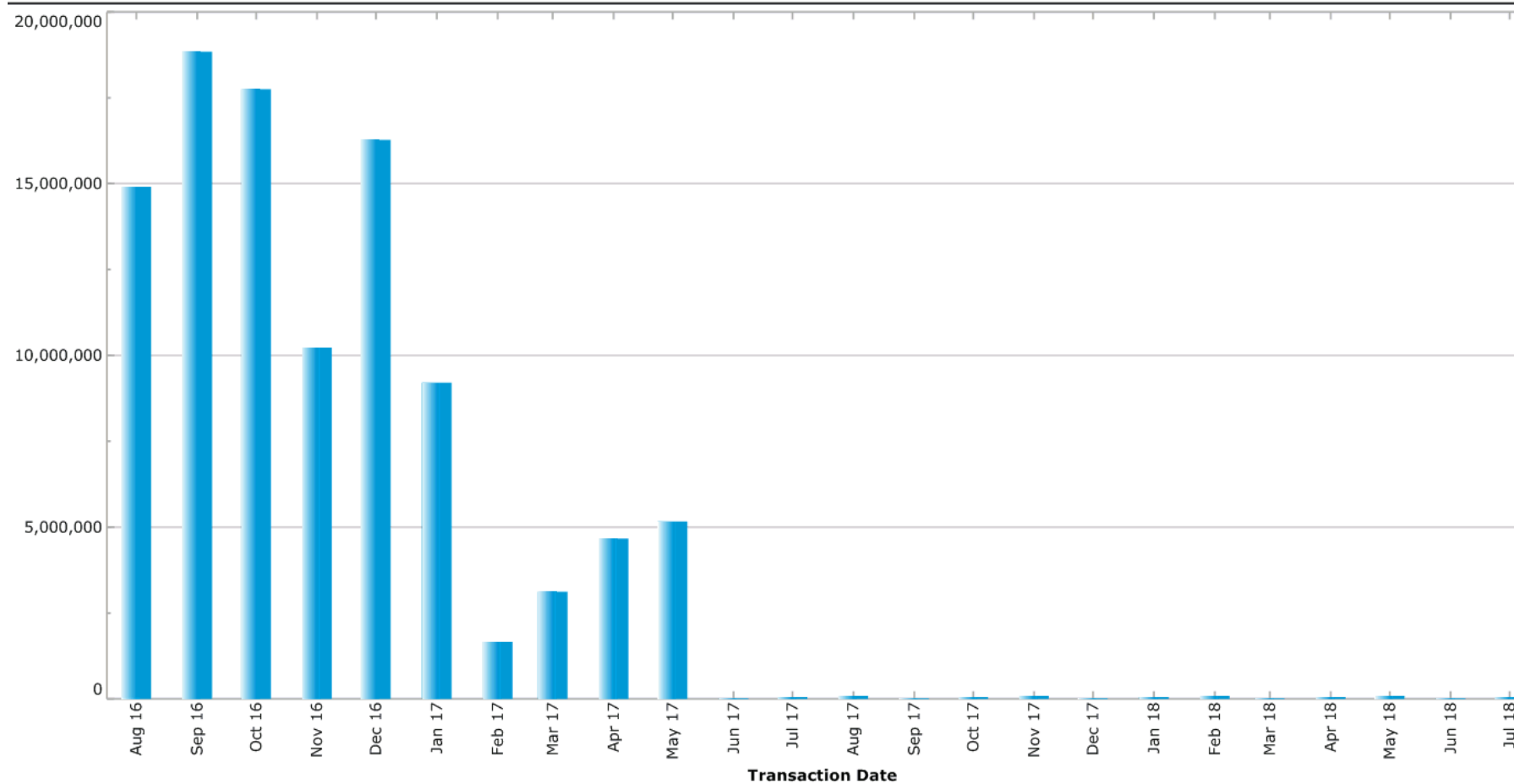
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
3-Aug-16	511042	National Australia Bank	Term Deposit	Interest - Received	53,291.10
		National Australia Bank	Term Deposit	Maturity Face Value - Received	2,500,000.00
<u>Deal Total</u>					<u>2,553,291.10</u>
Day Total					2,553,291.10
9-Aug-16	533159	Bank of Queensland	Term Deposit	Interest - Received	30,575.34
		Bank of Queensland	Term Deposit	Maturity Face Value - Received	2,000,000.00
<u>Deal Total</u>					<u>2,030,575.34</u>
Day Total					2,030,575.34
10-Aug-16	533331	Westpac Group	Floating Rate Note	Coupon - Received	52,843.29
<u>Deal Total</u>					<u>52,843.29</u>
Day Total					52,843.29
15-Aug-16	336188	National Australia Bank	Bonds	Coupon - Received	45,000.00
<u>Deal Total</u>					<u>45,000.00</u>
	420520	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	16,230.41
<u>Deal Total</u>					<u>16,230.41</u>
Day Total					61,230.41
17-Aug-16	398449	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	24,070.98
<u>Deal Total</u>					<u>24,070.98</u>
Day Total					24,070.98
18-Aug-16	533605	Bank of Queensland	Floating Rate Note	Coupon - Received	17,509.24
<u>Deal Total</u>					<u>17,509.24</u>
Day Total					17,509.24
23-Aug-16	505252	National Australia Bank	Term Deposit	Interest - Received	29,095.89
		National Australia Bank	Term Deposit	Maturity Face Value - Received	4,000,000.00
<u>Deal Total</u>					<u>4,029,095.89</u>

Cash Flows Report



Next Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
Day Total					4,029,095.89
24-Aug-16	508258	Bendigo and Adelaide Bank	Term Deposit	Interest - Received	110,000.00
		Bendigo and Adelaide Bank	Term Deposit	Maturity Face Value - Received	4,000,000.00
<u>Deal Total</u>					<u>4,110,000.00</u>
Day Total					4,110,000.00
29-Aug-16	402974	ME Bank	Floating Rate Note	Coupon - Received	16,130.68
<u>Deal Total</u>					<u>16,130.68</u>
Day Total					16,130.68
31-Aug-16	533744	ME Bank	Term Deposit	Interest - Received	14,619.18
		ME Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
<u>Deal Total</u>					<u>2,014,619.18</u>
Day Total					2,014,619.18
Net Cash Movement for Period					14,909,366.11

ash Flows Report



**REPORT
CM/7.3/16.09**

Subject: Sculpture by the Sea 2016 - Special Event - Transport Management Plan

TRIM No.: A02/0216

Author: Sam Samadian, Professional Engineer

Director: Emily Scott, Director, Waverley Renewal

RECOMMENDATION:

1. That the recommendations of the Traffic Committee be received and be adopted, subject to the recommendation 1(b) be deleted and recommendation 1(a) be replaced with:
2. Council installs a 15m long 'No Stopping Council Authorised Vehicles Excepted 9.30am-5.30pm, 15 minutes only' on the western side of Pacific Avenue as shown in Figure 1 attached to the report.

1. Executive Summary

Following consideration of the 2016 Sculpture by the Sea event at the Waverley Traffic Committee meeting on 25 August 2016, Council has been requested by NSW Police and Sydney Buses to review the arrangements for the dropping off and picking up of children attending the Sculpture by the Sea event. Previously all dropping off and picking up was carried out on Campbell Parade outside Hunter Park. A meeting was held with the representatives from NSW Police, Sydney Buses, Council's officers and the event organiser to determine the location of an additional facility for buses to drop-off and pick-up in the vicinity of Tamarama Park.

As a result of the meeting, a drop-off and pick-up zone has been agreed to be installed on the southern side of Pacific Ave, adjacent to the entry/exit driveway ramp to Tamarama Park.

2. Introduction/Background

Council's Creating Waverley sub-program has developed the Transport Management Plan (TMP) for this year's Sculpture by the Sea event in consultation with the Event Organiser and Council's Outdoor and Flagship Events Team in line with the 2015 event. Last year after several meetings and consultations, stakeholders agreed to implement further strategies to manage safety and resident issues in Bronte Marine Drive around Tamarama Park. This involved:

1. The creation of a 50m dedicated zone on Campbell Parade for private coaches and chartered buses to drop-off and Pick-up.
2. The creation of a 15m long, school drop-off/pick up zone in Pacific Avenue for school buses with the Council special issued permit. The zone allows for a maximum of one school chartered bus/coach to park in this zone at any one time. The Event Organiser will be responsible for meeting with the registered school bus/coach operators in the Campbell Parade drop-off/pick-up zone to issue the special Council permit.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Traffic Committee 25 August, 2016	TC/CV.01/16.08	<p>That Council approves the traffic and transport arrangements for the Sculpture by the Sea 2016 Special Event as per the attached Transport Management Plan (TMP), subject to:</p> <ol style="list-style-type: none"> 1. The TMP being updated as follows: <ol style="list-style-type: none"> (a) A potential relocation or deletion of the 15 m school drop-off/pick-up zone in Pacific Avenue following discussion with the Executive Manager, Creating Waverley, NSW Police, Sydney Buses, RMS and Sculpture by the Sea representatives, and a further report to come to the September 2016 Council Meeting. (b) Assuming the 15 m school drop-off/pick-up zone remains in the Waverley Local Government Area, that the restriction be 'No Stopping – Authorised Vehicles Excepted', with the times to be confirmed. (c) The 'Manned Road Closures' table to show Fletcher Street east of Sandridge Street. (d) The 'Unmanned Road Closures' table to show Birrell Street east of Tamarama Street, and Darling Street at Alfred Street. (e) Water-filled barriers at the intersection of Gaerloch Avenue and Dellview Street to be extended to the east. 2. The following conditions: <ol style="list-style-type: none"> (a) Council shall: <ol style="list-style-type: none"> (i) Forward the Transport Management Plan to the RMS for TfNSW approval of the temporary closures and implementation of one-way movements.

		<ul style="list-style-type: none"> (ii) Undertake the Traffic Control for the event. (iii) Develop and implement a Communications Strategy, in conjunction with the Event Organiser, to notify the local residents of the changes to traffic conditions. <p>(b) The Event Organiser shall:</p> <ul style="list-style-type: none"> (i) Provide an Event Management Plan to Council's events team for approval at least 4 weeks prior to the event including public liability insurance for the event. (ii) Apply for cranes permit. <p>(c) The Executive Manager, Creating Waverley, and the Executive Manager, Customer First, and their representative(s), are delegated authority to:</p> <ul style="list-style-type: none"> (i) Inspect the TMP. (ii) Audit the implementation of the TMP. (iii) Cancel this approval, without notice or refund. (iv) Modify the TMP as required.
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4. Discussion

An on-site meeting was held on 2 September between the Executive Manager, Creating Waverley, NSW Police, Sydney Buses and Sculpture by the Sea representatives to review the feasibility of a drop-off and pick-up zone in Pacific Avenue, Tamarama near the entrance to Tamarama Park. Agreement has been reached to the zone being installed as discussed at the site meeting.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: C6 Arts and cultural activities foster an involved community and a creative environment.
 Strategy: C6b Encourage the arts in public places and public art in private developments..
 Deliverable: Art in the public space

6. Financial impact statement/Timeframe/Consultation

Sculpture by the Sea is funded through sponsorship, government grants, philanthropy donations, commission from the sale of sculptures, brochure sales and visitor donations. Council is a major sponsor and recognised as a “Significant Partner” of the event, through the services and funding provided, including the provision of:

- the venue at no charge,
- additional waste collections,
- parking facilities,
- park restoration,
- electricity,
- additional Ranger and Parks staff hours,
- other Council officer’s time
- an annual community grant

All of these costs are absorbed by existing budgets of relevant program areas.

It is intended that the cost of providing traffic control for The Event will be funded by Council from existing budgets. It is intended that the cost of providing traffic control for the bump-in and bump-out will be recovered from the Event Organiser.

7. Conclusion

That the recommendations of the Traffic Committee be received and be adopted, subject to the recommendation 1(b) be deleted and recommendation 1(a) be replaced with:

Council installs a 15m long ‘No Stopping Council Authorised Vehicles Excepted 9.30am-5.30pm, 15 minutes only’ on the western side of Pacific Avenue as shown in Figure 2 attached to the report.

8. Attachments:

1. Pacific Avenue - Sculpture by the Sea 2016 - Figure 1



REPORT CM/7.4/16.09



Subject: Purchase of five resource recovery trucks

TRIM No.: A16/0333

Author: Margaret Diebert, Acting Cemetery Manager
Johnathon Wire, Procurement Manager

Director: Peter Brown, General Manager

RECOMMENDATION:

That Council:

- Notes that units offered by the combination of Mercedes Benz/Bucher and Hino/Garwood are suitable for Waverley Council and meet all essential and desirable components of the specifications.
- Approves the purchase of five Resource Recovery trucks.

1. Executive Summary

The purpose of this report is to seek Council's approval for the procurement of Waste Collection Vehicles which are used throughout the municipal to collect domestic, commercial and illegally dumped waste.

2. Introduction/Background

There are currently around 71,000 residents living in the Waverley Local Government Area (LGA). Waverley is unique in that it has a thriving business community and thousands of visitors daily to our many parks, beaches and protected coastal areas. Waverley Council is committed to managing waste from households and businesses as well as in the public space. The Resource Recovery fleet consists of seventeen operational trucks to fulfil this commitment. Council has a plant replacement program, to which Five (5) trucks have been identified as requiring replacement within the financial year 2016/17:

The trucks for replacement are:

Plant No	Description of Current Truck
500 Rego: BB12GH	Iveco 15m ³
501 Rego: BC96TF	Iveco 15m ³
502 Rego: BD53GM	Iveco 15m ³
503 Rego: BD37LV	Iveco 15m ³
507 Rego: BE72KP	Iveco 19m ³

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Nil		

4. Discussion

The Local Government Tendering Act, requires Council to publically tender for expenditure greater than \$150,000.00. The purchase of these trucks is well over this amount. The Act also provides an exception, for purchases made via an approved agency. It was decided that the **LGP Panel Contract NPN 1.15** was the best method to source these units via a panel RFQ process.

Panel RFQ Submissions Received

Council used the LGP vendor panel to obtain prices based on a specification sent to recommended suppliers. Council received proposals from companies offering a combination of the below models;

Cab Chassis and Compactor Bodies 19m³ Units & 15m³ Units

Company	Cab Chassis & Compactor Body Combination
Stillwell Trucks	Mercedes Benz Cab with a Burcher Compactor
	Mercedes Benz Cab with a Superior Pak Compactor
	Mercedes Benz Cab with a Garwood Compactor
Suttons Motors Arncliffe	Isuzu with a Burcher Compactor
Sydney Truck Centre	Dennis Eagle with a Burcher Compactor
	Dennis Eagle with a Superior Pak Compactor
Burcher Municipal	Mercedes with a Burcher Compactor
Superior Pak	Mercedes Benz with a Superior Pak Compactor
Scania Australia	Scania with a Superior Pak Compactor
Volvo Australia	Volvo with a Burcher Compactor
Binskie Services Pty Ltd	Iveco with a Heil Compactor
Hino Motor Sales Aust	Hino with a Burcher Compactor
Daimler Trucks Sydney	Mercedes Benz Cab with a Garwood Compactor
	Mercedes Benz Cab with a Burcher Compactor

Panel RFQ Evaluation Process

The evaluation process was conducted in four stages:

1. An initial cull of non-conforming proposals i.e. late proposals, proposals not following instructions set out in the RFQ, or quotes which clearly not of an acceptable standard to warrant further detailed evaluation. There were no RFQ responses culled.
2. The Evaluation Committee undertook an objective analysis of the suppliers' ability to meet both mandatory and desirable criteria.

3. The ten information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members agreed to scores against the criteria in accordance with the evaluation plan.
4. This RFQ Evaluation Report detailing the findings of the evaluation panel for the purchase of 5 Garbage Compactor Units for the Waste Services Division of Council.

Assessment Panel

An Assessment Panel was formed consisting of staff from the most relevant Departments. The panel for this purchase was:

Tanya Ryvchin	Procurement Officer
Margaret Diebert	Resource Recovery Coordinator
Rob Gatt	Workshop Manager
Adam Elliot	Public Place Cleansing Supervisor
Andrew Daras-Wells	Resource Recovery Supervisor
Andrew McMahan	Resource Recovery Supervisor
Clint Woods	Driver / Union Representative

Evaluation Criteria and Methodology

A weighting methodology was employed to evaluate the submissions, with each of the criteria given a weighting out of 100%. Each member of the Assessment panel scored each submission against the criteria using a 0-4 rating. The scores are agreed by the evaluation panel and the weighting applied to arrive at the final weighted score.

The following tender evaluation criterion was used:-

Evaluation Criteria

1.	Demonstrated Experience
2.	Delivery Time Frame
3.	Truck Design and Operational Capabilities
4.	Environmental Considerations
5.	Occupational Health and Safety
6.	Lump Sum Price

Evaluations of Findings

All proposals were assessed and scored against the advertised evaluation criteria listed in the RFQ document.

Following the initial evaluation, the evaluation panel decided to call for demonstrations on the following Cab Chassis and Compactor Unit Combinations

Cab Chassis

Mercedes Isuzu Hino Volvo

Compactor Units

Garwood Burcher

Truck Inspections

Cab Chassis and Compactor bodies were inspected and a trial of the truck capabilities was conducted in and around the Local Government Area during August 2016. Driver and Management representatives were present for these inspections.

Delivery Time Frames

Sixteen (16) to eighteen (18) weeks from receipt of official Purchase Order, dependent on cab Chassis availability.

Risk Assessment

Risk assessments were carried out on both the cab chassis and compactor bodies and have been completed by the evaluation committee.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: G5 Waverley is financially sustainable with revenue and resources required to support implementation of the community's plans and to provide infrastructure performance and services our community needs.

Strategy: G5b Undertake long term financial and economic planning..

Deliverable: Council's expenditure satisfies the needs of the community.

6. Financial impact statement/Timeframe/Consultation

Council has a plant replacement program, to which five (5) trucks have been identified as requiring replacement within the financial year 2016/2017. This recommendation falls within the approved budget allocation for fleet replacement.

7. Conclusion

Following the inspections, the panel agreed that the most suitable units for Waverley Council are the

- 19 m³ Mercedes Cab Chassis fitted with the Burcher Compactor
- 15 m³ Hino Cab Chassis fitted with the Garwood Compactor.

Variation between the 19m³ Truck and the 15 m³ Truck is due to the requirement for the 15m³ truck to have a capacity for manoeuvrability around the narrow lanes and streets of the Local Government Area.

8. Attachments:

Nil

**REPORT
CM/7.5/16.09**

Subject: Evaluation of Tender - Council Car Park Upgrade

TRIM No.: A16/0307

Author: Rachel Jenkin, Executive Manager Customer First
Johnathon Wire, Procurement Manager
Colin Handsaker, Manager Customer Parking

Director: Cathy Henderson, Director Waverley Life

RECOMMENDATION:

That Council:

1. Treats the Evaluations of Findings report attached to Council's file as confidential as it contains information specified in section 10A(2)(c) of the Local Government Act 1993.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Parking Sense for the design, supply and installation of a Parking Guidance System at Eastgate, Hollywood Avenue and the Library Car Parks.
3. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with G & B Services for the design, supply and installation of additional signage in Eastgate, Hollywood Avenue and the Library Car Parks.
4. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Craftworks Project Management Pty Ltd for the cleaning and painting of Eastgate Car Park and the painting of Hollywood Avenue Car Park and the Library Car Park.
5. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Lowa Lighting for the design, supply and installation of improved lighting systems in Eastgate and Hollywood Avenue Car Parks.
6. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

1. Executive Summary

The purpose of this report is to seek Council's approval for the appointment of the Preferred Contractors tenderer for the upgrade of Council's Car Parks as recommended by the Tender Evaluation Committee (TEC).

The Council Car Park Upgrade Project includes:

- the design, supply and installation of a Parking Guidance System at Eastgate, Hollywood Avenue and the Library Car Parks;
- the design, supply and installation of additional signage in Eastgate, Hollywood Avenue and the Library Car Parks;

- the cleaning and painting of Eastgate Car Park and the painting of Hollywood Avenue Car Park and the Library Car Park; and
- the design, supply and installation of improved lighting systems in Eastgate and Hollywood Avenue Car Parks.

2. Introduction/Background

Waverley Council owns and operates three off-street car parks within the Bondi Junction CBD, including the Eastgate Shopping Centre Car Park (Eastgate), Hollywood Avenue Car Park (Hollywood) and the Ron Lander Centre Car Park, also known as the Library Car Park (Library).

Waverley Council is committed to the continuous improvement of its facilities and amenities for the benefit of the local community. As part of this commitment, Council conducted a review of its Car Park facilities in 2015 and a recommendation was approved by Council for a significant program of refurbishment to improve the standard of all three car parks.

In October 2015 Council resolved to approve the calling for a Request For Tender (RFT).

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council Meeting - 20 October 2015	CM/10.3/15.10 CONFIDENTIAL REPORT – Eastgate Projects Update	<p>That ...</p> <p>5. Council approves public tenders to be called for the following:</p> <ul style="list-style-type: none"> a. The design, supply and installation of a zone counting Parking Guidance System at Eastgate, Hollywood Avenue and the Library Car Parks. b. The design, supply and installation of additional signage in Eastgate, Hollywood Avenue and the Library Car Parks to improve traffic flow, wayfinding and safety. c. The cleaning and painting of Eastgate Car Park and the painting of Hollywood Avenue Car Park and the Library Car Park. d. The design, supply and installation of improved lighting systems in Eastgate and Hollywood Avenue Car

		Parks. ...
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4. Discussion

Tenders were evaluated strictly in accordance with Council's Purchasing Policy, Procedures and Evaluation Plan. Compliance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005 were also strictly adhered to.

The Tender Evaluation criteria were developed and approved by the TEC prior to the tender being issued. The roles and responsibilities of the TEC members and Council are outlined in the signed conflict of interest and deed of non-disclosure declarations held on Council's file.

Tenderers Received

The original advertised closing date for the Tender was 16 June 2016, which was later extended to 23 June 2016.

The Tenders received by the revised closing date of 23 June 2016 were as follows:

Parking Guidance System

- Park Assist
- Smart Parking Limited
- Traffic Tech Pty Ltd (providers of Indect)
- Smart Parking Solutions
- TMA Group
- Parking Sense Australia

Additional Signage

- National Corporate Imaging
- G&B Services

Cleaning and Painting

- Programmed Property Services
- Craftworks
- Workzone

Lighting Systems

- Prolume
- CORNEA Pty Ltd – Trading as LUXMANN
- Lowa Lighting
- DESA Australia Pty Limited
- ProEnergy

Conforming Tenders

All tenders met the compliance requirements.

Evaluation Criteria and Process

Council engaged an external consultant - Caldwell and Kent to write the tender documentation, provide technical expertise and oversee the tender process.

The objective of the evaluation was to select the tenderer offering the best value for money in a rational and defensible way that is fair to all tenderers. The evaluation criteria and criteria weightings were agreed to by all TEC members and detailed in the Evaluation Plan prior to the tender close date and time.

It was proposed that one tenderer be selected. The evaluation was conducted in five chronological stages:

Stage 1: Initial Cull

Opening and recording of all submissions received and noting any late submissions.

Stage 2: Compliance Criteria (Conforming)

Ensuring each Respondent's response to the compliance criteria as specified in the Tender Schedules ('Yes' or 'No');

Stage 3: Non-price Criteria (Qualitative)

Evaluating of all submissions against the evaluation criteria:

Technical evaluation criteria

- Function (Compliance & Experience)
- OH&S (Quality & Environmental Management)
- Project Management (Delivery Time Frame)
- Due Diligence (Capacity & Financial Capability)

Commercial evaluation criteria

- Licenses, memberships and accreditations etc.
- Insurances
- Financial Capacity

as specified in the Tender Schedules. The scoring criteria included a 0-5 rating.

Stage 4: Price (Quantitative)

Comparing the Respondents price through a Normalised price model.

- Price (Whole of Life Cost)
- Lump Sum Price or Total Price or Total Cost of Ownership
- Unit Rates and Schedule of Rates

as specified in the Tender Schedules. The scoring criteria included a 0-5 rating.

A ratio of Price 35% and Non-price 65% was applied to the formula.

Stage 5: Financial Details

All tenderers supplied financial details as part of their response and the TEC took these taken into consideration as part of the evaluation process.

Tender Evaluation Committee (TEC)

- Colin Handsaker, Manager Customer Parking.
- Greg Carter, Car Park Supervisor, Waverley Council
- Tobias Kuchta, Facilities Coordinator, Waverley Council
- Glenn Caldwell, Director Caldwell & Kent Consulting

Evaluation Results

All tenderers were assessed and scored against the advertised evaluation criteria listed in the tender document and weightings agreed to by the TEC. The Tender Evaluation Report contains the assessment scoring summary and is attached to Council's file. This details the TEC agreed scores and resulting ranking of Respondents.

Tender Evaluation Committee Endorsement

Tenders were evaluated strictly in accordance with Council's Purchasing Policy and Procedures and the Local Government Act 1993 and General Regulations 2005.

Following a rigorous evaluation process of all submitted tenders, the Tender Evaluation Committee is confident in its recommendation that the services offered by the recommended tenderer conform to Council's requirements.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: G6 Waverley's assets are well maintained for their current purpose and for future generations.
Strategy: G6b Implement adopted Asset Management Plans..
Deliverable: A program of capital works developed and implemented.

6. Financial impact statement/Timeframe/Consultation

Financial impact statement

The tendered price for all packages was within the budget allocation for the projects. Confidential Information regarding the tendered prices for each package is attached to Council's file.

The original budget approved for this project by Council in October 2015 is \$1.95m. The above amount is therefore within the approved budget and allows for a considerable contingency.

Timeframe

Construction tender awarded	September 2016
Construction commences	October 2016

Consultation

Key internal stakeholders were consulted as part of the tender process.

Key external stakeholders including car park users will be kept updated of the proposed schedule of works.

7. Conclusion

The TEC agreed that the tender process has enabled the Committee to recommend the following contractors for each item of work as listed below.

The TEC recommend Parking Sense as the contractor for the design, supply and installation of a Parking Guidance System at Eastgate, Hollywood Avenue and the Library Car Parks. Parking Sense is recommended based on the findings of the site visits, the pricing assessments and tender documents. Parking Sense provided the best overall quality installation and previous clients include NSW Government, Secure Parking and Bondi Pacific.

The TEC recommend G&B Services as the contractor for the design, supply and installation of additional signage in Eastgate, Hollywood Avenue and the Library Car Parks. G&B Services offer a quality product in line with industry standards. They have provided an installation plan as well as annotating the signage plans provided by Council. G&B Services has provided sign installation and services to a wide range of clients including Roads and Maritime Services (RMS), Caltex Australia Pty Limited, Sydney City Council and McDonalds.

The TEC recommends Craftworks as the contractor for the cleaning and painting of Eastgate Car Park and the painting of Hollywood Avenue Car Park and the Library Car Park. Craftworks provided the most comprehensive response and highest level of detail, including a full breakdown of inclusions and exclusions documented with images. Craftworks carries out repairs and maintenance painting throughout the greater Sydney area and current clients include Westfield, Mirvac and Stockland.

The TEC recommends Lowa Lighting as the contractor for the design, supply and installation of improved lighting systems in Eastgate and Hollywood Avenue Car Parks. Lowa Lighting provided the most comprehensive lighting design with verifiable design assumptions. Their designs include a verifiable level of even Lux across the various areas of the car park. They have provided a breakdown of costs including the light type and quantities for each. They have provided a realistic price with estimated running costs that are in line with industry expectations and have conformed to every aspect of the tender and provided sufficient supporting information. Existing clients include Ramsay Health Care Group, Dept. of Education and St. Vincent Group.

8. Attachments:

Nil

REPORT
CM/7.6/16.09

Subject: Evalaution of Tender- Maintenance of Water Harvesting and Reuse Systems

TRIM No.: A16/0365

Author: Corey Fox, Water Projects Coordinator

Director: Peter Monks, Director Waverley Futures

RECOMMENDATION:

That Council:

1. Treats the Evaluation of Findings report attached to Council's file as confidential as it contains information of the kind referred to in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with SAS Water Solutions Pty Ltd for the Maintenance of Council's Water Harvesting and Reuse Systems for 3 years with an option to extend for an additional 2 years.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005* notifies unsuccessful tenderers of the decision.

1. Executive Summary

The purpose of this report is to seek Council's approval for the appointment of the preferred tenderer for the Maintenance of Council's Water Harvesting and Reuse Systems.

The maintenance of water recycling infrastructure is funded by Clean and Attractive Waverley's operational budget.

2. Introduction/Background

Council has an ambitious target for a 50 percent reduction in mains water use in Council operations by 2020 based on a 2005/06 baseline. Continuous and optimal operation of Council's stormwater and groundwater harvesting and reuse systems is required in order to maximise alternative water use for irrigation and toilets, minimize mains water use and to contribute towards achievement of this target.

Tenderers for the procurement of scheduled and unscheduled maintenance of five stormwater and groundwater harvesting and reuse systems located at Waverley Park, Barracluff Park, Bondi Park, Tamarama Park and Bronte Park in accordance with this request for tender.

The systems included in this maintenance program are located at:

- I. Barracluff Park
- II. Bondi Park
- III. Bronte Park

- IV. Tamarama Park
- V. Waverley Park

Maintenance and repair of recycled water treatment plant is a specialised service area. Services requested by the tender include scheduled and unscheduled maintenance of water harvesting and reuse systems. The tender specifies a detailed annual maintenance program for each scheme which includes the supply and install of parts requiring regular replacement.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
NIL	NIL	NIL

4. Discussion

The Tender was evaluated in accordance with Council's Purchasing Procedure and Evaluation Plan and in compliance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005.

A Tender Evaluation Plan was developed and approved by the Project Coordinator prior to the tender close. The roles and responsibilities of the Evaluation Committee members and Council are outlined in the Tender Evaluation Plan attached to the file.

Tenders Received

Tenders were received from the following respondents:

- I. Ventia Pty Ltd
- II. Neverstop Water Harvesting Pty Ltd
- III. SAS Water Solutions Pty Ltd
- IV. Optimal Stormwater Pty Ltd

Late Tenders

No late tenders were received.

Withdrawn Tenders

One tenderer withdrew their submission and it was not evaluated.

Conforming Tenders

All Tenders received met the mandatory requirements and proceeded to tender evaluation.

Tender Evaluation Process

The evaluation was conducted in two stages:

Stage 1: Initial Cull

Opening and recording of all submissions received.

Stage 2: Non-price Criteria (Technical) & Price (Commercial)

Evaluating of all submissions against the evaluation criteria as specified in the Tender Schedules. The scoring criteria included a 0-4 rating. Comparing the respondent's price was through a normalised price model.

This stage also includes ensuring each respondent's response to the compliance criteria as specified in the Tender Schedules ('Yes' or 'No');

Tender Assessment Panel

Corey Fox	Coordinator, Sustainable Water
Steven Gilchrist	Parks Operations Supervisor (Acting)
Andrew McMillan	Civil and Environmental Engineer, Independent Expert (Alluvium Consulting)

Evaluation Criteria and Methodology

A weighting methodology was employed to evaluate the tenderers, with each criteria given a weighting out of 100% per the table below.

Evaluation Criteria	Weighting
Demonstrated experience in the maintenance of water harvesting and recycling schemes of a similar type, scale and complexity.	20%
Technical expertise and capacity of team to carry out maintenance work throughout the contract period.	20%
Capacity to meet all health, safety, quality, environmental management requirements and general contract requirements.	10%
Proposed methodology and understanding of proposed program.	20%
Total Price and Pricing components.	30%
Total	100%

Evaluation Results

All tenderers submissions were assessed and scored against the advertised evaluation criteria listed in the tender document and weightings agreed to by the Tender Evaluation Panel.

During the initial assessment of tenders by the evaluation panel, numerous anomalies with the returnable schedule of rates across the all submissions received. In order to adequately evaluate the tenders, the panel decided that it was necessary to seek clarification, in the form a more detailed cost breakdown from all tenderers.

As per the Tender Evaluation Plan, probity advice was sort from Council's Acting Manager, Procurement, Fleet and Stores. As per advice received, the panel requested clarification from all tenderers via email. An email was sent to all tenderers requesting they complete an updated schedule of rates and return the schedule via email by 10am, 11 August 2016. All tenderers complied with the request.

On receipt of the clarification from all tenderers, the panel reconvened to review the additional information provided and finalise the tender assessment.

The final tender scoring is detailed in the Evaluation of Findings report attached to Council's file. The confidential report details the Tender Evaluation Panel's agreed scores and resulting ranking of respondents.

Tender Evaluation Panel Endorsement

Following a rigorous evaluation process of all submitted tenders, the Tender Evaluation Panel is confident in its recommendation that the services offered by SAS Water Solutions Pty Ltd will best meet Council's requirements.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction:	C7 Health and quality of life are improved through a range of recreation and leisure opportunities
Strategy:	C7a Retain, protect and improve the quality, flexibility and usability of parks, reserves and other green spaces to meet recreational needs, whilst considering and ameliorating any negative environmental impacts.
Deliverable:	Sustainable well maintained and well used recreation facilities
Direction:	E4 Water is used carefully and sparingly in Waverley's buildings, gardens, businesses and Council operations
Strategy:	E4a Improve water efficiency of new and existing building stock
Deliverable:	Water efficiency and recycling technology at Council's highest water consuming sites investigated and implemented
Direction:	E5 The waterways and beaches are clean and free of pollutants
Strategy:	E5b Minimise pollutants discharged into waterways
Deliverable:	Integrated water quality management program implemented in Waverley
Direction:	G6 Council assets are well maintained for their current purpose and for future generations.
Strategy:	G6b Implement adopted Asset Management Plans
Deliverable:	Council assets are capable of delivering the desired levels of service

6. Financial impact statement/Timeframe/Consultation

Financial impact

The funding for maintenance requested in the tender is allocated under the Clean Attractive Waverley's operational budget. The tender price falls within the allocated budget of \$60,000 per annum (\$180,000 over the 3 year tender period) for the maintenance of water harvesting infrastructure and re-use systems.

Timeframe

- Tender A16/0365 awarded: September 2016
- Project commences: October 2016
- Completion: October 2019 (option to extend to October 2021)

Consultation

Council staff in Clean and Attractive Waverley, Enriching Waverley and onsite facility managers have been consulted.

7. Conclusion

Evaluation of the tenders against the specified evaluation criteria showed that SAS Water Solutions Pty Ltd (SAS) offers the best value to Council.

The Tender Evaluation Panel agreed that the tender process has enabled the panel to confidently recommend SAS as a highly experience contractor who will provide quality service at a competitive price.

SAS scored well in all criteria of non-price (technical) schedules and were the number 1 ranked for this stage of the evaluation. After final scoring was calculated, including the price evaluation (commercial) component, SAS had a weighted score which was significantly higher than any other tenderer.

SAS is a well-established water treatment specialist with extensive experience in maintenance of water recycling infrastructure. Taking into consideration all of the information provided, the Tender Evaluation Panel has formed the view that SAS is the most suitable company to recommend for the Maintenance of Council's Water Harvesting and Reuse Systems.

8. Attachments:

Nil

REPORT
CM/7.7/16.09

Subject: Review of Public Place Gardening Policy and promotion of low maintenance residential street gardens

TRIM No.: A13/0054

Author: Sam McGuinness, Senior Environment Officer
Matthew McGovern, Manager Public Spaces

Director: Peter Monks, Director Waverley Futures

RECOMMENDATION:

That Council:

1. Continues to endorse the the Public Place Gardening Policy.
2. Identifies verges or nature strips that can be planted with native species in a cost effective manner or where mowing is unsafe.
3. Plants suitable native species on the identified nature strips and verges.
4. Updates the Public Domain Technical Manual to include a schedule of native plants.

1. Executive Summary

In November 2013, Council adopted the Public Place Gardening Policy which included a provision for it to be reviewed after two years. This Policy has provided significant clarity to community involvement in gardening in public areas and there has been an increase in gardens that are compliant with the Council's Street Garden Guidelines and Public Place Gardening Policy. There continues to be an increase in community involvement in gardening. The Public Place Gardening Policy is working successfully to accommodate the community's needs and it is proposed that there be no significant change to the current Policy except for updates where Council Policies and structure have changed. Since the Public Gardening Policy commenced, Council has launched the Second Nature program. This program provides a heightened opportunity to improve public involvement and includes the promotion of residential street gardens. In February 2016 there was a Council motion requesting that Council promote and support low maintenance street verge gardens. This report also responds to this and includes a comparative analysis of alternatives to grass verges and costs of maintenance of garden verges compared to mowed verges.

2. Introduction/Background

There has been a growth in the desire of the local community to participate in gardening activities on public land. This participation occurs in a range of ways including gardens immediately outside residents' property on the nature strip (street gardens), in shared gardens or on road closures or verges. The current adopted Public Place Gardening Policy aims to:

- Provide a consistent management framework for all gardening activities on public land;
- Outline the scope and responsibilities of Council and the public including individuals and neighborhood groups;

- Convey support for a range of public gardening activities in appropriate public places, when carried out in accordance with relevant guidelines; and

Detail areas where public gardening activities are excluded e.g. median strips and roundabouts, local village centres; bush regeneration sites.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
16/2/16	CM/8.1/16.02	<p>1. Under its 'Second Nature' program, investigates how to better promote and support sustainable, low maintenance residential street gardens.</p> <p>2. Prepares a report on the outcomes of the above investigation for Council consideration, including funding impacts, priorities, a street garden promotion plan, and recommendations for new 'Street Garden Guidelines' and plans to implement them.</p> <p>3. Undertakes an analysis of alternatives to grass verge planting when Council upgrades residential streetscapes (footpaths, kerb and gutter), and presents a report to Council for consideration.</p> <p>4. When investigating the cost of implementing garden verges also do a comparative cost analysis of maintaining garden verges as opposed to providing the service of mowing grass verges once or twice a year.</p>
5/11/2013	F-1311.5	Adopt the Public Place Gardening Policy and Street Garden Guidelines,

The maintenance of residential street verges is generally the responsibility of the property fronting the verge. Waverley Council does mow a limited number of street verges. These include main roads, high traffic areas, median strips or where mowing of the verge would be difficult for the resident to undertake.

In 2015 Council updated its Public Domain Technical Manual and this is available on Council's website. This Manual will be further updated in 2016, and include a new planting schedule. Currently, the Manual has no planting schedule. It is a recommendation of this report that a native planting schedule be included in the updated Public Domain Technical Manual.

4. Discussion

Promotion of Street Gardens, 'Second Nature' and the Public Gardening Policy

To date, public gardening and street gardens has been promoted by the Coordinator, Local Connections (previously called Civic Pride Coordinator). It should be noted that promoting street gardens and Greening Waverley is no longer a key role of this program and that it is now focused on community led placemaking, which does not necessarily include gardening activities. Despite this Public Gardening has been promoted through Council's website and most significantly through the 2015 Garden Awards where there was a specific category for street gardens.

Currently, Clean & Attractive staff approve gardens through the application included in the Street Garden Guidelines. In the application and approval process they may liaise with the applicant and promote Public Gardening but their role in promoting street gardens is limited. Clean & Attractive staff play a role in promoting, planting and maintaining native planted areas in their operational roles but this generally does not include nature strips.

In April 2016, Council launched the Second Nature program to progress sustainability initiatives within both Council and the community. This communication tool, in which over 1,000 people have pledged to, will provide a significant boost to internal resources for promoting public and street gardens. The Sustainable Waverley team are currently using this tool to promote existing public gardens and street gardens as well information on how residents can plant their own street garden, or request a tree for the nature strip. In addition, the Second Nature program is also promoting initiatives that further improve native planting, such as National Tree Day, the One Tree Per Child program, the Bushcare Volunteer program and Habitat Stepping Stones program.

Comparative analysis of grass verges and alternatives

In making an analysis of the different options to landscape a nature strip or verge, it should be noted that there are a large range of variables to consider such as the size of the nature strip, slope of area, existing weed density and access issues. Below is a table estimating the installation and maintenance costs for two types of native gardens and two types of grassed areas. In gathering the data to support these costs it was found that there is significant variation in the costs, even for similar landscape types. The installation costs of a manicured garden as opposed to a bushland garden are very different.

Table A – Cost analysis for standard grass verges

Grass Verge standard		Native Planting Option A - standard	
Cost of turf	\$5/m2	Cost of tube stock	\$1.60/tubestock at a rate of 5/m2
			equals \$8/m2
Preparation and installation	\$5/m2	Preparation and installation	\$8/m2
Total installation	\$10/m2	Total installation*	\$16/m2
Maintenance	\$2/m2 X 4 times per year	Maintenance †	\$5/m2 X 4 times per year
	equals \$8/m2 annually		equals \$20/m2 annually

*Will be greater if initial weed treatment and mulch are required

† Maintenance will significantly decrease in cost after year 1 after initial weeds are controlled.

Table B - Cost analysis for steep grass verges

Grass verge - steep		Native Planting Option B - steep slope	
Cost of turf	\$5/m2	Cost of tubestock	\$1.60/tubestock at a rate of 5/m2
			equals \$8/m2
Preparation and installation	\$10/m2	Preparation and Installation**	\$20/m2

Total	\$15/m2	Total	\$28/m2
Maintenance	\$6/m2 X 4 times per year	Maintenance †	\$5/m2 X 4 times per year
	equals \$24/m2 annually		equals \$20/m2 annually

**Will be greater if terracing is required

† Maintenance will significantly decrease in cost after year 1 after initial weeds are controlled.

In the case of standard locations, that is, level ground with simple access, the costs for establishment and initial maintenance of turf verges are cheaper than planting options.

Where verges are located in steep locations with limited access, the cost for the establishment and maintenance of turf is lower than planting. However, this does not factor in increased risk of injury associated with working in steep locations and additional costs if maintenance is to occur such as the use of ropes or hired machinery.

There are a number of areas within Waverley where mowing and edging has been undertaken previously but it is now deemed that this is unsafe. These locations would be suitable as priority sites for native plantings. With reduced maintenance costs, and reduced exposure to injury while using power equipment to maintain steeply sloped, the planting out of steep sites is preferable.

Urban Ecology

A nature strip that includes native plantings with a diverse vegetation structure provides significant benefits for a range of insects, birds and animals as it will provide them with increased habitat opportunities. Native groundcovers and shrubs provide habitat that is not provided by street trees and can greatly assist in improving habitat corridors in Waverley.

Street Gardens

As of November 2015, Council had approved only 400 street and community gardens. Of these 400 gardens, some may consist of just one tree or shrub. It is likely that additional public street gardens have been established without Council approval, although they are likely to adhere to the Policy and Guidelines. An audit is required to determine how many street and community gardens are still maintained and growing.

The November 2013 Policy has been successful in clearly defining the roles of Council and the community. This is of great assistance as gardening in the public domain is undertaken using a wide range of methodologies. This Policy and supporting Guidelines assist in reducing and preventing issues such as trip hazards, diminished sightlines or unmaintained gardens. Approximately 20 street and community gardens have been approved since the new Policy was adopted by Council.

In assessing the practical issues associated with gardening in the public domain, there are a large range of variables possible. In terms of street gardens there are varying widths of nature strips, footpaths, existing street trees and utilities to consider. In the first two years of this Policy the following issues have arisen:

- Gardens being too big and being planted without approval or beyond what is approved.
- Plant species proposed that will grow too large.
- Plant species that will create a hazard such as those with spikes or thorns.
- Gardens not being maintained by the public to the standard expected by neighbours.

All of these issues above have been clearly identified and addressed in the Policy and the position of Council clearly articulated. No new issue has arisen that requires Council to update the Policy except for updating the Policy to reflect updated programs that it references.

Public Gardening and Development Applications

When a development is proposed, applicants often include new street gardens in the plans. This street garden is often found between the property boundary and the footpath and can have significant benefits in terms of aesthetics, habitat creation and greenspace. Public gardens and street gardens are not able to be approved as part of the development application process as this only covers private land. The standard conditions of consent for development applications have been updated to further clarify this, reinforcing that all public gardens should be approved through the Waverley Renewal Program.

Footpath and Street Garden register

Following the adoption of the Public Gardening Policy a street garden register has been managed by Waverley Renewal. This outlines the number of gardens that have been approved, constructed without approval or have had complaints about maintenance levels. This register operates in Council's Customer Relationship Management system, Merit. There are issues with using this system such as it not being able to show how many gardens have been refused. Waverley Renewal will be updating their processes so that the database for street gardens is more comprehensive.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction:	E6 A network of parks and coastal reserves, street trees and other plantings provides a habitat for a thriving local ecology. E8 - Waverley is an environmentally educated and committed community. C7 - Health and quality of life are improved through a range of recreation and leisure Opportunities
Strategy:	E6c Increase the quantity and quality of habitat cover on private and public properties. C2b - Encourage and foster community pride through community groups and volunteering initiatives such as the 'Civic Pride' program. C7a - Retain, protect and improve the quality, flexibility and usability of parks, reserves and other green spaces to meet recreational needs, whilst considering and ameliorating any negative environmental impacts.
Deliverable:	Encourage native plantings on public / private property in identified habitat corridors. Footpath garden program continued.

6. Financial impact statement/Timeframe/Consultation

Financial Impact Statement

Currently the management and implementation of the Public Gardening Policy is largely undertaken by Clean & Attractive sub-program. There is the potential for some financial impacts when non-conforming gardens need to be removed. Continuation of the Public Place Gardening Policy will not change this. The administration team of Waverley Renewal will have a slight increase of workload in creating and maintaining a new Public Garden register.

The operation and promotion of the Second Nature program is undertaken by Sustainable Waverley staff, who have an allocated budget to continue this work.

Consultation

In undertaking this review, staff from Waverley Life, Waverley Renewal and Waverley Futures have been consulted.

7. Conclusion

The Public Place Gardening Policy assists Council to support the local community in their public gardening activities and enhances the appearance and biodiversity of our local area. This Policy and the supporting guidelines continue to be endorsed and actively promoted by Council.

Council will identify verges and native strips that cannot be safely maintained as turf and that can be planted with suitable native species. This will then be implemented by Council in a phased roll-out.

8. Attachments:

1. Public Place Gardening Policy
2. Street Garden Guidelines



Public Place Gardening Policy

WAVERLEY COUNCIL AUGUST 2013



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Policy Statement

Waverley Council supports public place gardening as a valuable activity that contributes to health and well-being, positive social interaction, community development, environmental education, protection and enhancement of the environment. Council is committed to ensuring that public place gardening contributes to sustainable public spaces.

Purpose

This Policy aims to enable the community to participate in public place gardening in the Waverley Local Government Area (LGA) and ensure that these public place gardens conform to clear guidelines. It will achieve this by outlining a clear framework for how the community can be involved, management requirements and the role of Council in public place gardening.

Objectives

- Enable and encourage residents to participate in public place gardening in Waverley in permissible areas on public open space, community land or road reserves, where appropriate, feasible and with community support.
- Define responsibilities of Council and community members for the establishment and maintenance of public gardens.
- Reduce health and safety risk by identifying key issues and providing guidelines to underpin the Policy.
- Provide equity, accountability, consistency in reporting and management of all public gardening activities.
- Ensure public place gardens in the Waverley LGA conform with this Policy and the related guidelines to ensure consistent approach to public access, safety and public place management.
- Set out the principles for ongoing care and management of public gardens.
- Balance varied and sometimes conflicting public interests.
- Ensure public gardens are sustainable in terms of energy, water, materials, and chemical use.
- Ensure that all public land is managed in accordance with the Local Government Act 1993.

Scope

This policy covers activities related to 'gardening' or growing and caring for plants by community members on public or council land. It excludes council or contracted land management activities.



Policy Context

This Policy replaces Council's *Footpath Garden Policy 2007*. This policy is has been developed in accordance with the following Council Plans and Policies:

- Code of Conduct Procedure for Staff, Delegates and Volunteers 2013
- Complaints Management Policy 2007
- Disability Action Plan and Access Policy 2002
- Environmental Action Plan 2 2009
- Local Village Centres Public Domain Improvement Plan, and Technical Manual 2006
- Public Domain Technical Manual - Bondi Junction Centre 2008
- Street Tree Masterplan 2008
- Sponsorship, Grants and Donations Policy 2006
- Tree Management Plan 2006
- Water Savings Action Plan 2008
- Waverley Council Code of Conduct 2013
- *Waverley Together 3* including 'Sustainable Community' and Sustainable Environment strategic directives
- Waverley Council Volunteering Policy and Strategy 2010

Legislative Context

There are many Acts, Regulations and Environmental Planning Instruments relevant to Public Gardening activities. Some of the key pieces are:

- Disability Discrimination Act 1992
- Environmental Planning and Assessment Act 1979
- Environment Protection and Biodiversity Conservation Act 1999
- Local Government Act 1993
- Noxious Weeds Act 1993
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Threatened Species Conservation Act 1995
- Waverley Development Control Plan 2012; Parts B3 - Biodiversity, and B4-Tree Preservation, E1 Bondi Junction Centre, E2 Bondi Beachfront Area and E3 Local Village Centres
- Waverley Local Environmental Plan 2012 Terrestrial Biodiversity Map
- Waverley Local Environment Plan 2012
- Work Health and Safety Act 2011

Public Place Gardening Types

Public Place Gardening in the Waverley Local Government Area (LGA) includes a range of 'gardening' activities carried out on public land. Public Place Gardening may be an individual activity, such as a single resident wanting to plant out the nature strip or adopt a street tree out the front of their homes. Public Place Gardening may also be carried out as a group activity working to an agreed plan. Examples of group Public Place Gardening include a bushcare group working to conserve and rehabilitate remnant bushland, a shared garden where members care for a pocket park, or a community garden dedicated to growing food plants.

1. COMMUNITY GARDENS



Community gardens are non-profit, community based gardens primarily growing food for members. They are usually multi-functional garden spaces that can provide demonstration sites for education of sustainable practices for gardening, food production and resource and waste efficiency, as well as other environmental, social and economic benefits.

- *Waverley Community Garden*: Council managed garden facility
- *Communal*: Waverley Park Community Garden managed by a community group

2. SHARED GARDENS



Shared gardens are groups formed within small 'pockets' of parkland or green spaces (generally 1,000m² or less). Council may support volunteers with plants, training and materials to help 'plant up' these areas during working bees.

- O'Donnell Street Reserve
- James Street Reserve
- Tamarama Park

Shared Garden groups may also be a Communal Community Garden, such as the Waverley Park Communal Garden.

3. BUSHCARE GROUPS



Bushcare groups maintain areas of remnant vegetation or bushland, and create and maintain habitat. Volunteers work alongside trained bush regeneration supervisors and meet regularly.

- Diamond Bay Bushcare Group
- Eastern Reserve Bushcare Group
- Hugh Bamford Bushcare Group
- Tamarama Bushcare Group
- Bronte Gully Bushcare Group

4. STREET GARDENS



Street Gardens: Are gardens on council land, generally on publicly visible areas of green within the streetscape. They are planted and maintained for native habitat, ornamental, food or other green infrastructure purposes. Street Gardens are small in size and mostly located on nature strips and footpaths. In-ground gardens and planter boxes may be installed in some areas as long as they meet the requirements of this policy, related guidelines including checklists and application process.

5. ADOPT-A-TREE



Adopt-a-tree: is the program that encourages the community to adopt and care for street trees. The program is mostly for whole of street planting and occasionally as single plantings outside a resident's property.



Public Place Garden Controls

All public place gardening activities covered by this Policy must satisfy the following requirements to allow establishment and ongoing use.

GUIDELINES

Council's Public Place Gardening Guidelines for each Public Gardening type detail specific criteria, application forms and checklists on establishment and ongoing use of public place garden types. These guidelines form the basis of public garden implementation and management in the Waverley Local Government Area.

EXCLUSION ZONES (Refer to map)

The following areas are excluded from this policy:

1. Bondi Beachfront Area
2. Bondi Junction Commercial Area
3. Local Village Centres
4. State Roads
5. Median strips and roundabouts (Council will consider new shared garden applications for the median strip in Blair Street, North Bondi, as it is planted with indigenous food plants and is a large available planting area). All other median strips are excluded from this Policy.

Zones 1, 2 and 3 are shown on the Exclusion Zones Map in the appendices.

Streetscape improvements in these areas may be implemented through partnerships with Council's Events and Business Management Division, the Civic Pride program and through the development process.

BIODIVERSITY PROTECTION

Waverley's pockets of remnant vegetation are protected under the Waverley Land Environment Plan 2012. Areas containing remnant vegetation or bushland are devoted entirely to conservation and habitat enhancement activities. The only public gardening type permissible in these areas is bushcare. See **Waverley LEP 2012 Terrestrial Biodiversity Maps**. These maps show the location of all remnant vegetation or bushland within the Waverley LGA.

Land adjacent to remnant vegetation is protected through the Waverley Development Control Plan 2012 - **Part B3 - Biodiversity**. Also refer to Appendix 2. Waverley Habitat Corridors Map.

HABITAT CORRIDORS

Linkages between our remnant vegetation, and identified habitat are known as habitat corridors. Habitat Corridors may include all types of public gardening activities, but any new plantings must include 50% local native species.

This is a requirement of the Waverley Development Control Plan 2012 - Part B3 -Biodiversity which shows the locations of Waverley's habitat corridors. See Appendix 2. Waverley Habitat Corridors Map.

TREE MANAGEMENT

The management of our urban trees must always be taken into consideration as the provision of shade for cooling our city is an important environmental benefit. Trees are vulnerable to root disturbance. When tree roots are cut the impact on the health and appearance of a tree may not be visible for many months afterwards.

All trees in Waverley including those in streets, parks and reserves are protected under the provisions of the Development Control Plan 2012, **Part B4 - Tree Preservation**.

PLANS OF MANAGEMENT

Council has Plans of Management (POM) for many parks and open space areas in the area. Public Place Gardening activities that occur in an area with an existing POM must be consistent with this Plan.

Where relevant, Council will incorporate public place gardens into plans of management for 'community land' such as our parklands and consult regarding any intended changes to land use.

PUBLIC LAND MANAGEMENT

Council manages public land located in the Waverley Local Government Area in accordance with relevant legislation and guidelines.

Use of public land for 'gardening activities' is subject to Council approval. Council reserves the right to withdraw approval to individuals or groups to participate if terms of agreed use are breached.

Use of public land for gardening activities does not assign or imply rights to individuals or organisations for use of the land other than the terms set out in user agreements or Site Action Plans, and specific operational guidelines.



ACCESS

Public place gardening sites must maintain community safety. Access to existing footpaths and walkways must be maintained.

Street Gardens:

- Should not use plants that will overhang or obstruct pathways and roadways, or impede sightlines. Specific requirements are outlined in the Public Place Gardening Guidelines - Street Gardens.
- Planter boxes may only be installed according to the Public Gardening Guidelines - Street Gardens.

Bushcare Sites: May discourage pedestrian access within bushcare sites for conservation purposes.

APPLICANT

Applications for public gardens can be made only by the land owner or strata manager of the land next to the intended public garden site.

CONSULTATION

Gardening in public spaces preserves, enhances and creates green spaces that will benefit the greater community and requires community support to succeed in the long term. This policy requires consultation with and endorsement from neighbours or nearby property owners for new activities. The type of consultation required is outlined in relevant guidelines.

PUBLIC GARDEN COMPOST FACILITIES

On-site composting facilities will be permissible on public land where the size, and type of compost facility, location and ongoing maintenance have been approved by Council. Any facilities that are not maintained to the required standards may be removed or relocated at Council's discretion.

NON-COMPLIANCE

Waverley Council may revoke an approval and reserves the right to remove a garden where the public gardener or group or activity is not meeting the terms of this policy; related guidelines and conditions of approval. An example of this is no longer being able to keep up maintenance on the garden.

Compliance will be assessed on a case by case basis. Gardeners will be advised in writing of the non-compliance, and given an opportunity to reinstate the garden to the approved standards.



Standard Conditions

RISK AND SAFETY MANAGEMENT

All public gardening must consider the safety of people working in the garden, and the safety of the general public. Risk assessments must be carried out for all sites during establishment to determine appropriate work methods and locations.

Refer to guidelines for safety information

SOIL CONTAMINATION

A range of chemicals occur in urban soils, including trace elements and heavy metals. Their distribution and concentrations are largely unknown. Lead could occur in high levels alongside major roads due to our past use of lead based fuels. Other contaminants may also be present depending on past uses. Lead does not readily move from soil through to the edible parts of the plant such as leaves and fruits. Council advises that:

- Non-edible and low maintenance plants are generally preferred such as local native species.
- If residents are concerned about lead and other contaminants, they should carry out soil testing to confirm levels or only garden with non-edible plants. It is their responsibility to carry out testing.
- Personal protective equipment should always be used.

WEED MANAGEMENT

All public gardens must manage and control noxious and environmental weeds. See **Waverley Council Weed Management Policy 2012**.



NEW GARDEN ESTABLISHMENT:

New garden groups or activities can be established where the proposed site is available for intended use and is in accordance with this Policy, relevant guidelines and terms of approval.

INSURANCE

Waverley Council's public liability insurance may be extended to cover public gardening by residents, where a risk management process has been followed or developed in conjunction with Council Staff.

- Garden groups can become an incorporated association through the NSW office of fair trading and manage their own insurance.
- The garden group may be auspiced by another organisation or agency, such as neighbourhood centre, and as a project of that organisation will be covered by their insurance.
- A group of community gardens with similar objectives might obtain insurance together.
- Any business, commercial enterprise must have a minimum of \$10,000,000 public liability insurance policy.

FUNDING

Council will consider proposals for any approved public gardening group or activity through existing Council programs and partnership and in accordance with the small grants program.

USER AGREEMENTS

All public place garden activities require a user agreement or Action Plan approved by Council, which outlines the key requirements and activities to be carried out.

Individual activities under Street Gardens and Adopt-a-tree will complete and sign an application and checklist that will form the user agreement.

All Group activities such as Shared Garden Groups, Bushcare Groups and Community Gardens will develop Action Plans that reflect the work to be carried out onsite over the upcoming year or agreed period. These will be reviewed annually, or as the site, group or proposed works changes.

GROUP MANAGEMENT

All public place gardening carried out by more than one gardener or group of gardeners should demonstrate their capacity to self-organise, start and manage the gardens activities over the long term, with minimal Council support and assistance.

Bushcare, shared and street gardens may be supervised, depending on the User Agreement.

Waverley Council recommends that groups develop a management plan which includes a garden agreement that all members agree to follow. An agreement should provide information on the expectations of behaviour and practices onsite, and a conflict resolution process.

Public gardening activities should aim to promote an environment that is tolerant and accepting. However, it is inevitable that conflicts may sometimes arise. In this situation, individuals and groups should immediately take steps to resolve conflict including communicating respectfully with those involved.

VOLUNTEERING

Works carried out in public places shall be not-for profit and volunteering policy and principles apply.

Refer to Waverley's Code of Conduct Procedure for Staff, Delegates and Volunteers. **Waverley's Code of Conduct Procedure for Staff Delegates and Volunteers** and **Waverley's Volunteering Policy 2010**.

SHARING

Public places are shared spaces. All public gardening activity must respect other uses, such as pedestrians and other traffic. Skills, knowledge and produce and social activity should be shared amongst the community.



Council Responsibilities

Waverley Council supports public gardening and will:

- Help to identify appropriate sites for gardening activities.
- Assist interested individuals and groups to join or establish new sites.
- Promote and raise awareness through council's website, newsletters, publications, workshops and events.
- Provide information to the public about the operation of groups and activities.
- Provide grant funding opportunities and advice. Groups will be eligible to apply for funding under the small grants program once in principle support has been established.
- Host workshops on practical skills, including group management.
- Assist with establishing worm farms and composting facilities.
- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information and experiences.
- Prioritise resourcing to projects with greatest community benefit.
- Develop guidelines in consultation with key stakeholders.

SUMMARY OF REQUIREMENTS

NEW PUBLIC GARDEN	APPROVAL REQUIRED	INSURANCE	SITE RISK ASSESSMENT	ACTION PLAN	FUNDING	REPORTING TO PROGRAM COORDINATOR
Street Gardens	Yes.	Businesses only	Yes	Yes	Self-funded. Groups eligible for grants	No
Shared Garden	Yes.	No	Yes	Yes	Council funds materials for 4 x working bees / year	Yes
Community Garden - Allotment	Yes.	No	Yes	No	Self-funded. Groups eligible for grants	No
Bushcare	Yes.	No	Yes	Yes	Council funded	Yes



Definitions

BIODIVERSITY

The variety of life: the different plants, animals and microorganisms, the genes they contain and the ecosystems of which they form. Biodiversity is vital in supporting human life. It provides many benefits, including our food, clean air and water and fertile soils.

BUSH REGENERATION

Bush regeneration is “the practice of restoring bushland by focusing on reinstating and reinforcing the system’s ongoing natural regeneration processes” (Australian Association of Bush Regenerators).

COMPOST BIN

A container to hold organic and biodegradable waste while it is being converted into soil conditioner, compost or humus by a biological decay process.

ENVIRONMENTAL WEED

Plants that can impact negatively on natural systems such as remnant bushland and habitat and parkland areas within the Waverley LGA. They are regarded as causing public and private nuisance, and have the potential to be declared noxious weeds.

HABITAT

The place where an animal, plant or microorganism exists and includes areas such as rocky shorelines, beaches, cliffs, still and running water as well as particular vegetation communities. Habitats often have a diverse range of physical features that enable the plants and animals to obtain food, water, and shelter and are able to reproduce.

LOCAL NATIVE PLANTS

Local native plants are those that have been propagated from local seed stocks from Sydney’s Eastern suburbs, not specifically from the Waverley area, and not from outside the Sydney Basin.

LOCAL VILLAGE CENTRE:

Are the areas identified in Waverley’s Local Village Centres Public Domain Improvement Plan (2006), and Local Village Centres Technical Manual (2006). Twelve commercial areas have been identified as Local Village Centres in the Waverley Local Government Area:

- 01 Bronte Beach;
- 02 Bronte Macpherson Street;
- 03 Charing Cross;
- 04 Murray Street;
- 05 Bondi Road;
- 06 Old South Head Road Neighbourhood Centres (at Murrivier Road, Blair Street, Flood Street);
- 07 Hall Street;
- 08 Glenayr Avenue;
- 09 North Bondi;
- 10 Murrivier Road;
- 11 Rose Bay Small Villages (north and south)
- 12 Blake Street.

NOXIOUS WEED

A plant declared noxious under the *Noxious Weeds Act 1993* **Waverley Council’s declared Noxious Weeds List**

PUBLIC DOMAIN

All land and facilities open for public use, including open space, streets, lanes, pedestrian thoroughfares, parks and public buildings.

STREETSCAPE

Is the term given to the collective appearance of all buildings, footpaths and gardens along a street. The streetscape is the visual identity of a neighbourhood and plays an important role in facilitating interaction between residents and creating a community.

TREE

Any woody perennial plant or any plant resembling a tree greater than 4 metres in height or with a canopy spread greater than 4 metres.

REMNANT VEGETATION

Is taken to be the original (pre-1788) vegetation which has survived to this day. These patches of trees, shrubs and grasses are also referred to as bushland.

Appendices

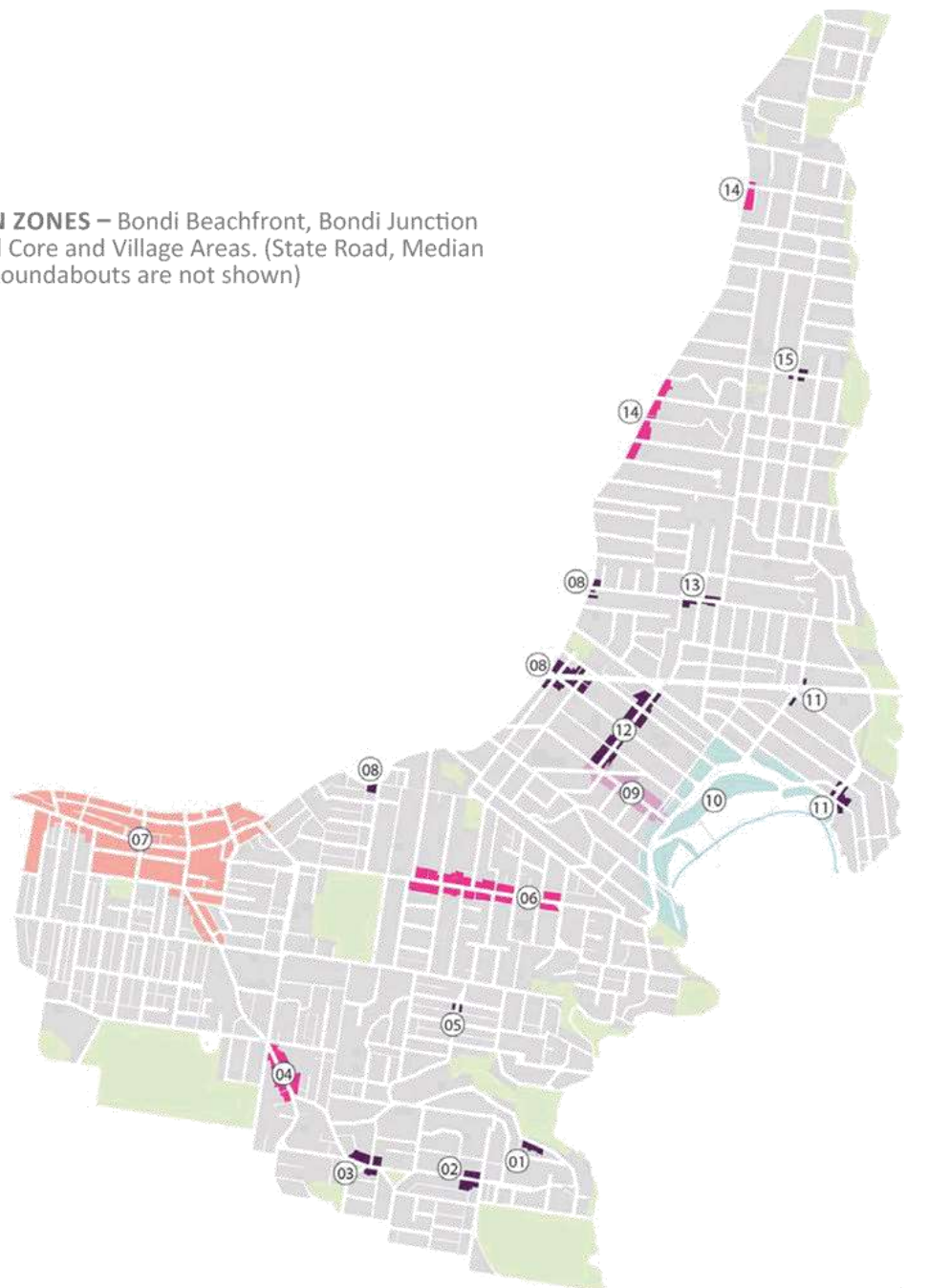
APPENDIX 1. EXCLUSION ZONES

APPENDIX 2. HABITAT CORRIDOR MAP



MAP 1.

EXCLUSION ZONES – Bondi Beachfront, Bondi Junction Commercial Core and Village Areas. (State Road, Median Strips and Roundabouts are not shown)



- | | | |
|--|---|--------------------------------|
| ① Bronte Beach Centre | ⑨ Hall Street | Town Centre |
| ② Bronte Macpherson Street | ⑩ Bondi Beachfront (Campbell Parade) | Village & Small Village Centre |
| ③ Lugar Street | ⑪ North Bondi and Wairoa Avenue | Neighbourhood Centre |
| ④ Charing Cross | ⑫ Glenayr Avenue | Bondi Junction Commercial Core |
| ⑤ Murray Street | ⑬ Murrivier Road | Bondi Beachfront Area |
| ⑥ Bondi Road | ⑭ Rose Bay Small Village Centres (south/ north) | |
| ⑦ Bondi Junction Commercial Core | ⑮ Blake Street | |
| ⑧ Old South Head Road, Neighbourhood Centres (south/ central/ north) | | |



MAP 2.
WAVERLEY REMNANT VEGETATION AND HABITAT
CORRIDOR MAP



Key Habitat Areas:

- | | |
|-----------------------------|--------------------------------------|
| ① Diamond Bay* | ⑧ Waverley Park |
| ② Rodney / Raleigh Reserve* | ⑨ Bronte Park |
| ③ Eastern Reserve* | ⑩ Calga Reserve / Waverley Cemetery* |
| ④ Hugh Bamford* | ⑪ Varna Park |
| ⑤ Thomas Hogan Reserve | ⑫ Queens Park* |
| ⑥ Hunter Park / Marks Park* | ⑬ York Road Reserve* |
| ⑦ Tamarama Park* | |

- Recognised Habitat
- Habitat Corridor
- Habitat Buffer (50m)
- Built Form

* All areas of remnant vegetation can be viewed online: http://www.waverley.nsw.gov.au/council_services?online_mapping





Street Garden Guidelines



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DATE ADOPTED BY COUNCIL
NEXT REVIEW DATE

Street Garden Guidelines

Waverley Council supports public place gardening as a valuable activity that contributes to health and well-being, positive social interaction, community development, environmental education, protection and enhancement, and support the creation of sustainable open space public open space.

These Street Garden Guidelines detail the considerations and requirements of gardening in the nature strip. These guidelines are to be read together with the Public Place Gardening Policy 2013.

1. What is a street garden?

Street Gardens are plantings on the Council land between the private property boundary and the road kerb. This area is usually grassed and contains street trees, footpaths, driveways and other above and below ground infrastructure and is often referred to as the nature strip or road verge. Street gardens may be planted according to these guidelines.

2. Starting a street garden

- Select your planting area
- Obtain neighbourhood support
- Plan your street garden
- Submit your permit and checklist
- Assessment and approval
- Plant and maintain your garden

2.1. SELECT YOUR PLANTING AREA

There are a few things that are essential for a successful street garden, such as access to sunlight and water. A site's suitability for street gardening also depends on factors such as existing trees and other structures above and below the ground, existing and future uses of the site. As an initial assessment of site suitability, consider the following:

Location. *Directly out the front of your home or place of business?*

- ✓ If you want to garden the grassed nature strip directly out the front of your residence, then follow the steps outlined in this guideline. If you are unsure about where in the nature strip you planting should be located, Council may be able to assist you to identify considerations or potential constraints with your site.



- ✗ If you are looking to garden an alternate space, such as a laneway near your home, these are 'shared gardens' rather than 'street gardens'.

- If you wish to start a shared garden contact Council's Civic Pride Coordinator at civicpride@waverley.nsw.gov.au. Council can give permission for Council owned and managed lands and may be able to identify suitable sites near you.

The location of your street garden will depend on the width of your nature strip, what else is there and how it is used. The most important consideration will be that a clear pedestrian travel path can be provided or maintained. See section 4 of this guideline.

The best place for a street garden, in-ground or planter box will usually be closest to the property boundary. The main reasons are that the majority of public utilities run along the kerb-side area of the nature strip. Also because it is important to maintain clear lines of sight in this area.

Sunlight. *Does the site receive enough sunlight?*

- Access to sunlight will influence garden location and plant species selected.

Water. *Where is your nearest available water source?*

- Also consider how the movement of water surface flow will affect your garden?

Trees. *Are there existing trees?*

- Waverley's street and park trees are owned and managed by Council. We regard them as green infrastructure and we need to make sure they are not damaged by any gardening activity.

Existing use. *How is the site currently used?*

- Pedestrians, cyclists and vehicular traffic share our public spaces. Consider how many people use or walk by the proposed street garden location, how they may be impacted and how impacts may be reduced.

Future use. *Find out if there are any planned changes to the site or how it is being used.*

- Council can advise if there are any potential or immediate development plans for your streets e.g. replacement or new pavements.

Above and Below Ground.

- The nature strip is often a busy place with many existing above and below ground structures, which need to be considered during the planning stage.
- Above ground structures include, street furniture, sign posts, driveways, electrical kiosks and service pit lids.
- Below the ground exists service cables and pipes from electrical, gas and telecommunication providers.
- The position of these structures will influence the suitability of any site for planting, and the type and location of any planting that may take place.

2.2. OBTAIN NEIGHBOURHOOD SUPPORT

Neighbourhood support is an essential part of any public gardening activity. You will need to provide evidence of your consultation to Council with your application.

- **Applications for street gardens should be made by the land owner or strata manager of the land next to the intended street garden site.**
- Alternatively, a letter from the land owner or strata manager of the land next to the intended street garden may accompany the application. The letter must express support for the proposal and accept responsibility for ensuring ongoing compliance with the street garden guidelines.
- For small residential applications to garden the nature strip out the front of your home: as a minimum you must consult with the property owners, immediately next to your site. They may also wish to have a street garden. Or if they oppose the idea, you will have time to talk through their issues to negotiate a suitable outcome.
- For larger projects, for example where there is more than one garden bed, planter box or an area greater than 10m², nearby houses on both sides of your street (eg. within 50m) should be informed to explain your proposal, seek their support and/or invite them to become involved. You should arrange a neighbourhood gathering to explain your initiative and give residents an opportunity to have their say. Also consider presenting your idea at your local precinct committee.
- Be flexible in your approach, there may be some compromise needed in order to secure support and participation in the project.
- Council's Civic Pride Coordinator will advise the amount and type of consultation needed to support your proposal.



2.3. PLAN YOUR STREET GARDEN

Planning your street garden should start before you submit your application. Following the guidelines and checklist provided will help you to submit an application that meets the requirements of a public garden.

2.4. SUBMIT YOUR PERMIT APPLICATION AND CHECKLIST

Before you start planting, you must present an application (proposal) to Council, using the forms attached. The proposal shall contain the following:

- The completed application form with the following information:
 - Completed checklists showing how the garden will meet the guidelines
 - The proposed location and a sketch design of the street garden, including dimensions.
- Evidence of neighbourhood support. Describe the community consultation carried out. Provide names and addresses of neighbours who support the proposal and include any key issues and outcomes. Also provide details of those opposing the project to ensure their concerns are represented.
- The application form and checklist(s) completed by the owner or strata manager of the properties closest to the proposed street garden, with name, signature and contact details, or a letter of support for the proposed garden from the owner or strata manager.
- The completed application form and checklist(s) with the name and contact details of the nominated primary contact person in relation to construction, maintenance and operation of the street garden.

2.5. ASSESSMENT AND APPROVAL

Council will acknowledge receipt of your application and advise of potential timing on a case by case basis.

Note: Larger or more complex gardens or submissions may take more time to negotiate with your neighbours, landholders or managers.

A register listing the locations of Street Gardens for which approval has been issued by Council will be maintained by Council's Planning and Environmental Services division, and can be viewed on 'online mapping' on Council's website.

3. Exclusion Zones

These guidelines do not apply to certain areas, including those shown as listed in the Public Place Gardening Policy. Refer to the Public Place Gardening Policy to make sure that your site is outside of these areas.

- Exclusion Zones Map, and
- Remnant Vegetation and Habitat Corridor Map

Other areas that are excluded from Street Gardening are State Roads and Median strips.

3.1. STATE ROADS AND MEDIAN STRIPS

Street Gardens of any kind are not permitted on State Roads, including Bondi Road, Carrington Road, Council Street and Old South Head Road.

Street gardens are not permitted on any median strips.

3.2. REMNANT VEGETATION AND HABITAT CORRIDORS

These guidelines do not apply to areas of land that contain or adjoin remnant vegetation. **It is important to note that food crops are not permitted within areas containing remnant vegetation.**

Street Gardens may be installed within habitat areas and corridors, however special considerations apply. These areas are covered by the Waverley Development Control Plan 2012 - Biodiversity. Refer to the DCP for the conditions that relate to remnant bushland, habitat areas and habitat corridors.

If you would like to carry out a project in a remnant vegetation or habitat area, or habitat corridor, contact Council's Bushcare Coordinator, bushcare@waverley.nsw.gov.au.

4. Under the Ground

4.1. PUBLIC UTILITIES

Find out where the underground services are before you start planning your garden. This information can be found by contacting **Dial Before You Dig, by phone on 1100, on www.1100.com.au**

Underground pipes and cables carry services such as water, stormwater, electricity, communications and gas, and are located in all streets and connect to your house. Find out what underground utilities run through or near your site at the planning stage.

You must locate public utilities to minimise the risk of damaging underground pipes and cables and putting lives in danger, as well as causing widespread disruption. Digging into an electricity cable or gas pipe with a misplaced stroke of a shovel can be fatal.

There are many incidents of damage to underground networks throughout Australia each year, costing millions of dollars. Most of this damage results from ignorance, carelessness or disregard. Individual and company liability for cable and pipe damage. Legal action may be taken against individuals or companies. Waverley Council is not responsible for damage to or the repair of private stormwater lines or other utilities.

Service authorities have right of way to their assets. This means they may need to remove your plantings to access their infrastructure repairs or maintenance. It is up to you to negotiate the protection and/or reinstatement of your garden bed with the relevant service authorities. Council is not liable for any maintenance or repair of your street garden.

All landscaping and maintenance works must be undertaken by hand. Mechanised tools and equipment are not permitted.

Any digging should be limited to the top 300mm of the soil to avoid interference with underground utilities. Note that the depth of many public utilities is not known. The stormwater drains of some properties may be at shallower depths.



4.2. SOIL

Gardens that use existing site soil are preferred by Council, rather than those that need new materials to be imported.

The soil or growing medium next to the footpath should be level with or slightly below the top surface of the footpath to ensure that surface water can flow into the garden bed, and that soil, mulch or other garden materials do not spill out.

Soil Safety

It is possible that lead could occur in high levels alongside our major roads due to our past use of lead based fuels. Lead and other contaminants could also be present in localised areas depending on past uses.

Waverley Council advises:

The potential for contamination from edible plants is low except if root crops are grown.

- If residents are concerned about lead and other contaminants, they should carry out soil testing at their cost to confirm levels or only garden with non-edible plants
- Lead has no obvious affect on the health and appearance of plants, so native and ornamental plants are suitable for all soils.

Plants do not readily absorb large amounts of lead, and the amount they absorb depends on the species and variety of plant, the chemical composition of the soil, the amount of lead in the soil, and the soil temperature. Because so many factors influence how much lead a plant absorbs, it is difficult to predict how much lead a plant will contain based on the amount of lead in the soil.

However, lead is generally slow to move within a plant (from roots to leaves), and most of the lead that does enter a plant accumulates firstly in the roots and then in the leaves.

Fruits such as tomatoes, capsicums, melons, okra, apples and oranges and seeds such as corn, peas, and beans generally have the lowest lead concentrations and are the safest portions of the respective plants to eat if grown in lead contaminant soils.

Source: University of California, Agriculture and Natural Resources, 2010

- Always wear personal protective equipment such as gloves when gardening in public spaces.
- Always wash any food harvested to remove particulate matter.
- Planter boxes may be installed with approval
- Chemical soil additives used in Waverley's street gardens must be low toxicity.
- Organic additives are preferred such as 'worm wee' and 'worm-castings'.
- Organic pest control measures are encouraged, you may be able to get some effective techniques by talking to your local gardeners at garden groups, clubs and networks. There is great range of information available in books, magazines and online. Try Sustainable Gardening Australia's website (link www.sgaonline.org.au)
- Domestically available herbicides are permitted, but not encouraged. They may only be used in accordance with Waverley's Pesticide Policy and Notification Plan 2007.

Soil level

The soil level of any in-ground street garden is to be the same level as the top of the kerb or any pathway. See Figure 1. This is to ensure raised or mounded soil does not become a trip hazard.

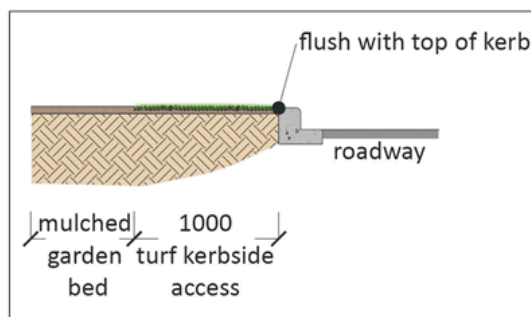


FIGURE 1: The top of your garden is level with the top of the kerb.





4.3. SUBSOIL & STRUCTURES

Permanent fixtures or structures are not permitted in street gardens unless approved through the Development Application process.

Garden edging, retaining walls, paving and seating are not covered by these street garden guidelines. They may be negotiated under special circumstances through Council partnerships and programs such as 'Civic Pride' projects and through the Development Application process.

Permanent installations such as in-ground irrigation systems and sub-surface drainage are not permitted.



5. Above the ground

5.1. ROADS, TRAFFIC AND ACCESS

Working on a Street garden means you are working next to a road. Always consider the following when working on your street garden:

- How will your garden and related activities affect those around you?
- Always work from the footpath or nature strip, never from the road.
- Watch out for passing cars and keep clear of cyclists and pedestrians. Wearing high visibility clothing is recommended so that they can see you too.
- Keep an access strip 1000mm (1m) wide, from the top of the kerb to the garden edge to allow pedestrians to easily open and close vehicle doors, and cross to the pathway from the street. In many streets, the section closest to the road will not be wide enough for planting.
- Corners are to be unplanted for a 45degree splay from the property. Refer to figure 2.

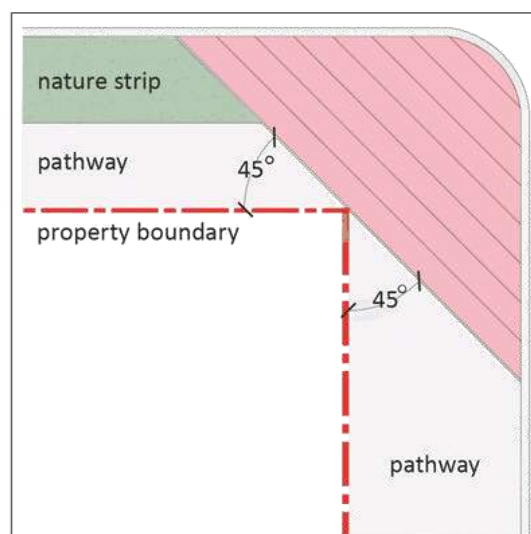


FIGURE 2: No planting area for corners

- Use low growing plants close to street intersections, driveways, pathway edges and wherever visibility is a concern. Plants should be no taller than 500mm (0.5m) in these locations.
- Use low growing plants (500mm), for a distance of 1500mm from driveways.

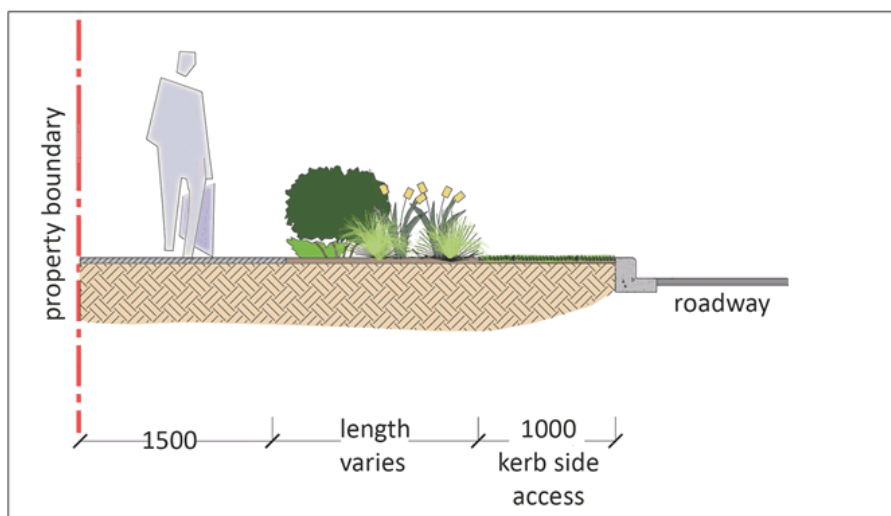


FIGURE 3: Maintain a footpath 1500mm wide where none is provided.

Pedestrian travel path

- If there is no pathway, access 1500mm (1.5m) wide must be provided so that pedestrians are not forced to walk on the roadway.
- Garden beds should not be more than 2500mm (2.5m) long without a break.
- Planter boxes should be no more than 1500mm (1.5m long) without a break.
- Keep an access strip at least 800mm (0.8m) wide unplanted in between garden beds for access to pathways and for residents to take their garbage and recycling bins to the kerb.
- Maintain a 1500mm (1.5m) clearance around light and electrical poles, electrical boxes, signage and other permanent structures. Make sure they are easily visible from both the street and the pathway.
- Don't plant spiky or tall plants which may block lines of sight for pedestrians, cyclists or motorists using or crossing the road or public footpath. See plant selection below.
- Make sure your plants do not overhang the pathway or roads.
- Sweep up leaf litter, flowers and fruit to keep from pathways and gutters.

5.2. PLANT SELECTION

It is important to select the right plants for your location, and consider how your plants will grow over time. Make sure that there is enough space for the future growth of your plants.

- Make sure your plants do not grow to overhang the pathway or roads.
- Sweep up leaf litter, flowers and fruit to keep from pathways and gutters.
- Keep plants and soil clear of utility covers such as fire hydrants, phone and stormwater pits.
- Do not plant trees. Only trees planted by Waverley Council are allowed within our streets. **Note:** that if you would like a tree to be planted, you can 'Adopt-a-tree'. Contact Council's Civic Pride Coordinator for more information.
- Choose drought-tolerant plants and plants suited to our coastal conditions.
- Choose perennial plants over those that last for one growing season to minimise garden maintenance.
- Areas within habitat corridors must include 50% local native plants. Refer to Residential Plant List.
- Food producing plants are not permitted on the nature strip of State Government Roads: Carrington Street, Council Road, Bondi Road and Old South Head Road.
- Plant height must be no taller than 2m high next to residential property lines, and 1m elsewhere. Choose plants that do not grow to exceed this height at maturity, or can be maintained at this height through trimming.



- If plant heights do not meet these guidelines, Waverley Council reserves the right to ask plants to be trimmed within 28 days of notice, or to have them trimmed.

Growing food in street gardens

Before growing food in your street garden, carefully consider the following information. Most food producing plants require very good soil, lots of sunlight and regular watering.

When combined with the high usage and competing interests in some streets, your nature strip may not be the best location for a food garden.

Waverley Council cannot guarantee the suitability of each street for growing food. It is up to the individual public gardener to determine whether or not it's appropriate to grow food in their street. With consideration and planning, residents can add edible elements to their street garden or planter box.

5.3. WORKING AROUND STREET TREES

All trees growing along our streets are owned and managed by Waverley Council, under the care of our Urban Tree department. Questions or concerns regarding street trees should be directed to **8306 3647**.

- All trees over 4 metres in height or have a canopy spread over 4 meters in diameter, or a trunk diameter greater than 300mm at 1.3m above ground level are protected under Council's Tree Preservation Development Control Plan. The DCP applies to both above and below ground parts of the tree.

- Do not cut the roots or branches of street trees. Note: only Council staff are permitted to plant, prune or remove trees on a nature strip or on the footpath.

- Keep soil, compost or mulch from contacting the bark or trunk of the tree as moisture causes bark to rot, which can threaten the health of the tree.

- Minimum distances apply for the protection of tree roots. Any above or below ground work near an urban tree may cause the death or long term decline of a tree. As a general rule no more than 10cm of soil, compost or mulch directly above tree roots is permitted within a tree's protection zone as it may lead to shallow rooting, and inhibit the movement of air and water to the roots. Refer to Waverley DCP 2012 **Section 4 – Tree Preservation**.

- The impact on any nearby urban tree from the siting of a garden bed will be assessed prior to approval. Relocation or other measures to minimise damage to a tree will apply.

- Do not nail or tie signs, trellises or other fixtures to a street planter boxes

- Gardening is unsuitable within tree pits with tree grates, Terrabond, crushed granite, or granite setts.

Clearances around Street Trees

- Minimum clearance of in-ground street gardens from the base of a street tree in grassed or landscaped nature strip: 1500mm. See Figure 4 below.

- Minimum clearance of planter boxes from the base of street trees in hard surfaces, including tree pits and grills.

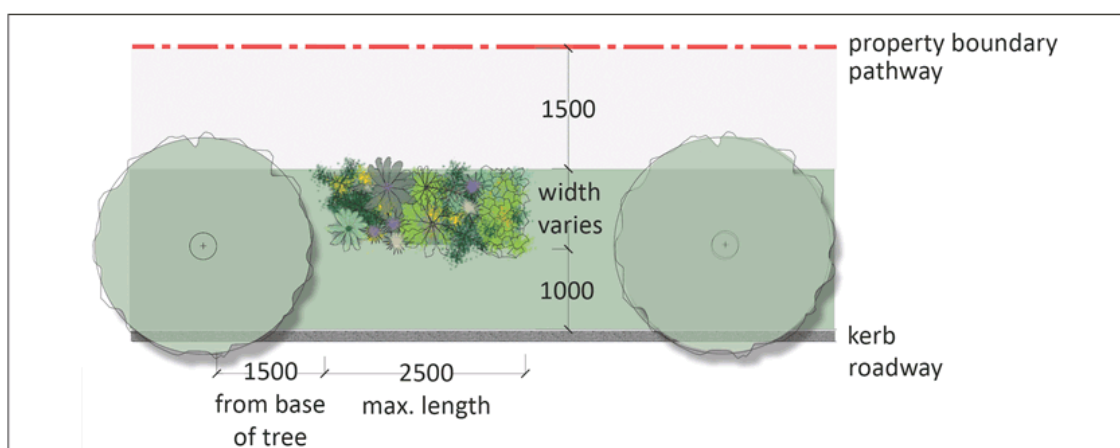


FIGURE 4: Garden bed near street trees in grassed nature strip



5.4. PLANTER BOXES

Planter boxes are permitted in street gardens with approval. Planter boxes are recommended in areas with hard, level surfaces. Planter boxes must not be higher than 550mm or longer than 1500mm to ensure they are accessible.

Planter boxes should be constructed from wood sustainably sourced or produced. Recycled wood can be used as long as it meets the requirements below. If you are growing food in your planter box, do not use treated pine.

Planter boxes must be durable enough to survive outdoors. It should be stable after planting out, resistant to toppling, waterproof and UV resistant.

The colour of the planter box should be in contrast with the surrounding environment to ensure visibility.

The planter box must be free of sharp edges, protrusions or features which may damage the footpath or injure passing pedestrians.

All planter boxes will be square or rectangular in shape, with four sides and a fixed bottom.

Planter boxes are to be constructed from wood. Materials are to be sustainable in terms of harvesting and production.

If you are growing food in your garden bed or planter box, do not use recycled treated pine.

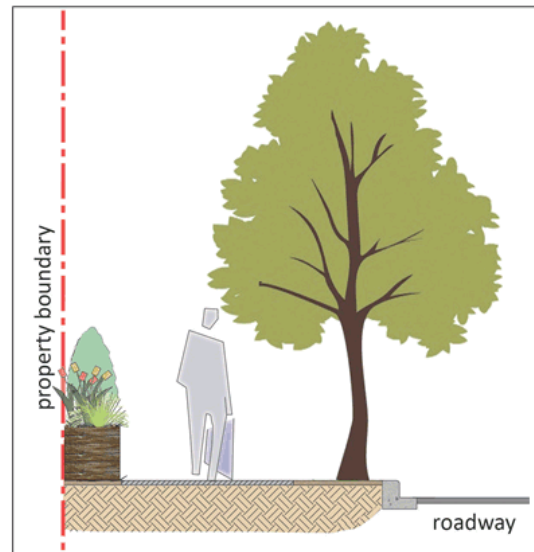


FIGURE 5: Planter box against property



TABLE 1: Minimum distances and clearances

DISTANCE REQUIRED FOR		PLANTER BOXES	IN-GROUND GARDENS
0.1m	Maximum depth of mulch around tree roots		✓
0.3m	Maximum depth for digging into nature strip		✓
0.5m	Maximum height of plants along driveways, pathway edges and wherever visibility is a concern		✓
0.5m	Minimum distance of planter boxes from tree pit edges (in hard surfaces)	✓	
0.5m	Maximum height of a planter box	✓	
0.8m	Minimum access between garden beds or planter boxes	✓	✓
0.8m	Minimum clearance from street furniture such as seats or rubbish bins, service utilities pits and grates, drains, building entrances and the like	✓	✓
1.0m	Access area along kerb, maintain unplanted	✓	✓
1.5m	Maintain low growing plants (0.5m high) for a distance of 1.5m from driveways		✓
1.5m	Minimum clearance from light and power poles, signs and other structures		
1.5m	Minimum distance for pedestrian access way where no pathway is provided	✓	✓
1.5m	Minimum clearance from the trunk of street trees in the nature strip (not in pits)		✓
1.5m	Maximum length of a planter box	✓	
2.0m	Maximum height of plants at maturity along property boundary (including height of planter boxes)	✓	✓
2.5m	Maximum distance for garden beds or planters without a break (access)	✓	✓

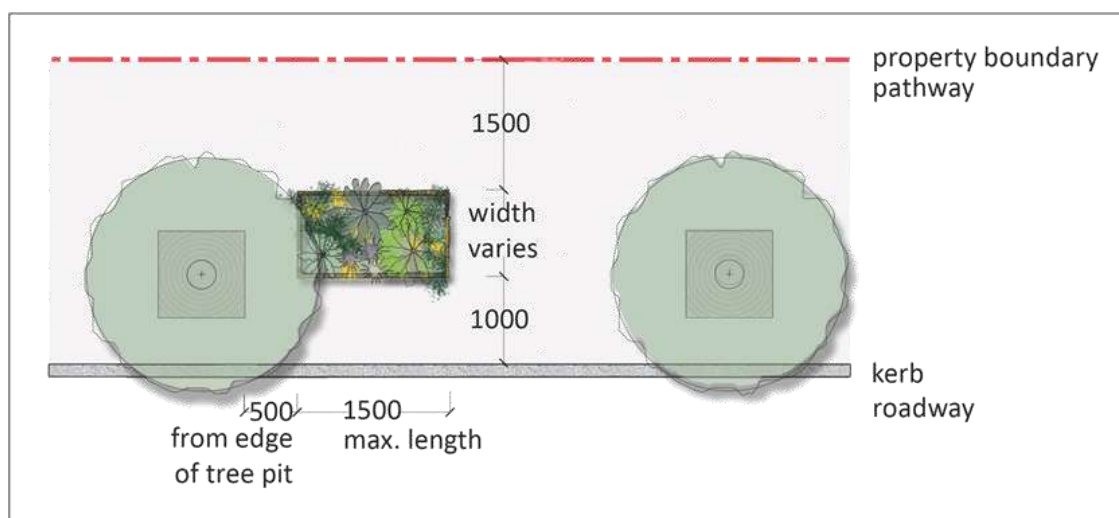
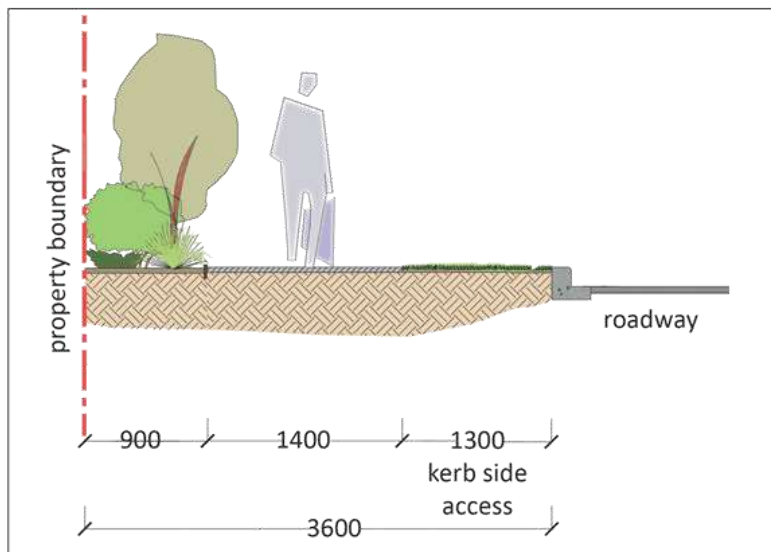
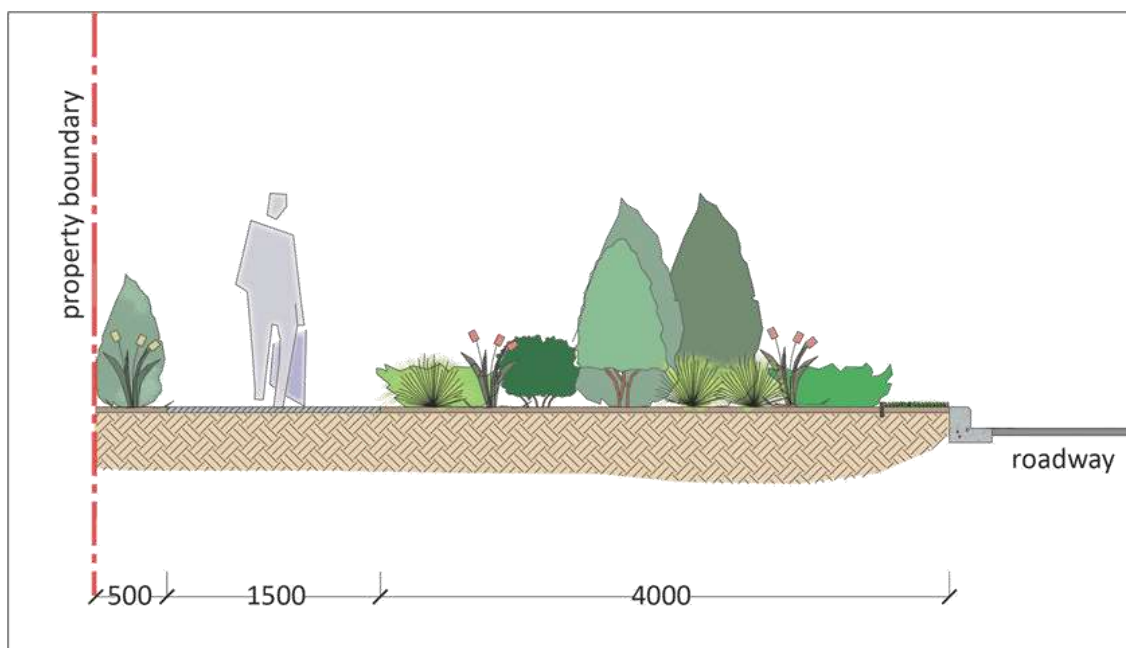
**FIGURE 6:** Planter box near street trees in grates in hard surface.

FIGURE 7: Typical Footpath with concrete pathway

The minimum width of the overall footpath needed to have a street garden (in-ground or planter box) is 2600mm.

FIGURE 8: Wide nature strip with footpath

Greater opportunities exist for more planting on wide footpaths.
For instance larger growing shrubs (to 2m high) may be planted in nature strips that are 4m wide.



6. Working on your garden

6.1. WORK SAFETY

You are responsible for your own safety while working on your street garden. This means following basic safety precautions such as wearing appropriate clothing, being sun-smart, using tools safely and appropriately, and handling all materials safely.

- **Be sun-smart.** Wear clothing suitable for working outdoors, such as closed in shoes, long sleeved shirts and trousers. Wear a hat, sunscreen and sunnies, and drink plenty of water.
- **Work safe.** Use the right tool for the right job, use tools safely and do not store tools or materials on the footpath. Wear high visibility clothing working next to roads or busy places. Wear gloves and any other personal protective equipment.
- **Practice sustainable gardening.** The use of synthetic fertilisers, herbicides and pesticides is not recommended. See resource conservation below.

6.2. MAINTENANCE

It is important to maintain your street garden. By applying for a street garden, the public gardener is making a long-term commitment of their time and effort to maintain their garden. The key public gardener(s), or resident(s) assuming responsibility for the care of landscaped verges must ensure they are kept in a safe, clean, healthy and attractive condition free of disease, foreign matter, dead plant material and hazards – free from obstructions.

As well as creating a visually pleasing garden, maintenance is required to ensure access.

7. Compliance/ Grievance Process

Should Council receive complaints in regard to the street garden, a Council staff member will contact you in writing to address the complaint.

Street gardens that have not been maintained in accordance with these guidelines, have been neglected, abandoned, or are unsafe or untidy will be considered to be non-compliant with these guidelines. Council may issue instructions to restore the garden to a satisfactory standard within 28 days. Council may ask that the planting be removed and the site reinstated to turf. If Council does not receive a response within this time period, the street garden will be removed by Council and associated costs will be transferred to the resident.



8. Materials and Resource Conservation

Residents are encouraged to use native or water-wise plants where possible.

Where watering is needed, residents should consider watering planters or nature strips by hand with collected rainwater or recycled water. Irrigation systems are not permitted. Water must not flow from the street garden on to the public footpath or into street drains. Mulch is recommended to retain soil moisture.

The materials used on the garden will be low hazard for the general public. For instance, they will not be sharp, moveable, cause irritation or toxicity.

Consider using re-used, recycled and organic products rather than synthetic mulches, fertilisers and chemicals.

The street garden will remain free of bamboo and hardwood stakes, steel pickets, guide wires, protruding stems and the like which may cause a hazard to other users of the footpath and road.

9. References

Sydney City Council 2012 Footpath Gardening Policy, Accessed online: http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0004/130585/130218_EC_ITEM06_ATTACHMENTC.PDF

City of Vancouver 2012, Boulevard Gardening Guidelines, Accessed online: <http://vancouver.ca/files/cov/boulevard-gardening-guidelines.pdf> Waverley Council

City of Yarra 2013, Urban Agriculture Guidelines for Neighbourhood Gardening Nature Strips and Garden Beds, Guidelines for Neighbourhood Gardening - Planter Boxes. Accessed online: www.yarracity.vic.gov.au

10. Appendices

A. APPLICATION AND CHECKLIST 1 FOR GENERAL GARDEN BEDS

B. APPLICATION AND CHECKLIST 2 FOR PLANTER BOXES

C. REMNANT VEGETATION & HABITAT CORRIDORS MAP

D. NATIVE PLANT LIST



STREET GARDENS APPLICATION & CHECKLIST 1

To be used by residents and business owners to gain approval for a street garden.
The form must be completed by the property owner/strata manager nearest the site,
or accompanied by a letter of support by the property owner/ strata manager

Please return form to civicpride@waverley.nsw.gov.au.



APPLICANT DETAILS

First Name Last Name

Phone Email

Address

1. YOUR SITE

Please tick

Tell us where you would like to garden

- | | Yes | No | N/A |
|--|--------------------------|--------------------------|--------------------------|
| 1a. The road verge directly out front of my home, same address as listed above, or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1b. The road verge directly out front of my business or place of work, or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1c. Another location within my street/ neighbourhood. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Have you gained endorsement from the owner nearest your site?

- | | Yes | No | N/A |
|--|--------------------------|--------------------------|--------------------------|
| 1d. I own the property directly in front of/ next to the proposed new garden | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1e. I rent the property nearest the garden, and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1f. I have attached a letter of support from the land owner/ strata manager | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Site suitability

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1g. My site is located outside exclusion zones listed in Map 1 Public Place Gardening Policy | <input type="checkbox"/> | <input type="checkbox"/> |
| 1h. My site is within an identified Habitat Corridor. See Map 2 | <input type="checkbox"/> | <input type="checkbox"/> |
| 1i. My site is next to remnant vegetation. See Map 2 | <input type="checkbox"/> | <input type="checkbox"/> |
| 1j. I have discussed site suitability with Council's Civic Pride Coordinator, or | <input type="checkbox"/> | <input type="checkbox"/> |
| 1k. I have attached a map or sketch of the site, along with the project proposal | <input type="checkbox"/> | <input type="checkbox"/> |

2. NEIGHBOURHOOD SUPPORT

Please tick

- | | |
|---|--------------------------|
| 2a. I have consulted with my immediate neighbours, they have signed the form overleaf in support of the project | <input type="checkbox"/> |
| 2b. I have provided details of the community consultation undertaken. Attached | <input type="checkbox"/> |
| 2c. I will work with Council's Civic Pride Coordinator to obtain neighbourhood support | <input type="checkbox"/> |

3. UNDER THE GROUND

Yes No

- | | | |
|---|--------------------------|--------------------------|
| 3a. The underground services have been located by contacting
DIAL BEFORE YOU DIG, ON 1100, OR AT WWW.1100.COM.AU | <input type="checkbox"/> | <input type="checkbox"/> |
| 3b. I have located connections from public utilities to my private property | <input type="checkbox"/> | <input type="checkbox"/> |

4. ABOVE THE GROUND

Please tick

Soil level

- | | Yes | No | N/A |
|---|--------------------------|--------------------------|--------------------------|
| 4a. The top level of soil in my garden will be level with the the top of the kerb and pathway to prevent the runoff of materials such as soil, debris or water onto the pavement or road or into drains | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4b. I want to garden in a planter box. If yes, please complete checklist 2 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



Roads, Traffic & Access

- 4c. The street garden will have an access strip along the top of the kerb, 1,000mm wide from the top of kerb to the edge of planting. ☐ ☐ ☐
- 4d. Low growing plants (500mm high or less) will be planted 1500mm next to driveways to maintain sight lines. ☐ ☐ ☐
- 4e. A 45degree splay from the property line of properties on corners or intersection remain unplanted ☐ ☐ ☐
- 4f. Low growing plants (500mm high or less) will be planted for 10,000mm from corners/intersections, and 15000mm from driveways, and along pedestrian crossings to maintain sight lines. ☐ ☐ ☐
- 4g. An access way/ pathway of 1500mm wide will be provided and maintained where none is provided. To be shown on the sketch provided. ☐ ☐ ☐
- 4h. An access way 800mm wide will be provided in between plantings/garden beds to enable residents to take garbage/ recycling bins to the kerb. ☐ ☐ ☐
- 4i. The garden beds will not be more than 2.5m long without a break ☐ ☐ ☐

Trees

- 4j. There are existing trees in my site ☐ ☐ ☐
If yes, I will keep a distance of 1.5m or more clear around the base of the tree clear (unplanted) to ensure the continued health of the tree? ☐ ☐ ☐
- 4k. The garden requires planting of trees. ☐ ☐ ☐
If yes please complete Adopt-a-tree section

Plants

- 4l. Plants will be low-growing at maturity (<500mm tall) near driveways and along pedestrian crossings. ☐ ☐ ☐
- 4m. The maximum height of any plant in my street garden will be (<2000mm) at maturity against my property line only ☐ ☐ ☐

5. WORKING ON YOUR GARDEN*Please tick if applicable**Materials*

Yes No N/A

- 5a. The materials used on the garden will be low hazard for the general public. For instance, they will not be sharp, moveable, cause irritation or toxicity. ☐ ☐ ☐
- 5b. The street garden will remain free from raised edgings such as bricks, loose stones, materials and fences which may cause a trip hazard to pedestrians or vehicles? ☐ ☐ ☐
- 5c. The street garden will remain free of bamboo and hardwood stakes, steel pickets, guide wires, protruding stems and the like which may cause a hazard to other users of the footpath and road? ☐ ☐ ☐
- 5d. Only organic mulch will be used, to a maximum depth of 100mm ☐ ☐ ☐
- 5e. The garden will be regularly tended to, and kept free of noxious, and environmental weeds ☐ ☐ ☐

Please sketch the garden location, and proposed planting here, include dimensions. Or attach additional documentation.



ATTACHMENT 1 DESIGN PLAN

Please use this form to provide a detailed plan of the street garden, indicating the exact measurements of the footpath and kerb side zones as well as the type and dimension of any street furniture, City of Melbourne signage and street fixtures etc.

[illegible]

LIST OF MEASUREMENTS:



ATTACHMENT 2 COMMUNITY ENGAGEMENT FORM

RESIDENT NAME	ADDRESS	ARE YOU AN OWNER OCCUPIER, TENANT OR LAND LORD?	DO YOU SUPPORT THE PROPOSED STREET GARDEN. WHY / WHY NOT?	DO YOU HAVE ANY SUGGESTIONS ON HOW THE PROPOSED STREET GARDEN COULD BE IMPROVED? PLEASE DESCRIBE	DO YOU HAVE ANY CONCERNS DO YOU HAVE ABOUT THE PROPOSED STREET GARDEN? PLEASE DESCRIBE.



STREET GARDENS CHECKLIST 2 – PLANTER BOXES



Residents may install and maintain planter boxes on the kerb side of the footpath as long as it meets the requirements of Checklist 2, that means all answers must be "Yes", or not applicable "N/A" as well as completing Checklist 1.

Waverley Council is not responsible for the upkeep, repair or replacement of Street Garden planter boxes. Clean-up instructions or removal orders may be issued to owners of non-conforming planter boxes.

Please complete and return form to civicpride@waverley.nsw.gov.au.

PLANTER BOX – ACCESS

1. PEDESTRIAN TRAVEL PATH

	Yes	No	N/A
1a. The placement of the planter box must allow an unobstructed pedestrian travel path at least as wide as the 1500mm for all other footpaths Planter boxes are generally not suitable for footpaths narrower than 2600mm.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. STREET CLEARANCES

	Yes	No	N/A
2a. Will the planter box allow a minimum clearance of 800mm from street tree pits/ grates street furniture (including public seats, bicycle racks, telephones, parking meters, rubbish bins, and similar), services and utilities (including light poles, fire hydrants, utility pits, grates, drains, vents, light wells and similar), building entrances, service entrances and fire escapes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2b. The planter box will have a minimum clearance of 1500mm from the base of street trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2c. The planter box will have a minimum clearance of 1500mm from the edge of driveways.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2d. The planter box placement will allow a minimum clearance of 1000mm between the kerb edge and the planterbox edge, so people can access, load and circulate around parked vehicles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2e. The planter box will have a minimum clearance of 800mm from all traffic/street signage posts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2f. The planter box be set back at least 2000mm from the edge of the property at street corners or junctions? (as shown in Figure 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2g. The planter box be positioned well away from the following? Accessible parking bay, pedestrian kerb ramp, taxi stand, bus stop.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2h. The planter box placement will allow a minimum clearance of 10m from a pedestrian or children's crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: Planter boxes must not be placed in bus zones, taxi zones, loading zones, or next to Accessible Parking as shown on signs and road markings. Where signs or road markings are not evident, a bus zone measures 20m from the shelter/stop on the arrival side and 10m from the departure side. Planter boxes must not be placed over tactile ground surface indicators on the public footpath, steps or ramps. Planter boxes must not be placed on traffic treatments (blisters and traffic islands). Planter boxes must not be placed to form a barrier more than 2500mm long. Sufficient access (1500mm) must be allowed between rows of boxes

NOTE: Care should be taken to avoid the use of spiky or tall vegetation which may impede the path, block lines of sight for pedestrians, cyclists or motorists using or crossing the road or public footpath



PLANTER BOX – DESIGN

3. PLANTER BOX DESIGN

	Yes	No	N/A
3a. The planter box will be free standing and stable after planting out	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3b. The planter box dimensions will be less than 2500mm long (or 2000mm diameter if round)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3c. The planter box will be at least 500mm high, and a maximum of 600mm high (measured from ground to top of planter) and stable after planting out?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3d. Will the planter box be tough enough to survive outdoors? For example, is it stable, resistant to toppling, waterproof and UV resistant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3e. Will the planter box have enough colour contrast with the surrounding environment to ensure that it does not present a hazard to pedestrians and others day or night? For example, a grey planter box would be unsuitable in a grey streetscape	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3f. The planter box will be free of sharp edges, protrusions or features which may damage the footpath or injure passing pedestrians	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. MAINTENANCE

4a. Will the planter box be regularly maintained to ensure it remains in a safe, tidy, and attractive condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------

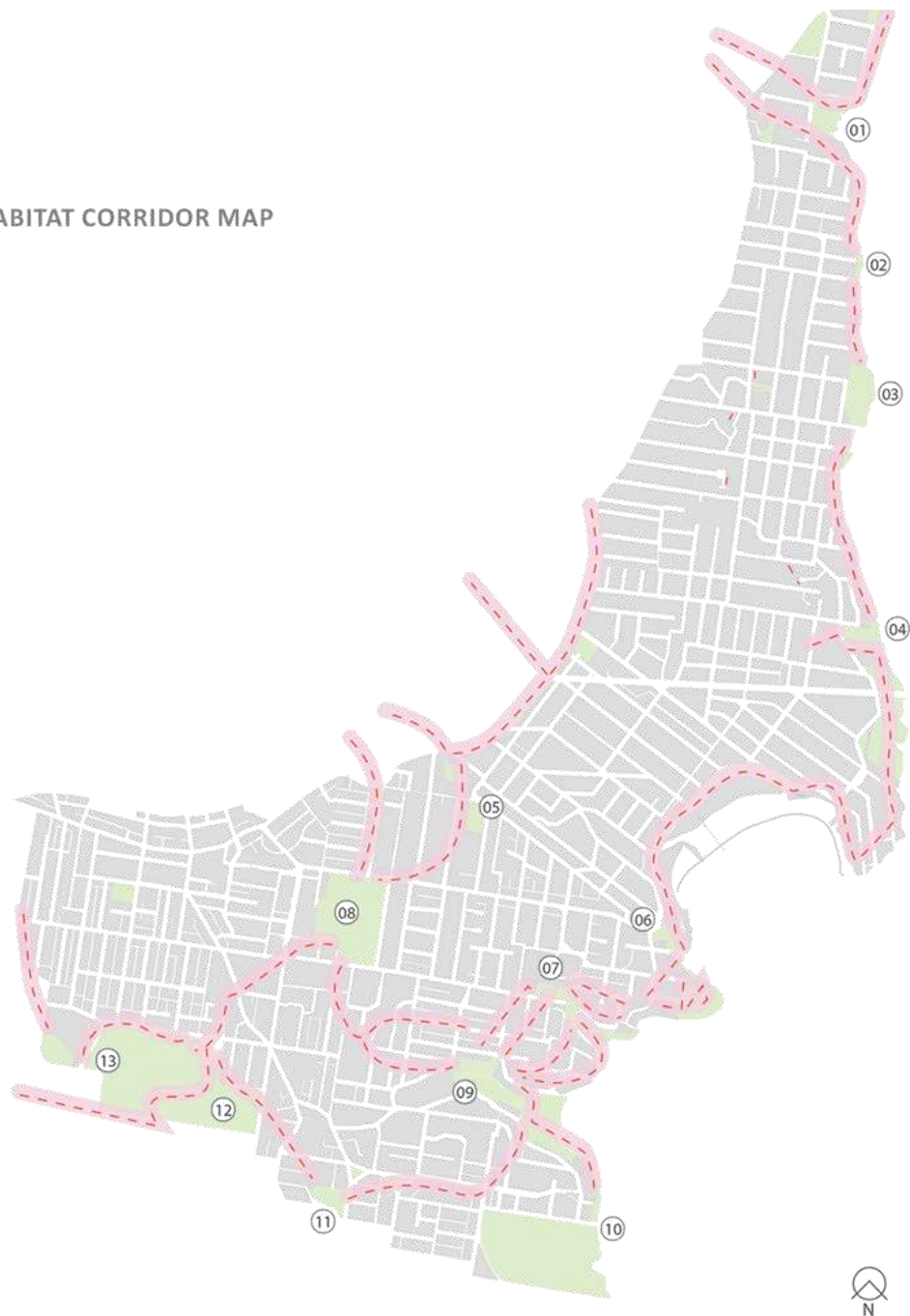
5. INSURANCE

NOTE: Council will provide public liability to individuals and community groups to cover a footpath planter box or footpath garden that complies with this policy. However, Council's indemnity does not prevent a third party from making a claim against the owner for any injury, loss or damage caused by the planter box or footpath garden.

Please sketch the proposed location of the planter box. Include distances from the kerb, property lines, and street infrastructure such as drainage & services pits and lids, street trees, signage etc. Include dimensions of your planter box, materials and colours and the proposed planting here. Or attach additional documentation.



APPENDIX C WAVERLEY HABITAT CORRIDOR MAP



Key Habitat Areas:

- | | |
|----------------------------|-------------------------------------|
| ① Diamond Bay | ⑧ Waverley Park |
| ② Rodney / Raleigh Reserve | ⑨ Bronte Park |
| ③ Eastern Reserve | ⑩ Calga Reserve / Waverley Cemetery |
| ④ Hugh Bamford | ⑪ Varna Park |
| ⑤ Thomas Hogan Reserve | ⑫ Queens Park |
| ⑥ Hunter Park / Marks Park | ⑬ York Road Reserve |
| ⑦ Tamarama Park | |

- Recognised Habitat
- Habitat Corridor
- Habitat Buffer (50m)
- Built Form

* All areas of remnant vegetation can be viewed online: http://www.waverley.nsw.gov.au/council_services?online_map-



APPENDIX C EXCLUSION ZONES MAP



- | | | |
|--|---|----------------------------------|
| ① Bronte Beach Centre | ⑨ Hall Street | ■ Town Centre |
| ② Bronte Macpherson Street | ⑩ Bondi Beachfront (Campbell Parade) | ■ Village & Small Village Centre |
| ③ Lugar Street | ⑪ North Bondi and Wairoa Avenue | ■ Neighbourhood Centre |
| ④ Charing Cross | ⑫ Glenayr Avenue | ■ Bondi Junction Commercial Core |
| ⑤ Murray Street | ⑬ Murrivier Road | ■ Bondi Beachfront Area |
| ⑥ Bondi Road | ⑭ Rose Bay Small Village Centres (south/ north) | |
| ⑦ Bondi Junction Commercial Core | ⑮ Blake Street | |
| ⑧ Old South Head Road, Neighbourhood Centres (south/ central/ north) | | |



APPENDIX E. NATIVE PLANT LIST

GENUS	SPECIES	COMMON NAME
SHRUBS. SMALL - MEDIUM		
<i>Acacia</i>	<i>myrtifolia</i>	Myrtle Wattle
<i>Acacia</i>	<i>suaveolens</i>	Sweet Wattle
<i>Acacia</i>	<i>ulicifolia</i>	Prickly Moses
<i>Astroloma</i>	<i>pinifolium</i>	Pine Heath
<i>Baeckea</i>	<i>imbricata</i>	Baeckea
<i>Bauera</i>	<i>rubroides</i>	River Dog Rose
<i>Bossiaea</i>	<i>heterophylla</i>	Variable bossiaea
<i>Brachyloma</i>	<i>daphnoides</i>	Daphne Heath
<i>Breynia</i>	<i>oblongifolia</i>	Coffee Bush
<i>Callistemon</i>	<i>citrinus</i>	Crimson Bottlebrush
<i>Callistemon</i>	<i>linearis</i>	Narrow-leaved Bottlebrush
<i>Crocea</i>	<i>saligna</i>	Crocea
<i>Darwinia</i>	<i>fascicularis</i>	Darwinia
<i>Dillwynia</i>	<i>retorta</i>	Heathy Parrot Pea
<i>Lomatia</i>	<i>silaifolia</i>	Crinkle Bush
<i>Melaleuca</i>	<i>nodosa</i>	Prickly-leaved paperbark
<i>Melaleuca</i>	<i>thymifolia</i>	Thyme Honey-Myrtle
<i>Monotoca</i>	<i>elliptica</i>	Tree-broomed heath
<i>Olearia</i>	<i>tomentosa</i>	Toothed Daisy -Bush
<i>Pimelea</i>	<i>linifolia</i>	Slender Rice flower
<i>Platysace</i>	<i>lanceolata</i>	Native Parsnip
<i>Phebalium</i>	<i>squamulosum</i>	Silvery Phebalium
<i>Pultenaea</i>	<i>linophylla</i>	Halo Bush Pea
<i>Westringia</i>	<i>fruticosa</i>	Coastal Rosemary

CLIMBERS/ GROUNDCOVERS

<i>Billardiera</i>	<i>scandens</i>	Hairy Apple Berry
<i>Carpobrotus</i>	<i>glaucescens</i>	Pig Face
<i>Centella</i>	<i>asiatica</i>	Gotu Cola
<i>Dichondra</i>	<i>repens</i>	Kidney Weed,
<i>Gonocarpus</i>	<i>teucrioides</i>	Germander Raspwort
<i>Hardenbergia</i>	<i>violacea</i>	False Sarsaparilla
<i>Hibbertia</i>	<i>scandens</i>	Golden Guinea Flower
<i>Mirbelia</i>	<i>rubiifolia</i>	Mirbelia
<i>Pandorea</i>	<i>pandorana</i>	Wonga Wonga Vine
<i>Stephania</i>	<i>japonica var. discolor</i>	Snake Vine
<i>Tetragonia</i>	<i>tetragonioides</i>	Warragal Greens
<i>Viola</i>	<i>hederaceae</i>	Native violet



GENUS	SPECIES	COMMON NAME
GRASSES/ SEDGES		
<i>Baumea</i>	<i>juncea</i>	Baumea
<i>Carex</i>	<i>pumilla</i>	Carex
<i>Danthonia</i>	<i>linkii</i>	Wallaby Grass
<i>Dianella</i>	<i>caerulea</i>	Blue Flax Lily
<i>Dianella</i>	<i>congesta</i>	Coastal Flax Lily
<i>Dichelachne</i>	<i>crinita</i>	Long Hair Plume Grass
<i>Echinopogon</i>	<i>caespitosus</i>	Tufted Hedgehog Grass
<i>Lachnagrostis</i>	<i>billardierei</i>	Common Tussock Grass
<i>Ficinia</i>	<i>nodosa</i>	Knobby Club Rush
<i>Imperata</i>	<i>cylindrica</i>	Blady Grass
<i>Lachnagrostis</i>	<i>billardierei</i>	Common Tussock Grass
<i>Lomandra</i>	<i>longifolia</i>	Spiny-headed Mat rush
<i>Microleana</i>	<i>stipoides</i>	Weeping Grass
<i>Themeda</i>	<i>australis</i>	Kangaroo Grass
<i>Xanthorrhoea</i>	<i>resinosa</i>	Grass Tree
FERNS		
<i>Adiantum</i>	<i>aethiopicum</i>	Maidenhair Fern
<i>Cyathea</i>	<i>cooperi</i>	Australian Tree Fern
<i>Doodia</i>	<i>aspera</i>	Rasp Fern
<i>Histiopteris</i>	<i>incisa</i>	Bats Wing Fern
<i>Hypolepis</i>	<i>muelleri</i>	Harsh Ground Fern
<i>Pellaea</i>	<i>falcata</i>	Sickle fern
<i>Pteridium</i>	<i>esculentum</i>	Common Bracken
<i>Sticherus</i>	<i>flabellatus</i>	Umbrella Fern



REPORT
CM/7.8/16.09

Subject: Smoke Free Trial - Bondi Junction

TRIM No.: A04/0512

Author: Scott Field, Executive Manager Safe Waverley

Director: Cathy Henderson, Director Waverley Life

RECOMMENDATION:

That Council:

1. Declares as smoke free between 7.00am and 9.00pm the area within Oxford Street Mall including Rowe Street Mall and adjoining ramps, Spring Street, adjoining footpaths of Bronte Rd and Newland Street on a permanent basis
2. Considers additional areas for smoke free zones following resolution of the proposed merger of Councils, subject to adequate resourcing.

1. Executive Summary

On 15 December Council resolved to begin a no smoking trial in Bondi Junction.

The trial began in early February and concluded in early August.

The number of smokers at peak periods reduced by two thirds and cigarette butts were reduced by 50%.

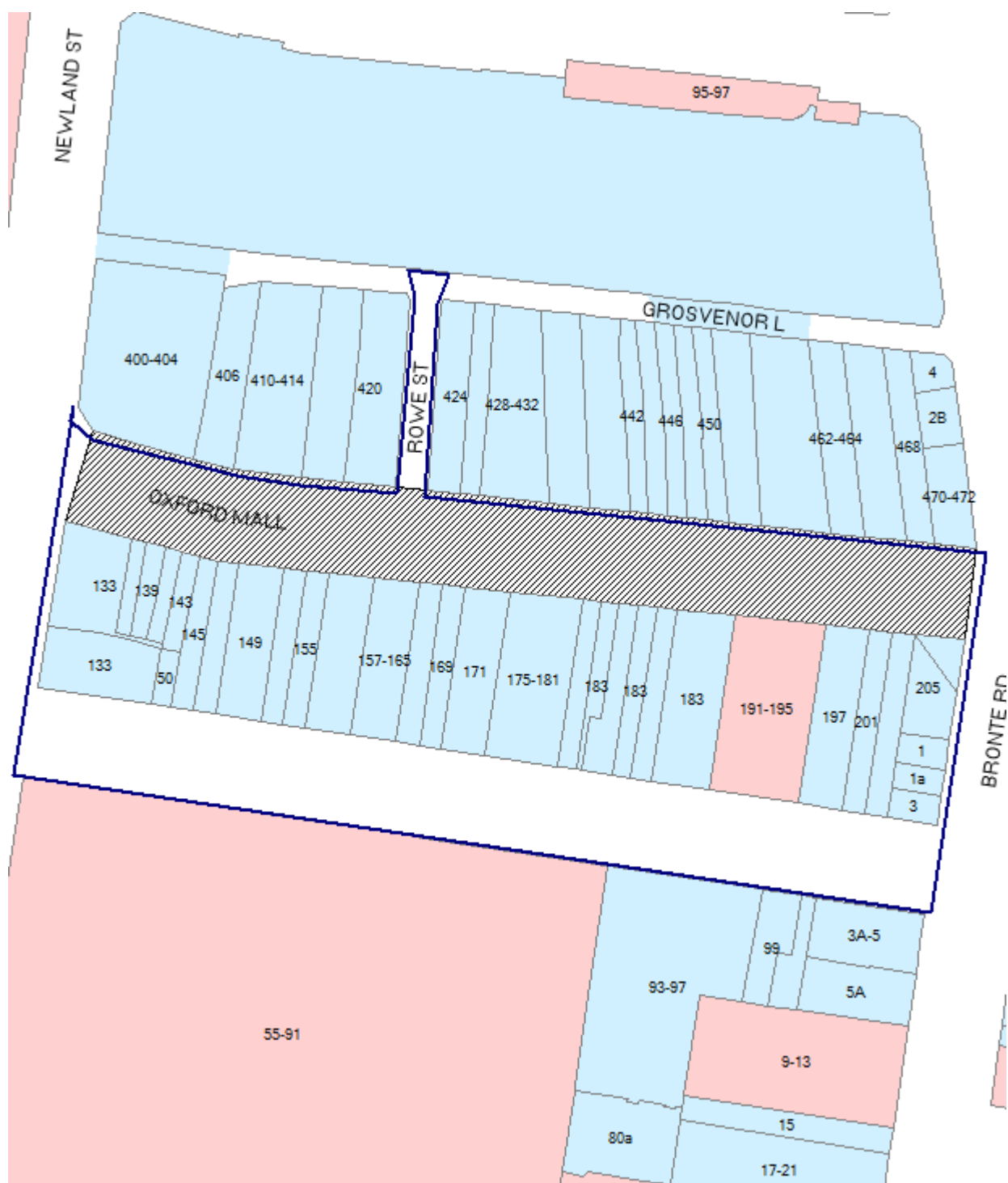
The trial was considered a success and is recommended to become permanent.

2. Introduction/Background

On 15 December 2015 Council resolved to trial a non-smoking area in Bondi Junction for a 6 month period. The objectives of the trial were to:

- Improve health of the community
- Minimise cigarette butt pollution in the area
- Provide community leadership by taking proactive measures to protect health and minimise exposure to second hand smoke
- Improve public amenity and maintenance of public property
- Raise awareness of the issues associated with smoking

This report consolidates the results and feedback from the trial for the area shown inside the blue line on the map below.



3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council Meeting 15 December 2015	CM/7.5/15.12	That 1.Council prescribes Spring Street (between Bronte Road and Newland Street), Rowe Street and Oxford Street Mall

Council or Committee Meeting and Date	Minute No.	Decision
		<p>(and the adjoining parts of Bronte Road and Newland Street) as a temporary smoke-free area from 7am –9pm for a 6 month trial period under section 632 of the Local Government Act 1993, commencing on 1 February 2016.</p> <p>2. Monitoring be undertaken within the smoke-free area following its implementation to assess the effects of the smoking ban.</p> <p>3. A report reviewing the 6 month trial be submitted to Council at the conclusion of the trial on the results and outcomes.</p>
Operations Committee 1 September 2015	OC/5.2/15.09	<p>That</p> <p>1. Council notes the report recommending the introduction of a trial prohibition of smoking for 12 months in Oxford Street Mall and Rowe Street.</p> <p>2. By restricting the prohibition area there is concern that smokers will move to surrounding streets, and therefore Council requests the trial be delayed whilst staff consult with local businesses in the following proposed additional areas:</p> <ul style="list-style-type: none"> • Spring Street (from Bronte Road to Newland Street) • Bronte Road (from Oxford Street to Ebley Street) • Grosvenor Street • Gray Street and Ann Street • Oxford Street Transit Mall • Waverley Mall and Waverley Street (to Hollywood Ave) • Hollywood Ave (from Oxford Street to Ebley Street) <p>3. Council also consults with local businesses in Bondi Beach in:</p> <ul style="list-style-type: none"> • Roscoe Street Mall • Glenayr Avenue (from Warners Avenue to Hall Street) • Hall Street • Campbell Parade (from Francis Street to Hastings Parade) <p>4. Council requests a report following the consultation of the proposed additional areas listed above with a recommendation on whether to extend the trial to the new areas and introduce the trial prohibition of smoking in February 2016.</p>

Council or Committee Meeting and Date	Minute No.	Decision
Operations Committee Meeting 6 May 2014	OCR.12/14	<p>That</p> <ol style="list-style-type: none"> 1. The Committee establishes a working party to review smoking in public places and the outdoor areas of Council owned or managed premises in Waverley and establish suitable public places/footpath to trial as designated smoke free areas. 2. Any Councillor interested in being on the working party should nominate themselves. 3. Cllr Guttman Jones has nominated herself to be on the Working Party. 4. The Committee implements a smoke -free public places/footpath trial in designated areas/streets of Waverley. 5. Consideration be given to education and enforcement of the current non-smoking conditions of footpath seating licences.

4. Discussion

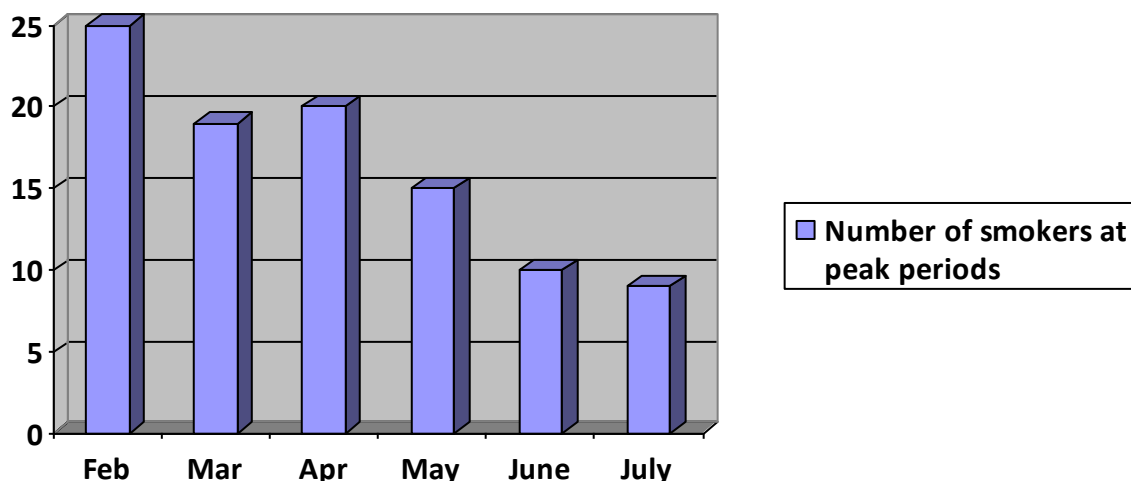
According to NSW Health's Sydney Children's Hospital Network passive smoking is a serious but avoidable health risk. Passive, or second hand smoking, is dangerous for adults but particularly for young and unborn children who can experience serious and fatal health issues.

On 15 December 2015 Council resolved to implement a 6 month trial to ban smoking within a designated area of Bondi Junction. The area specified was Oxford Street Mall including Rowe Lane and side alleys, Spring Street between Bronte Rd and Newland Street, the adjoining parts of Newland St and Bronte Road between 7.00am and 9.00pm.

Prior to the implementation there was a marketing and communications plan was implemented. This involved a month long education campaign with "Breathe Easy – Your in a Smoke Free Area" advertising and signage. Businesses were well informed and with the new state legislation was received quite well.

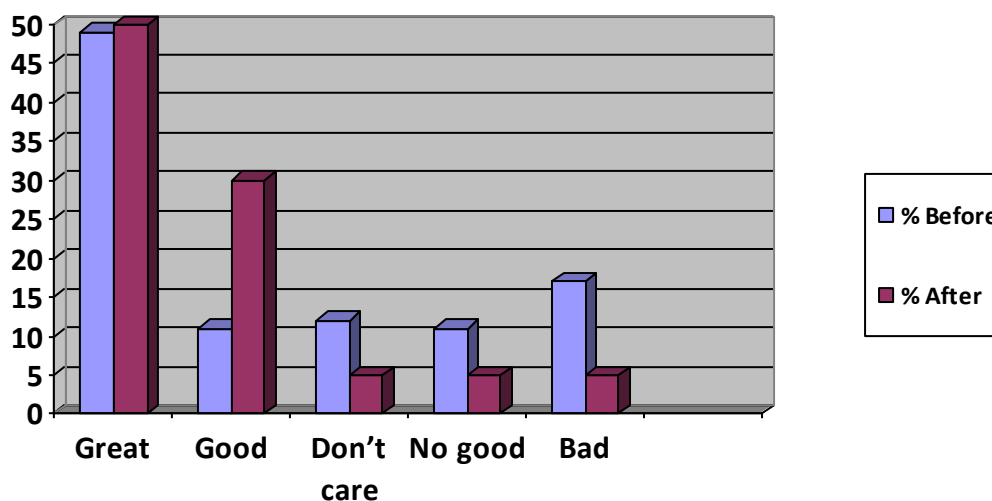
The Ranger Service spoke to smokers informing them of the impending ban. Council staff were trained and equipped to compliment the program. Ash trays were also removed from Council bins within the area.

On their scheduled visits Rangers would record the number of smokers they educated and the results are recorded in the graph below with days of extreme weather conditions excluded.

Graph: Number of smokers recorded at peak periods February – July 2016

During the education process feedback from the smokers was taken into account. There was immediate improvement from February to March and then some levelling off. The main excuse for the smokers at this time was not enough signs being the reason for their breach. With this feedback additional signs were added to the bin enclosures in April and a noticeable improvement was recorded in May. The numbers continue to improve but there is a realisation that some people will smoke there in sheer defiance of the program.

Before the trial businesses were surveyed before and after the trial to gauge their support for the trial. The following results were recorded.

Graph: business ratings of trial, before trial and after trial

From the survey results there was a consistent result for the really positive supporters and the 'don't care' group tended to migrate to the good. There were some businesses who thought it was bad for the reason they were operating under these smoking restrictions but businesses in other geographical areas were not. These types of businesses saw the health benefits and would support an extension of the area.

Whilst it is an aim to reduce smoking this trial alone was specifically aimed at reducing second hand smoke and therefore smoking displacement was going to occur. The zone was carefully selected to enable smokers an opportunity to light up in a less dangerous location.

This did result in smoking displacement but the amount of smoking overall had reduced. This was recorded through a reduction in cigarette butt litter. Council cleaning staff have reported an approximate 50% drop in cigarette butts including the displacement areas, which would suggest at least 50% of people are not smoking in the vicinity. The butts tended to be in a more concentrated area outside of the zone and although very frustrating for staff, was easier to locate and clean. Some design aspects could be incorporated at a later stage to further contain the litter.

Council has come under criticism for the introduction of the trial. Comments during the education program included but were

“Smoking is legal why are you doing this”

“Why don’t you get a real job”

“Why ban it if you are not going to fine anyone”

“Why don’t you expand it to all areas”

And positively

“Great, I hate smoking”

“They used to stink out my shop all day”

“I have noticed a reduction, but some still smoke there”

The opportunity to expand the program has been considered. There were a number of options canvassed including

- Expand the existing area to take in more of Bondi Junction
- Add Waverley Mall
- Create a new smoke free area at Bondi Beach or Charing Cross

A key issue with the existing trial was the drain on Ranger resources. The Ranger Service dedicated resources at scheduled times to educate the public each day. These times ranged from one to two hours during the morning and one hour during the afternoon. This resource was stretched and at times unpleasant as the rangers regularly dealt with hostile people. The Council also received negative feedback from people who wanted the area patrolled at all times, which was impossible given the current resources.

Moving into summer with the demands of the beaches and parks this resource could not be dedicated to the task. Should the area be expanded with the current resourcing it would be more of a symbolic change rather than an educative one. If the area was larger the effect in the current area would be diminished due to additional areas to cover in the same time frames.

Relevant Legislation

Under the Local Government Act 1993, the Council has an indirect power under section 632 of the Act to regulate smoking in a public place by erecting signage which prohibits smoking in that place. An offence is only committed if the sign is clearly legible and located in a prominent place. NSW smoke-free Environment Act 2000.

The Tobacco Legislation Amendment Act 2012 made the following areas smoke free:

- within four metres of a pedestrian access point to a non -residential building;
- railway platforms, light rail stops, bus stops, taxi ranks and ferry wharves;
- swimming pool complexes, and spectator areas of sportsgrounds when sporting events are being held;
- within 10 metres of children's playgrounds; and

The recent changes to the NSW Smoke-free Environment Act legislation have now seen smoking banned as follows from 6 July 2015:

- Within 4 meters of a pedestrian entrance to a public building, such as Licensed premises including clubs and hotels, Restaurants, offices, banks, retail stores;

And for cafes:

- Within commercial outdoor dining areas, being a seated dining area;
- Within 4 meters of a seated dining area on licensed premises, restaurants or cafes;
- Within 10 meters of a food fair stall.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: C5 People feel safe in all parts of Waverley.

Strategy: C5a Maintain safety in public areas such as streets, malls, parks and beaches; prioritise specific areas for safety and crime prevention programs; manage alcohol related issues and support vulnerable groups.

Deliverable: Implementation of Community Safety Plan

6. Financial impact statement/Timeframe/Consultation

Financial Impact: Costs for implementation of the trial were absorbed into the existing budget. This included signs, banners, stickers and at times additional Rangers. Any expansion of the non smoking zone would require additional Rangers to make an impact.

Timeframe: The trial period concluded in August but the program is still in place.

Consultation: Consultation has taken place with most businesses, Cancer Council, relevant Council Officers and NSW Health.

7. Conclusion

The smoke free trial in Bondi Junction has been a success. At peak periods there has been a reduction of smokers to approximately on third of the pre trial numbers. The cigarette butt litter has halved and the vast majority of businesses have reported no affect to their businesses.

Ideas for expansion were not considered without additional resources being available 7 days per week for effectiveness. This may be considered in the amalgamated Council.

Most businesses have reported no change to trade for the period.

8. Attachments:

Nil

REPORT CM/7.9/16.09



Subject: Planning Agreement associated with development application at 87-89 Glenayr Avenue, Bondi Beach

TRIM No.: DA-547/2014

Author: Angela Hynes, Acting Principal Strategic Planner

Director: Peter Monks, Director Waverley Futures

RECOMMENDATION:

That Council:

1. Endorses the draft Planning Agreement applying to the land at 87-89 Glenayr Avenue, Bondi Beach that contributes \$751,925 to Council for the upgrade of the park, public domain and plaza directly adjoining the site.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council Seal to the documentation.

1. Executive Summary

A draft Planning Agreement associated with the approved development at 87-89 Glenayr Avenue, Bondi Beach (for demolition of structures and construction of 2 x 3 storey mixed use buildings containing ground level retail, 17 apartments and basement parking) was placed on public exhibition in accordance with Section 93G of the *Environmental Planning and Assessment Act 1979*. The report seeks the endorsement of Council to execute the Planning Agreement attached (attachment 2) which offers a monetary contribution of \$751,925 towards the upgrade of the park, public domain and plaza adjoining the site.

2. Introduction/Background

On 16 February 2016, a deferred commencement consent was issued under a Section 34 Agreement for DA-547/2014 which conditioned that the applicant was to enter into a planning agreement in accordance with Council's Planning Agreement Policy 2014.

A draft Planning Agreement was negotiated in accordance with the valuation methodology attached to Waverley's Planning Agreement Policy 2014. The offer was negotiated as a monetary contribution of \$751,925 to be paid towards the upgrade of the park, public domain and plaza adjoining the site, prior to the issue of any occupation certificate associated with the subject development application DA-547/2014. The draft Planning Agreement also requires a bank guarantee for the sum of \$751,925 to be provided to Council prior to the issuing of any construction certificate associated with the subject development application.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
N/A	N/A	N/A

4. Discussion

Planning Agreement's monetary contribution to a public purpose

The upgrade of the park, public domain and plaza adjoining the site to the north east at the intersection of Glenayr Avenue and Blair Street, Bondi Beach will be subject to Creating Waverley's concept design and review process. This will include community and stakeholder engagement (including the applicant and NSW State Transit Authority) reporting to Waverley Traffic Committee and Council, a tender process, and alignment of construction timeframes for the development of the subject site and adjoining public domain.

As detailed in attachment 2 to this report, the monetary contribution is to be allocated for the park and plaza/outdoor dining (identified as area 1 on the plan at attachment 2 and also in Figure 1 below) and pedestrian safety & connectivity upgrades (identified as area 3 on the plan at attachment 2 and also in Figure 1 below). If during Creating Waverley's concept design and review process of Areas 1 and 3 there are funds remaining from the \$751,925 monetary contribution will be allocated to the remaining works at the Glenayr Avenue and Blair Street intersection identified in Figure 1 below.



Figure 1 – Plan identifying location of planned upgrades at Glenayr Avenue and Blair Street intersection.

Public exhibition of the draft Planning Agreement

The Planning Agreement was drafted in accordance with Section 93G of the *Environmental Planning and Assessment Act 1979*, which requires amendment to be exhibited for a period of 28 days. The draft Planning Agreement and Explanatory Note were exhibited from Wednesday 3 August 2016 to Wednesday 31 August 2016 and included:

- Notice in the Wentworth Courier;
- Advertising on Council's website; and
- Exhibition in Council's Customer Service Centre and Library.

Submissions

No submissions were received during the exhibition period.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

- Direction: G2 Our community is actively engaged in well-informed decision processes.
Strategy: G2a Promote and require strategic directions that are inclusive and reflect the views of the community.
Deliverable: A Community Engagement Strategy that meets legislative requirements.
- Direction: L5 - Buildings are well designed, safe and accessible and the new is balanced with the old.
Strategy: L5c - Consider the use of planning controls and agreements to provide improvements to built public infrastructure.
Deliverable: Opportunities to deliver public infrastructure through Voluntary Planning Agreements (VPA).

6. Financial impact statement/Timeframe/Consultation

Financial Impact Statement

Nil.

Timeframe

It is anticipated that the draft Planning Agreement once endorsed by Council will be executed in September 2016.

Consultation

Consultation has occurred as outlined above. No other consultation is required or proposed on this matter.

7. Conclusion

The draft Planning Agreement has been placed on public exhibition in accordance with the conditions of the approval for DA-547/2014. It is recommended that the Planning Agreement be endorsed by Council for execution.

8. Attachments:

1. DA-547/2014 - 87-89 Glenayr Avenue, Bondi Beach - VPA Explanatory Note
2. DA-547/2014 - 87-89 Glenayr Avenue, Bondi Beach Draft VPA

Explanatory Note

(Clause 25E of the Environmental Planning and Assessment Regulation 2000)

Draft Planning Agreement

The purpose of this explanatory note is to provide a summary of the proposed voluntary planning agreement (VPA) prepared jointly between Waverley Council and the Developer under s93F of the *Environmental Planning and Assessment Act 1979* (the Act).

This explanatory note has been prepared as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

1 Parties:

Waverley Council (Council) and

Glenayr Avenue Pty Ltd (Developer)

2 Description of Subject Land:

The whole of the land being Lot 1 in Deposited Plan 1148630 and known as 87-89 Glenayr Avenue, Bondi Beach, is the Subject Land under the Planning Agreement.

3 Description of Development:

The Developer proposes to develop the Land. The proposed development will comprise demolition of structures and construction of 2 x three storey mixed use buildings containing ground level retail, a total of 17 apartments and basement parking.

4 Background:

The Developer is the registered proprietor of the Development Site. The Developer lodged an application with (DA 547/2015) and with this offered to enter into a Voluntary Planning Agreement with Council pursuant to section 93F of the Act to provide a monetary contribution as the development application provided for additional floor space which exceeds floor space controls permitted for such buildings under Council's planning controls. The offer is in line with Council's Voluntary Planning Agreement Policy 2014.

5 Summary of Objectives, Nature and Effect of the Draft Planning Agreement:

The Planning Agreement will assist Council in achieving its objectives by providing funds which will facilitate Council to provide a material public benefit to residents and businesses of areas close to the Development and the broader community by upgrading the park, public domain and plaza directly adjoining the site to the north east at the intersection of Glenayr Avenue and Blair Street, Bondi Beach.

The Agreement is a contractual relationship between Council and the Developer whereby the Developer is to pay a Monetary Contribution and is a Planning Agreement under subsection 2 of Division 6 of Part 4 of the Act.

The Agreement requires the Developer to comply with certain requirements including registration of the Agreement and provision of a bank guarantee prior to a Construction

Certificate issuing for DA 547/2015 and to pay a monetary Contribution to Council in the amount of \$751,925.00 prior to an Occupation Certificate for the Development.

The Agreement does not exclude the application of sections 94, 94A or 94EF of the Act to the Development and the Development Contribution is not to be taken into consideration in determining any development contribution under s94 of the Act.

The Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

6 Assessment of the merits of the Draft Planning Agreement:

The Planning Purposes Served by the Draft Planning Agreement

In accordance with S.93F(2) of the *Environmental Planning and Assessment Act 1979*, the Planning Agreement facilitates the following public purposes:

- The provision of (or recoupment of the cost of providing) public amenities;
- The funding of recurrent expenditure relating to the provision of public amenities or other infrastructure;
- The monitoring of the planning impacts of development,
- The conservation or enhancement of the natural environment.

The Planning Agreement provides a reasonable means of achieving the public purposes set out above.

How the Draft Planning Agreement Promotes the Public Interest

- The public interest is promoted by the provision to Council of funds which it is able to apply towards upgrading and improving infrastructure and facilities nearby the Development in particular the beautifying of footpaths and public places and improving connections for cycling, walking and access to public transport;
- The upgrading and improvement of facilities will encourage business within and development of the precinct as an active vibrant community;
- The contributions made are intended to positively affect the economic and social wellbeing of the precinct incorporating the Development and wider community. Both residents and visitors will benefit from the contributions under the Planning Agreement;

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act)

The provision of the monetary contribution required under the Planning Agreement will promote the objects of the Act, in particular:

- 5(a)(i) "property management development and conservation of natural and artificial resources including natural areas, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment".

- 5(a)(v) “the provision of community services and facilities”.

How the Draft Planning Agreement promotes elements of the Council’s charter under section 8 of the Local Government Act, 1993

- The Draft Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council’s decisions impact public areas. The Council is conscious of a need for infrastructure and facilities within the public areas in its local government area and how its decisions and policies impact on seeking to fulfil this need;
- The draft Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.

Conformity with the Council’s Capital Works Program

The Draft Planning Agreement is not inconsistent with the Council’s Capital Works Program.

Whether the Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes, as detailed above in relation to enforcement in relation to the issuing of a construction certificate.

This explanatory note is not to be used to assist in construing the Planning Agreement

WAVERLEY COUNCIL

(Council)

AND

GLENAYR AVENUE PTY LIMITED

(Developer)

PLANNING AGREEMENT

(Development Contribution)

**WAVERLEY COUNCIL
Council Chambers
Cnr Bondi Road & Paul Street
BONDI JUNCTION NSW 2022
DX 12006 BONDI JUNCTION
Phone: 02 9369 8000
Facsimile: 02 9387 1820**

ME_131866955_1 (W2007)

PLANNING AGREEMENT NO. _____***Section 93F of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2016

PARTIES

WAVERLEY COUNCIL of Cnr Paul Street and Bondi Road, Bondi Junction NSW 2022
(**Council**)

GLENAYR AVENUE PTY LIMITED of Level 19, 15 Castlereagh Street, NSW, 2000
(**Developer**)

BACKGROUND/RECITAL

- A.** On 20 November 2014 the Developer made a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B.** That Development Application was subsequently accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the Public Purpose if Development Consent was granted.
- C.** The Development Consent was granted by way of consent orders of the Land and Environment Court of NSW on 1st February 2016.
- D.** This Agreement is consistent with the Developer's offer referred to in Recital B.

OPERATIVE PROVISIONS:**1 PLANNING AGREEMENT UNDER THE ACT**

The parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

2 APPLICATION OF THIS AGREEMENT

This Agreement applies to Land to the Development proposed in the Development Application, as amended.

3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute this Agreement prior to any Construction Certificate issuing.

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;

“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;

“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 Lot Burdened is located within.

“Construction Certificate” means any construction certificate in respect of the Development Consent;

“Development” means the development the subject of the Development Application and which is described as demolition of structures and construction of 2 x three storey mixed use buildings containing ground level retail, a total of 17 apartments and basement parking;

“Development Application” means the development application number DA 547/2015;

“Development Consent” has the same meaning as in the Act and means the Land and Environment Court of NSW conditions of consent in respect to the Development Application;

“Development Contribution” means the sum of \$751,925;

“Development Contribution Date” means the time the Development Contribution is to be paid and this is prior to the issue of any Occupation Certificate;

“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 Lot 1 DP 1148630 and known as 87-89 Glenayr Avenue, Bondi Beach;

“Development Application” means the application referred to in Item 4 of the Schedule.

“Development Consent” means the Land and Environment Court of NSW conditions of consent of 1st February 2016;

“Occupation Certificate” means any occupation certificate in respect of the Development Consent;

“Party” means a party to this Agreement including their successors and assigns.

“Public Purpose” for the purpose of this Agreement means the upgrade of the park, public domain and plaza directly adjoining the site to the north east at the intersection of Glenayr Avenue and Blair Street , Bondi Beach, identified on the attached plan (VPA Costing Diagram - Drawing SK.03, Issue B) as:

- ‘Area 1 – Park and Plaza/ Outdoor Dining’; and
- ‘Area 3 – Pedestrian Safety & Connectivity Upgrades’

The scope of works in relation to the sum defined as ‘Development Contribution’ is to be agreed by both Council and the Developer, both parties acting reasonably, prior to the public exhibition of the plan for the works undertaken for the Public Purpose.

The work is to be delivered to a standard that:

- a) Aims to exceed minimum industry standards; and
- b) Is in accordance with Waverley Council's Public Domain Technical Manual for standard Public Domain items.

“Registration Application” means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 93H of the Act in a form approved by the Registrar General.

“Schedule” means the schedule to this Agreement.

4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any

subordinate legislation or regulations issued under that legislation or legislative provision;

- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.

6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION

The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

7 APPLICATION OF S94 AND S94A OF THE ACT TO THE DEVELOPMENT

The parties agree that this Agreement does not exclude the operation of Section 94 and 94A of the Act in relation to the Development.

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 93H of the Act.
- 8.2 The Developer warrants that it has done everything necessary to enable this Agreement to be registered under section 93H of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that it has obtained the express written consent to the registration of this Agreement under section 93H of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
 - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Prior to the issue of a Construction Certificate, the Developer will at its cost arrange and effect registration of this Agreement under s93H upon the title to the Land and as soon as possible following execution of this Agreement:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the Developer and any other person the subject of the warranty in clause 8.3;
 - (b) lodge or cause to be lodged the title deed with LPI and advise Council of the production number;
 - (c) provide the Council with a cheque in favour of Land & Property Information, NSW for the registration fees for registration of this Agreement; and
 - (d) provide the Council with a cheque in favour of the Council for its 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.
 - (e) and take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of a Construction Certificate.
- 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 or surrender of the Development Consent, the Developer may request 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 that the terms of this Agreement have been

complied with and the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.

- 8.8 Should payment of the Development Contribution or surrender of the Development Consent occur on or before 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.
- 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) On the date of this Deed and before any application for any Construction Certificate the Developer must deliver to the Council a bank guarantee ("**Bank Guarantee**"), which must be:
- (i) irrevocable and unconditional;
 - (ii) with no expiry date;
 - (iii) issued in favour of the Council;
 - (iv) for an amount equivalent to the Monetary Contribution set out in Item 5 of the Schedule;
 - (v) drafted to cover all of the Developer's obligations under this Deed; and
 - (vi) on the terms otherwise satisfactory to the Council and in a form and from an institution approved by 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 Deed, including without limitation the delivery of the Development Contributions to the Council in accordance with the Schedules hereto.
- (c) The Bank Guarantee may be provided in the form of a number of separate bank guarantees, provided the separate bank guarantees total the amount of the Monetary Contribution set out in item 5 of the Schedule.

9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Monetary Contributions in accordance with the Schedule or any other amount payable under this Deed by its due date for payment; or
 - (ii) breaches any other term or condition of this Deed,
- 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 Deed, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee in satisfaction of the Developer's obligation to pay the relevant amount.

9.3 Return of Bank Guarantee

Provided that the Developer has complied with its obligations under this Agreement including payment of the Development Contribution the Council will return the Bank Guarantee to the Developer. Where the work for the Public Purpose has been partly undertaken and paid for by the Council, the Council will return a bank guarantee forming part of the Bank Guarantee, where the costs of the work undertaken are equal to or more than a bank guarantee forming part of the Bank Guarantee.

10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 93G of the Act.

11 DISPUTE RESOLUTION**11.1 Notice of dispute**

If a Party claims that a dispute has arisen under this Deed ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

11.2 Response to notice

Within ten business days of receiving the claim notice, the respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 The nominated representative must:

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 Further notice if not settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);

- (ii) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must;
 - (a) Have reasonable qualifications and practical experience in the area of disputes; and
 - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (vii) In relation to costs and expenses
 - (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
 - (a) Agreed upon and appointed jointly by the Council and the Developer; or
 - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the

determination;

- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Deed 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 Deed, notwithstanding the existence of a dispute.

12. ENFORCEMENT

- 12.1 Nothing in this Agreement prevents either party 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 in respect of the Development.

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.
- (b) faxed to that Party at its fax number set out below.
- (c) emailed to that Party at its email address set out below.

Council

Attention: The General Manager – Mr Peter Brown
Address: Cnr Bondi Rd & Paul St, Bondi Junction, New South Wales 2022
Fax Number: 02 9387 1820
Email: info@waverley.nsw.gov.au

Developer

Attention: Glenayr Avenue Pty Limited
Address: Level 19, 15 Castlereagh Street Sydney NSW 2000
Fax Number: (02) 9220 7049
Email: mbacik@eg.com.au

- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 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.
- 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 provided in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so unless the Developer:

- 15.1 Gives Council no less than ten (10) Business Days' notice in writing of the proposed sale, transfer, assignment, novation, charge, encumbrance or other dealing with its rights in respect of the Land;
- 15.2 Procures that any buyer, transferee, assignee or novatee promptly executes a Deed in favour of Council whereby the buyer, transferee, assignee or novatee becomes contractually bound with Council to perform the Developer's obligations under this Deed.

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.

17 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 NON FETTER

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

22 REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

23 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

25 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or

breach or as an implied waiver of that obligation or breach in relation to any other occasion.

26 GOODS & SERVICES TAX REPRESENTATIONS AND WARRANTIES

- 26.1 The Parties unless otherwise indicated, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated inclusive 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.
- 26.5 If GST is linked with the abolition or reduction of other taxes and charges, all amounts payable by the Recipient to the Supplier under this Agreement (excluding GST) must be reduced by the same proportion as the actual total costs of the Supplier (excluding GST) are reduced either directly as a result of the abolition or reduction of other taxes and charges payable by the Supplier or indirectly by way of any reduction in prices (excluding GST) charged to the Supplier. Both parties must also comply with Part VB of the *Trade Practices Act 1974* (Cth).

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 s93H of the *Environmental Planning and Assessment Act*. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE

<u>Item Number</u>		<u>Particulars/Description</u>
1	Developer	GLENAYR AVENUE PTY LTD 159 673 542
2	Land	87-89 GLENAYR AVENUE, BONDI BEACH (LOT 1 IN DP1148630)
3	Development Application	DA 547/2014
5	Development (description)	DEMOLITION OF STRUCTURES AND CONSTRUCTION OF 2 X THREE STOREY MIXED USE BUILDINGS CONTAINING GROUND LEVEL RETAIL, A TOTAL OF 17 APARTMENTS AND BASEMENT PARKING
6	Development Contribution	\$751,925
7	Public Purpose	TO BE APPLIED TOWARDS THE UPGRADE OF THE PARK, PUBLIC DOMAIN AND PLAZA DIRECTLY ADJOINING THE SITE TO THE NORTH EAST AT THE INTERSECTION OF GLENAYR AVENUE AND BLAIR STREET, BONDI BEACH IDENTIFIED ON THE ATTACHED PLAN (VPA COSTING DIAGRAM - DRAWING SK.03, ISSUE B) AS: - 'AREA 1 – PARK AND PLAZA/ OUTDOOR DINNING'; AND

- 'AREA 3 – PEDESTRIAN SAFETY & CONNECTIVITY UPGRADES'. THE SCOPE OF WORKS IN RELATION TO THE SUM DEFINED AS 'DEVELOPMENT CONTRIBUTION' IS TO BE AGREED BY BOTH COUNCIL AND THE DEVELOPER, BOTH PARTIES ACTING REASONABLY, PRIOR TO THE PUBLIC EXHIBITION OF THE PLAN FOR THE WORKS UNDERTAKEN FOR THE 'PUBLIC PURPOSE'.
- THE WORK IS TO BE DELIVERED TO A STANDARD THAT:
 - (a) AIMS TO EXCEED MINIMUM INDUSTRY STANDARDS; AND
 - (b) IS IN ACCORDANCE WITH WAVERLEY COUNCIL'S PUBLIC DOMAIN TECHNICAL MANUAL FOR STANDARD PUBLIC DOMAIN ITEMS.

8	Development Contribution Date (Payment date for the Development Contribution)	PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE.
9	Developer Address	LEVEL 19, 15 CASTLEREAGH STREET, NSW, 2000
	Developer Fax	(02) 9220 7049
	Developer Email	mbacik@eg.com.au
	Council Address	CORNER PAUL STREET AND BONDI ROAD, BONDI JUNCTION NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	info@waverley.nsw.gov.au

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council
affixed pursuant to a resolution of Waverley Council on**

PETER BROWN

General Manager

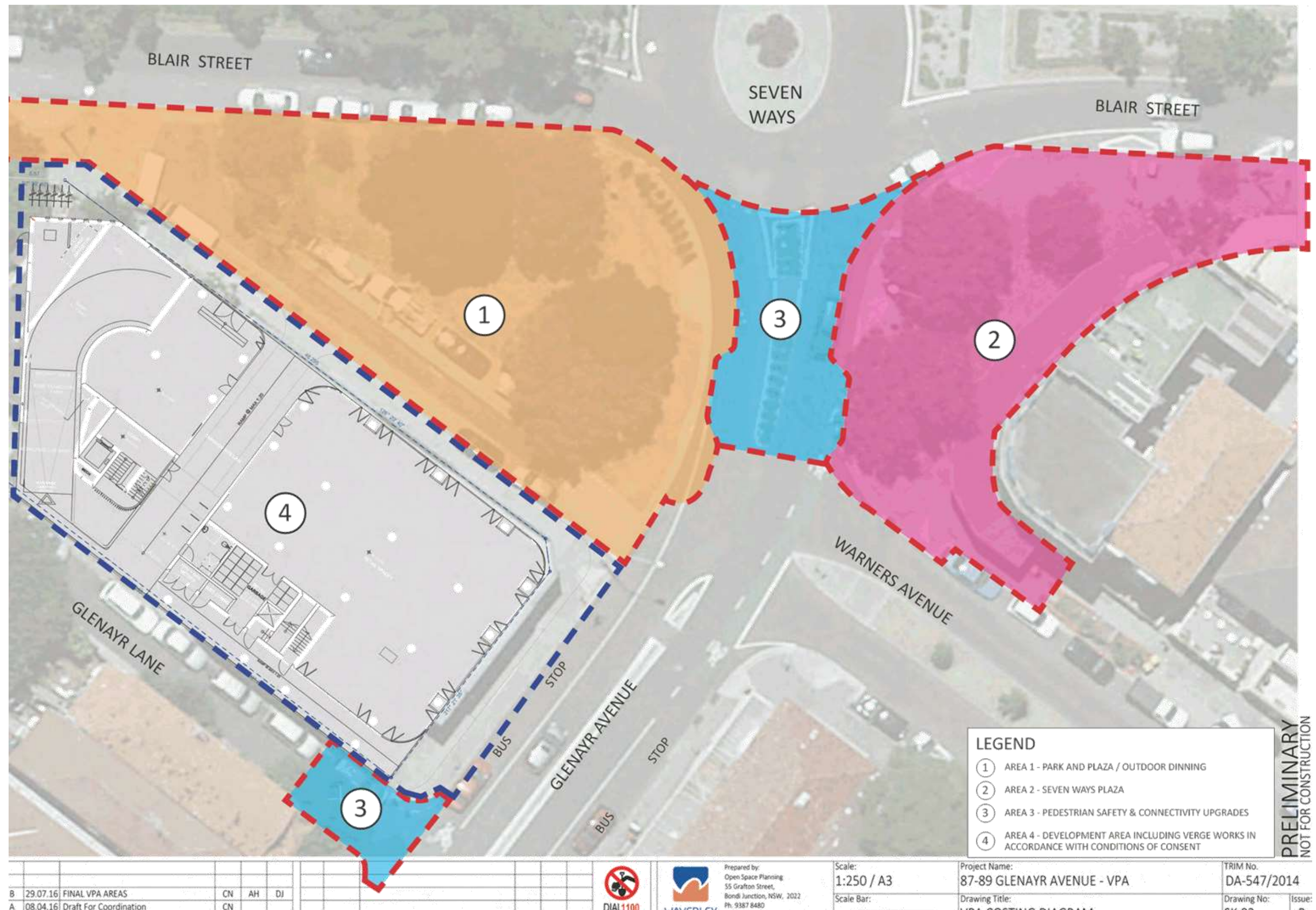
CLR SALLY BETTS

Mayor

**EXECUTED by
GLENAYR AVENUE PTY LIMITED**

Director

Secretary



REPORT

CM/7.10/16.09



Subject: 89 Bondi Rd Planning Agreement

TRIM No.: DA-571/2015

Author: Tim Sneesby, Strategic Planner

Director: Peter Monks, Director Waverley Futures

RECOMMENDATION:

That Council:

1. Endorses the draft Planning Agreement attached to this report (attachment 2) applying to the land at 89 Bondi Road, Bondi which contributes \$25,808 to Council for the Complete Streets Program and/or any other public purpose benefit for the improvement of the Bondi area.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council Seal to the documentation (attachment 2).

1. Executive Summary

A draft Planning Agreement associated with the approved development to construct a three storey mixed use building at 89 Bondi Road, Bondi was placed on public exhibition in accordance with Section 93G of the Environmental Planning and Assessment Act 1979. This report seeks the endorsement of Council to execute the attached draft Planning Agreement which offers a monetary contribution of \$25,808 for the Complete Streets Program and/or any other public purpose benefit for the improvement of the Bondi area.

2. Introduction/Background

A draft Planning Agreement was negotiated in accordance with the valuation methodology attached to the Planning Agreement Policy 2014. The offer was negotiated as a monetary contribution of \$25,808 to be paid towards the Complete Streets Program and/or any other public purpose benefit for the improvement of the Bondi area prior to the issuing of any construction certificate associated with the site.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
n.a.	n.a.	n.a.

4. Discussion

Public Exhibition of the draft Planning Agreement

The Planning Agreement was drafted in accordance with Condition 20 of the consent issued for DA-571/2015. The attached Planning Agreement was placed on public exhibition under Section 93G of the Environmental Planning and Assessment Act 1979, which requires any amendment to be exhibited for a period of 28 days. The draft Planning Agreement (attachment 2) and Explanatory Note (attachment 1) were exhibited from Wednesday 27 July to Wednesday 24 August 2016 and included:

- Notice in the Wentworth Courier;
- Advertising on Council's website; and
- Exhibition in Council's Customer Service Centre and Library.

Submissions

No submissions were received during the exhibition period.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: *C3 Housing options are available to enable long term residents and those with a connection to the community to remain in Waverley.*

Strategy: *C3a Promote a mix of housing types in new developments, including housing that is affordable and accessible.*

Deliverable: *Planning controls that support the provision of affordable housing through WLEP 2012 CI 4.4(b) or monetary contributions generated by Voluntary Planning Agreements towards affordable housing.*

Direction: *L5 Buildings are well-designed, safe and accessible and the new is balanced with the old.*

Strategy: *L5c Consider the use of planning controls and agreements to provide improvements to built public infrastructure.*

Deliverable: *Develop new Voluntary Planning Agreements (VPA) Policy*

6. Financial impact statement/Timeframe/Consultation

Financial Impact Statement

Nil.

Timeframe

It is anticipated that the draft Planning Agreement once endorsed by Council will be executed in September 2016.

Consultation

Consultation has occurred as outlined above. No other consultation is required or proposed on this matter.

7. Conclusion

The draft Planning Agreement has been placed on public exhibition in accordance with the conditions of the approval for DA-571/2015. It is recommended that the draft Planning Agreement attached to this report be endorsed by Council for execution (attachment 2).

8. Attachments:

1. DA-571/2015 - 89 Bondi Road, Bondi - VPA Explanatory Note
2. DA-571/2015 - 89 Bondi Road , Bondi - Draft VPA for execution

Explanatory Note

(Clause 25E of the Environmental Planning and Assessment Regulation 2000)

Draft Planning Agreement

The purpose of this explanatory note is to provide a summary of the proposed voluntary planning agreement (VPA) prepared jointly between Waverley Council and the Developer under s93F of the *Environmental Planning and Assessment Act 1979* (the Act).

This explanatory note has been prepared as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

1 Parties:

Waverley Council (Council) and

Eli Rimmer and Daphna Rimmer (Developer).

2 Description of Subject Land:

The whole of the land being Lot A in Deposited Plan 316258 and known as 89 Bondi Road, Bondi, is the Subject Land under the Planning Agreement.

3 Description of Development:

The Developer proposes to develop the Subject Land. The proposed development will comprise demolition of a rear garage, alterations and additions to the existing commercial premises and construction of 3 storey plus carpark addition for a boarding house.

4 Background:

The Developer is the registered proprietor of the Subject Land. The Developer lodged a development application with Council, DA571/2015 and with this offered to enter into a Voluntary Planning Agreement with Council pursuant to section 93F of the Act to provide a monetary contribution as the development application provided for additional floor space which exceeds floor space controls permitted for such buildings under Council's planning controls. The offer is in line with Council's Voluntary Planning Agreement Policy 2014.

5 Summary of Objectives, Nature and Effect of the Draft Planning Agreement:

The Planning Agreement will assist Council in achieving its objectives by providing funds which will facilitate Council to provide a material public benefit to the Development and the broader community under Council's Complete Streets Program directed at infrastructure construction, improvements and maintenance of footpaths, walkways and public areas.

The Agreement is a contractual relationship between Council and the Developer whereby the Developer is to pay a Monetary Contribution and is a Planning Agreement under subsection 2 of Division 6 of Part 4 of the Act.

2

The Agreement requires the Developer to comply with certain requirements including registration of the Agreement prior to a Construction Certificate issuing for DA571/2015 and to pay a monetary Contribution to Council in the amount of \$25,808.00 prior to a Construction Certificate for the Development.

The Agreement does not exclude the application of sections 94, 94A or 94EF of the Act to the Development and the Development Contribution is not to be taken into consideration in determining any development contribution under s94 of the Act.

The Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

6 Assessment of the merits of the Draft Planning Agreement:

The Planning Purposes Served by the Draft Planning Agreement

In accordance with S.93F(2) of the *Environmental Planning and Assessment Act 1979*, the Planning Agreement facilitates the following public purposes:

- The provision of (or recoupment of the cost of providing) public amenities;
- The funding of recurrent expenditure relating to the provision of public amenities or other infrastructure;
- The monitoring of the planning impacts of development.
- The conservation or enhancement of the natural environment.

The Planning Agreement provides a reasonable means of achieving the public purposes set out above.

How the Draft Planning Agreement Promotes the Public Interest

- The public interest is promoted by the provision to Council of funds which it is able to apply towards upgrading and improving infrastructure and facilities nearby the Development and in the broader community in particular the beautifying of footpaths and public places and improving connections for cycling, walking and access to public transport;
- The upgrading and improvement of facilities will encourage business and development activity of the precinct;
- The contributions made are intended to positively affect the economic and social wellbeing of the precinct incorporating the Development and wider community. Both residents and visitors will benefit from the contributions under the Planning Agreement;

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act)

The provision of the monetary contribution required under the Planning Agreement will promote the objects of the Act, in particular:

- 5(a)(i) "proper management development and conservation of natural and artificial resources including natural areas, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment".

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- 5(a)(v) “the provision of community services and facilities”.

How the Draft Planning Agreement promotes elements of the Council’s charter under section 8 of the Local Government Act, 1993

- The Draft Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council’s decisions impact public areas. The Council is conscious of a need for infrastructure and facilities within the public areas in its local government area and how its decisions and policies impact on seeking to fulfil this need;
- The draft Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.

Conformity with the Council’s Capital Works Program

The Draft Planning Agreement is not inconsistent with the Council’s Capital Works Program.

Whether the Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes, as detailed above in relation to enforcement in relation to the issuing of a construction certificate.

This explanatory note is not to be used to assist in construing the Planning Agreement

WAVERLEY COUNCIL

(Council)

AND

ELI RIMMER & DAPHNA RIMMER

(Developer)

PLANNING AGREEMENT

(Development Contribution)

**WAVERLEY COUNCIL
Council Chambers
Cnr Bondi Road & Paul Street
BONDI JUNCTION NSW 2022
DX 12006 BONDI JUNCTION
Phone: 02 9369 8000
Facsimile: 02 9387 1820**

PLANNING AGREEMENT NO. _____***Section 93F of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2016

PARTIES

WAVERLEY COUNCIL of Cnr Paul Street and Bondi Road, Bondi Junction NSW 2022
("Council")

ELI RIMMER of 89 Bondi Road, Bondi, NSW 2026

AND

DAPHNA RIMMER of 89 Bondi Road, Bondi, NSW, 2026
(collectively "**Developer**")

BACKGROUND

- A.** The Developer is the registered proprietor of the Land.
- B.** The Council is the local authority constituted under the *Local Government Act 1993* and the planning and consent authority constituted under the Act.
- C.** The Developer has made or caused to be made a Development Application to the Council for the Development Consent to carry out the Development on the Land. Development Consent was granted on the 6th of June 2016.
- D.** The Development Application was accompanied by an offer by the Developer to enter into a voluntary planning agreement to make the Development Contribution to be applied by the Council towards the Public Purpose if the Development Consent was granted.
- E.** This Agreement is consistent with the Developer's offer referred to in Recital D.

OPERATIVE PROVISIONS:**1 DEFINITIONS AND INTERPRETATION****1.1 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;

“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 Lot Burdened is located within.

“Construction Certificate” means any construction certificate in respect of the Development Consent;

“Development” means the development the subject of the Development Application and which is described in Item 4 of the Schedule;

“Development Application” means the development application described in Item 3 of the Schedule;

“Development Consent” has the same meaning as in the Act and means Council’s approval of the Development Application described in Item 3 of the Schedule;

“Development Contribution” and **“Monetary 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 in Item 8 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.

“Development Application” means the application referred to in Item 4 of the Schedule.

“Development Consent” means Council’s approval of the Development Application.

“Party” means a party to this Agreement including their successors and assigns.

“Public Purpose” for the purpose of this Agreement means the public purpose described in Item 6 of the Schedule.

“Registration Application” means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 93H of the Act in a form approved by the Registrar General.

“Schedule” means the schedule to this Agreement.

1.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;

- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement; and
- (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.

2 PLANNING AGREEMENT UNDER THE ACT

The Parties to this Agreement agree that it is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

3 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and the Development.

4 OPERATION OF THIS AGREEMENT

- 4.1 This Agreement does not take effect until the Development Consent is granted by the Council.
- 4.2 If they have not already done so the Parties must execute this Agreement as soon as possible after the Development Consent is granted and prior to any Construction Certificate issuing.

5 DEVELOPMENT CONTRIBUTION

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.

6. APPLICATION OF DEVELOPMENT CONTRIBUTION

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

7. APPLICATION OF SECTIONS 94 AND 94A OF THE ACT TO THE DEVELOPMENT

- 7.1 This Agreement does not exclude the application of Sections 94, 94A or 94EF 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 94 of the Act.

8 REGISTRATION OF THIS AGREEMENT

Unless otherwise agreed in writing between the parties;

- 8.1 The Parties agree this Agreement is to be registered by the Registrar General as provided for in section 93H of the Act.
- 8.2 The Developer warrants that it has done everything necessary to enable this Agreement to be registered under section 93H of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that it has obtained the express written consent to the registration of this Agreement under section 93H of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
 - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Prior to the issue of a Construction Certificate, the Developer will at its cost arrange and effect registration of this Agreement under s93H upon the title to the Land and as soon as possible following execution of this Agreement:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the Developer and any other person the subject of the warranty in clause 8.3;
 - (b) lodge or cause to be lodged the title deed with LPI and advise Council of the production number;
 - (c) provide the Council with a cheque in favour of Land & Property Information, NSW for the registration fees for registration of this Agreement; and
 - (d) provide the Council with a cheque in favour of the Council for its 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.
 - (e) and take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of a Construction Certificate.
- 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 or surrender of the Development Consent, the Developer may request 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 that the terms of this Agreement have been complied with and the Developer pays all costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution or surrender of the Development Consent occur on or before 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.
- 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) On the date of this Deed and before any application for any Construction Certificate the Developer must deliver to the Council a bank guarantee ("**Bank Guarantee**"), which must be:
- (i) irrevocable and unconditional;
 - (ii) with no expiry date;
 - (iii) issued in favour of the Council;
 - (iv) for an amount equivalent to the Monetary Contribution set out in Item 5 of the Schedule;
 - (v) drafted to cover all of the Developer's obligations under this Deed; and
 - (vi) on the terms otherwise satisfactory to the Council and in a form and from an institution approved by 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 Deed, including without limitation the delivery of the Development Contributions to the Council in accordance with the Schedules hereto.

9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Monetary Contributions in accordance with the Schedule or any other amount payable under this Deed by its due date for payment; or
 - (ii) breaches any other term or condition of this Deed,
- 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

received pursuant to its claim on the Bank Guarantee in satisfaction of the Developer's obligation to pay the relevant amount.

9.3 Return of Bank Guarantee

Provided that the Developer has complied with its obligations under this Agreement including payment of the Development Contribution the Council will return the Bank Guarantee to the Developer.

10 REVIEW OF THE AGREEMENT

- 10.1 The Parties agree that, subject to section 93G of the Act, this Agreement can be reviewed and amended at any time by mutual agreement.

11 DISPUTE RESOLUTION

- 11.1 If any Dispute arises out of or in connection with this Agreement, the following procedure must be followed in order to resolve it:

- (a) either party may give written notice of the dispute to the other party. A representative nominated by each party must meet within five (5) Business Days of receipt of that notice and attempt in good faith to resolve the dispute;
- (b) if the dispute is not resolved between the nominated representatives within ten (10) Business Days of receipt of the notice referred to in clause 11.1(a), then the dispute will be notified to the relevant divisional manager (or officer holding the equivalent position) of each party who must meet and attempt in good faith to resolve the dispute within five (5) Business Days of the date of receipt of that notice; and
if the dispute remains unresolved within ten (10) Business Days of receipt of the notice referred to in clause 11.1(b), notice will be given to the Chief Executive Officers (or officer holding an equivalent position) of each party who must meet and attempt in good faith to resolve the dispute within five (5) Business Days of the receipt of that notice.
- (c) For the purposes of this clause, a meeting may take place by telephone or other means of communication.

- 11.2 If the parties fail to resolve the dispute after following the procedures set out in clause 11.1, then they must agree on the appropriate method of alternative dispute resolution (which may include expert determination or mediation) within ten (10) Business Days of the date of the final meeting held in accordance with clause 11.1(c).

- 11.3 If the parties select expert determination as the method of resolving the dispute, the expert must act as an expert and not an arbitrator, his determination will be binding upon the parties unless otherwise agreed and his costs must be shared equally between the parties.

11.4 If the parties fail to agree on the appropriate method of alternative dispute resolution in accordance with clause 11.2, the dispute must be referred for mediation to a mediator nominated by the then current Chairman of the Australian Commercial Disputes Centre in Sydney (ACDC), or, if ACDC no longer exists, the chairman of a reputable commercial dispute resolution body, as agreed between the council and the Developer, or if same cannot agree, nominated by the Council. The role of the mediator is to assist in the resolution of the dispute and the mediator may not make a decision which is binding on the parties.

11.5 The costs associated with appointing the mediator under clause 11.4 must be shared equally between the parties.

12. ENFORCEMENT

12.1 Nothing in this Agreement (including Clauses 10 and 11) 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 Construction 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 a Construction Certificate at the same time that such application is made;
- (b) at the time it lodges any application for a Construction 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 a Construction Certificate until Council provides written confirmation that the Development Contribution has been paid; and
- (e) not rely on any Construction Certificate in respect to the Development.

12.3 Unless otherwise agreed in writing between the parties, the Developer acknowledges and agrees that Council has a caveatable interest in the Land from the date of the Development Consent and shall be entitled to lodge and maintain a caveat on the title to the Land notifying Council's interest created by this Agreement until the Development Contribution is paid in full.

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 in Item 9 of the Schedule;
 - (b) faxed to that Party at its fax number set out in Item 9 of the Schedule; or
 - (c) emailed to that Party at its email address set out in Item 9 of the Schedule.
- 13.2 If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 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; and
 - (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.
- 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 who 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. ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

17. FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

18. GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

19. JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

20. 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.

21. 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.

22. 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.

23. 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.

24. NON FETTER

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

25. GOODS & SERVICES TAX REPRESENTATIONS AND WARRANTIES

- 25.1 The Parties unless otherwise indicated, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated inclusive of GST which may be imposed on the supply.
- 25.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.

- 25.3 Any amount in respect of GST payable under clause 24.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 25.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.
- 25.5 If GST is linked with the abolition or reduction of other taxes and charges, all amounts payable by the Recipient to the Supplier under this Agreement (excluding GST) must be reduced by the same proportion as the actual total costs of the Supplier (excluding GST) are reduced either directly as a result of the abolition or reduction of other taxes and charges payable by the Supplier or indirectly by way of any reduction in prices (excluding GST) charged to the Supplier. Both parties must also comply with Part VB of the *Trade Practices Act 1974* (Cth).

26. COSTS

The Council's costs of an incidental to the preparation and execution of this Agreement and any related documents and registration of same must be borne by the Developer.

27. EXECUTION IN DUPLICATE

The Parties shall execute this Agreement in duplicate so as to provide one original signed by both parties. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE

Item Number	Particulars/Description
1	Developer ELI RIMMER AND DAPHNA RIMMER
2	Land 89 BONDI ROAD, BONDI, NSW, 2026 Lot A in DP 316258
3	Development Application DA – 571/2015
4	Development (description) Demolition of rear garage, alterations and additions to the existing commercial premises and construction of three storey plus carpark rear addition to be used as a boarding house and a voluntary planning agreement
5	Development Contribution/ Monetary Contribution \$25 808
6	Public Purpose Complete streets program and/or any other public purpose benefit for the improvement and regeneration of the Bondi area
8	Development Contribution Date (Payment date for the Development Contribution) PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR THE DEVELOPMENT.

9	Developer Address	89 BONDI ROAD, BONDI, NSW, 2026
	Developer Fax	(02) 9386 5799
	Developer Email	eran@crkproperties.com.au
	Council Address	CORNER PAUL STREET AND BONDI ROAD, BONDI JUNCTION NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	info@waverley.nsw.gov.au

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council affixed
pursuant to a resolution of Waverley Council on**

PETER BROWN

General Manager

CLR SALLY BETTS

Mayor

EXECUTED by

ELI RIMMER

before me:

Witness

Name of witness:

E L I RIMMER

EXECUTED by

DAPHNA RIMMER

before me:

Witness

Name of witness:

D A P H N A RIMMER

**REPORT
CM/7.11/16.09**

Subject: Update on 67A Bourke Road Alexandria (AIF)

TRIM No.: A15/0096

Author: Emily Scott, Director, Waverley Renewal
John Andrews, Property Consultant

Director: Peter Brown, General Manager

RECOMMENDATION:

That Council:

1. Notes the receipt of the Property Acquisition Notice from Roads and Maritime Services (RMS) for the acquisition of part Lot 16 DP 270785, AIF, 67a Bourke Rd Alexandria (Alexandria Integrated Facility) due to the construction of Westconnex M5 Motorway.
2. Authorises the General Manager to negotiate the resolution of the Property Acquisition Notice and any associated matters including compensation for the land and potential reimbursement of the associated costs pertaining to valuations, legal fees and disturbance costs pending final endorsement by Council.
3. Authorises the General Manager to object to the sum of compensation if it is deemed to be insufficient.

1. Executive Summary

The Alexandria Integrated Facility (AIF) was constructed in 2014-2015 as a shared facility for Waverley and Woollahra Council's operational workforce on Lots 12-16, 67A Bourke Road, Alexandria. An easement existed on a portion of Lot 16 reserved for future arterial road purposes. In December 2015, Council received formal notification from Roads & Maritime Service (RMS) & Westconnex of their intention to compulsorily acquire this portion of Lot 16. On August 2016, RMS issued a property acquisition notice (PAN) and claim for compensation form in accordance with the Land Acquisition (Just Terms Act) Act 1991 with notification in the Government Gazette scheduled on 25th November 2016.

2. Introduction/Background

In 2012, Council purchased Lot 12-16, 67A Bourke Road, Alexandria from Macquarie Development Capital Australia for the purpose of constructing an integrated depot facility on the site. In 2014, Council commenced construction of the Alexandria Integrated Facility (AIF) on the site that now houses both Waverley and Woollahra Council staff and operational equipment including a fleet of waste trucks.

The AIF site is part of a site adjoining land owned by City of Sydney Council which forms part of a Community Association Scheme. City of Sydney Council have commenced construction of an integrated depot facility on Lots 4 to 11. Construction of this facility is due for completion in early 2017.

An easement existed on a portion of the site of Lot 16, reserved for future road arterial purposes. For this reason, only truck wash bay facilities and hardstand storage were located on this portion of the site.

In 2016, Waverley Council received formal notification from Roads & Maritime Services (WestConnex) of their intention to compulsorily acquire part of Lot 16 by October 2016. The portion of the site subject to acquisition is 3,500 square metres of the total 4,621 square metres of land within Lot 16.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council Meeting 15 May 2012	1205.18.1	<ol style="list-style-type: none"> 1. The report be treated 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) of the Local Government Act 1993 2. Council receive and note the report of the General Manager regarding the current status of negotiations to purchase a new Waverley Council depot site located at 67A Bourke Road, Alexandria comprising of proposed lots 12 to 16 3. Council approve the offer of \$9,500,000 for the purchase of 67A Bourke Road, Alexandria subject to: <ol style="list-style-type: none"> a. Finalisation of the due diligence report on the site to confirm that the site is fit for purpose for the construction and operation of a municipal depot facility b. The gazettal of the City of Sydney LEP 2011 with depots not being a prohibited use on Lots 12 to 15, or a development approval is granted by City of Sydney for the construction of the Waverley Council Works Depot on lots 12 to 16. c. Ministerial approval to borrow around \$12.5 million from its own non-depot reserves
Council Meeting 17 July 2012	1207.18.2	<ol style="list-style-type: none"> 1. The report be treated 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) of the Local Government Act 1993 2. Council receive and note the report of the General Manager regarding the possible development sites for the Waverley Council depot

		<ol style="list-style-type: none"> 3. Council continue to negotiate with Macquarie Development Capital Australia to finalise purchase arrangements 4. The General Manager and the Mayor be authorised execute contract documentation and deeds as required and affix Councils seal to all necessary documentation.
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4. Discussion

Property Acquisition Notice

In December 2015, RMS informed Waverley Council that it intended to compulsorily acquire part of Lot 16 which is located at the southern end of the depot building and is an area where the depots wash bay and some open storage is located. Council's solicitors wrote to Roads & Maritime Service requesting the WestConnex survey plans so it could be verified that an access corridor into the depot would remain, the draft survey plans that have been provided have indicated that this required access corridor will be maintained.

On 18th August 2016, RMS issued a 90 day property acquisition notice (PAN) and claim for compensation form to Waverley Council under the Land Acquisition (Just Terms) Act 1991. The date for gazettal is scheduled for 25th November 2016. Thus, we are working toward this as our vacant possession date.

Attachment 1 is a site survey of 67A Bourke Road, Alexandria (AIF) comprising of Lots 12-16 and shows surrounding sites. Lots 12 -15 are the location of the integrated depot facility. Lot 16 comprises of three truck wash bays and some hardstand storage. The survey shows the proposed land affected on Lot 16 (3599m²). Attachment 2 is an aerial view of 67A Bourke Road, Alexandria and identifies the land affected on Lot 16. Attachment 3 is a detailed survey plan of Lot 16 highlighting the building boundary of the AIF, the truck access corridor that will be retained and the land affected by the PAN.

Waverley and Woollahra Councils have appointed Norton Rose Fulbright lawyers to manage the determination of our property acquisition notice and claim for compensation due to their extensive experience in compulsory acquisition on the Sydney Metro and the Sydney Light Rail projects.

As part of the PAN, Council can submit a claim for compensation by 23 October, 2016. If not submitted, the compensation is determined solely by the appointed valuer-general. The claim for compensation can include the following:

1. the market value of the land on the date of its acquisition;
2. any special value of the land to the person on the date of its acquisition;
3. any loss attributable to severance;
4. any loss attributable to disturbance;
5. solatium;
6. any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

Upon review with our appointed lawyers, it is confirmed that our claim for compensation form can only address categories (1) and (4) as listed above. The other categories do not apply in this instance.

In order to prepare our claim for compensation, Norton Rose have engaged a valuation report for inclusion into our claim. In addition, we are preparing the required documentation to substantiate our disturbance cost claim for a 12 month off site truck washing contract with a private provider as an interim solution in addition to the cost for construction of a new truck wash bay facility at an alternative location as a permanent solution.

The operational impact of the compulsory acquisition will be the loss of land that houses the truck wash bay facility for both Waverley and Woollahra Council waste and public cleansing fleet (representing around 89 truck washes per week). Truck wash bay facilities are an integral operational requirement of the waste service for both Council's and an alternative solution is necessary to be finalised prior to vacant possession and compensation sought for both the interim and permanent solution for relocation of truck washing facilities.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction:	L5 Buildings are well-designed, safe and accessible and the new is balanced with the old.
Strategy:	L5a Ensure planning building controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected..
Deliverable:	Compliance with Council requests for new or amended planning policies and land use plans

6. Financial impact statement/Timeframe/Consultation

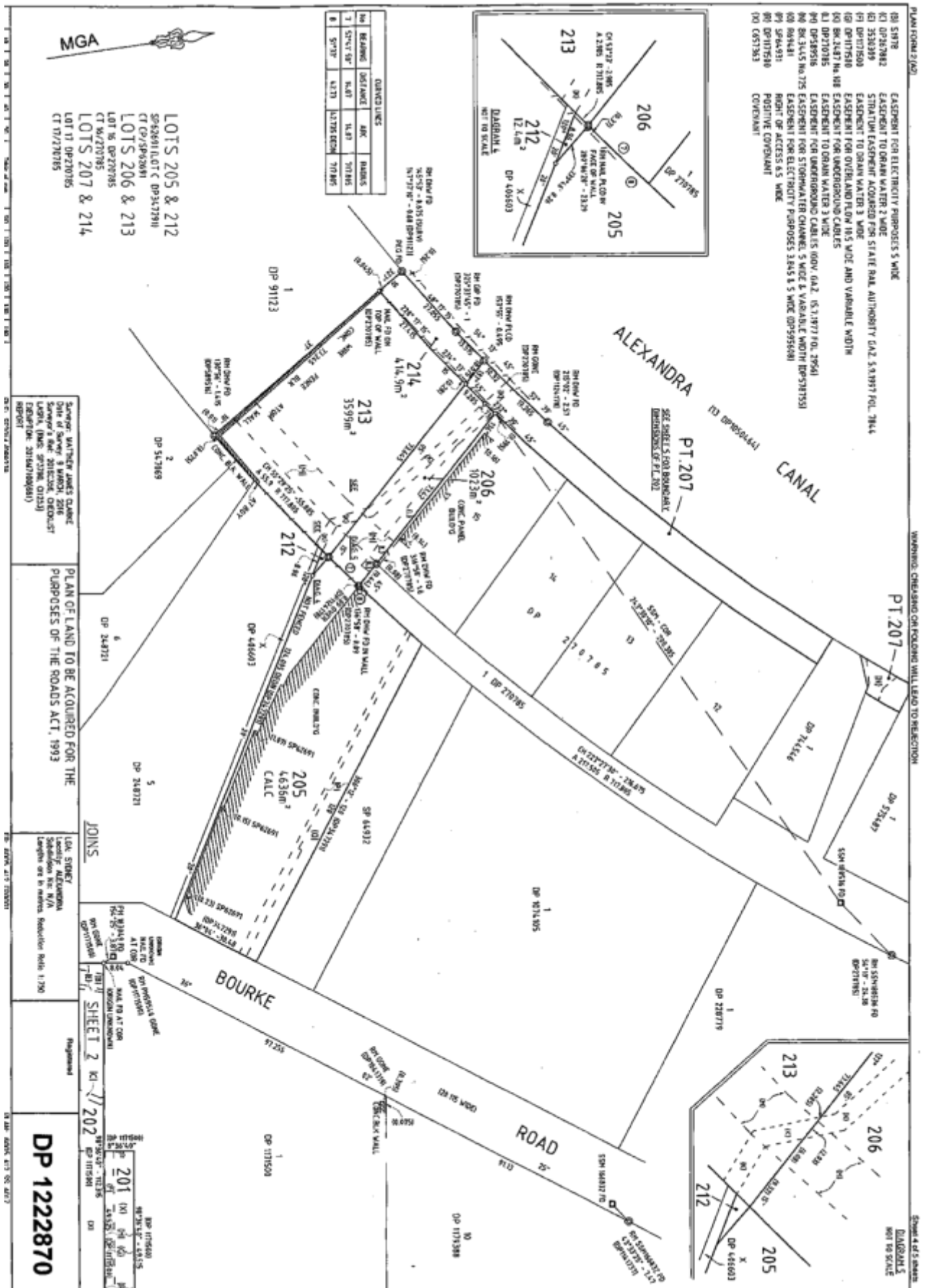
Council will experience a loss from the compulsory acquisition of part Lot 16, 67A Bourke Road, Alexandria. Council is preparing all documentation necessary to lodge a claim to be compensated for this loss under the terms of the property acquisition notice. A further report to Council will be provided when this information is received.

7. Conclusion

On August 2016, RMS issued a property acquisition notice (PAN) and claim for compensation form for Part Lot 16, 67A Bourke Road, Alexandria (Alexandria Integrated Facility) in accordance with the Land Acquisition (Just Terms Act) Act 1991 with notification in the Government Gazette scheduled on 25th November 2016. This report provides an update on the status of the notice and seeks delegations be issued to the General Manager to resolve all matters associated with the PAN pending a final report to Council.

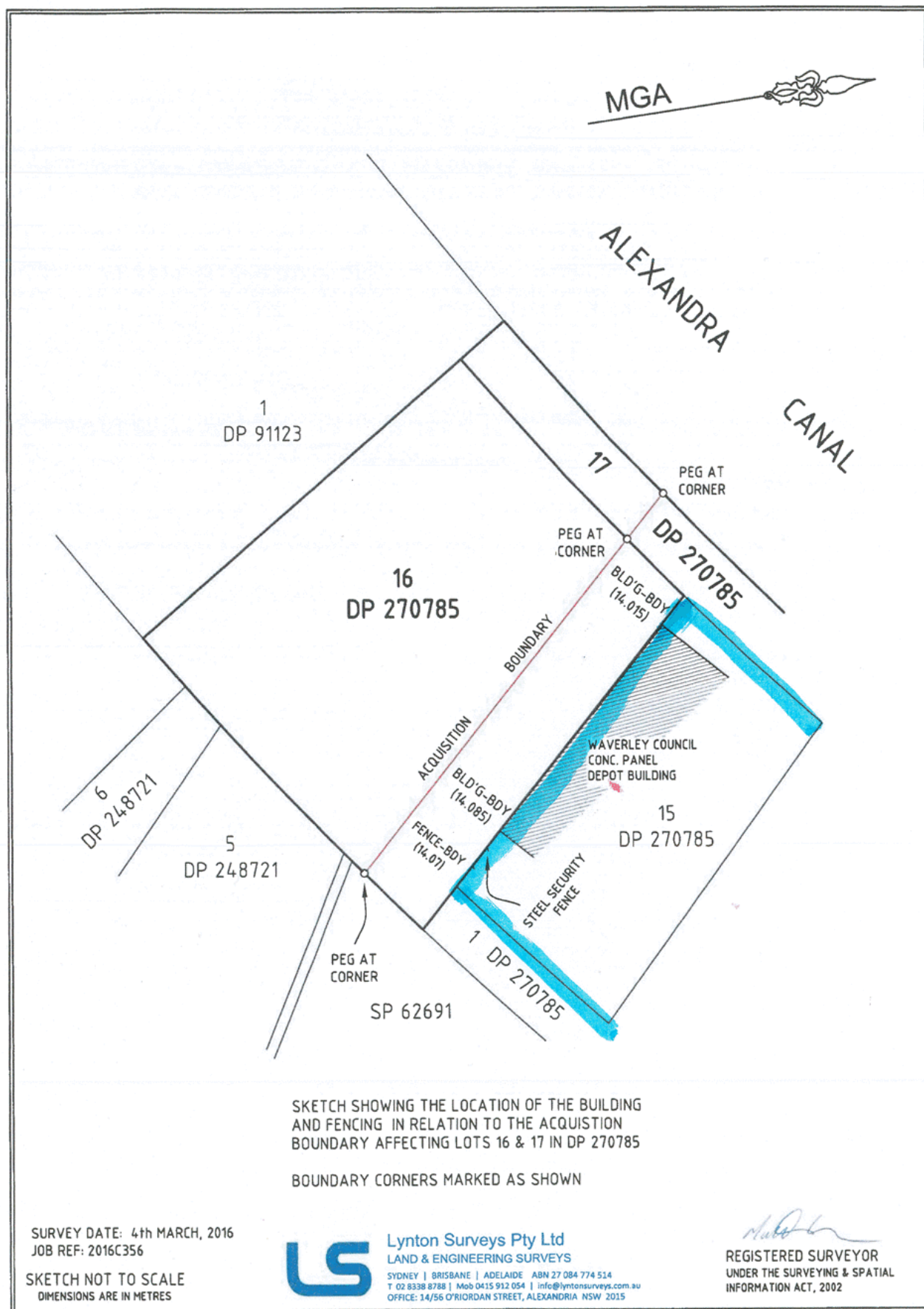
8. Attachments:

1. Site Survey Plans 67A Bourke Road, Alexandria (AIF)
2. Aerial Survey of 67A Bourke Road, Alexandria
3. 67A Bourke Road Site Layout with land affected by PAN





SKETCH M.



**REPORT
CM/7.12/16.09**

Subject: Waverley Cemetery Landslip and Coastal Walk Remediation

TRIM No.: A16/0371

Author: Robert Sabato, Project Manager

Director: Emily Scott, Director, Waverley Renewal

RECOMMENDATION:

That Council:

1. Notes that the final engineering report for the Waverley Cemetery coastal walk and landslip restoration has identified that both projects must be constructed concurrently.
2. Notes that the current estimated cost of both projects is \$6 million.
3. Commits \$925,270 from the SAMP Cemetery Reserve to part fund the remediation program.
4. Commits \$700,000 from the Cemetery Operational Business Reserve to part fund the program.
5. Commits \$4,374,730 from the Centralised Reserve to fund the remaining project budget.
6. Notes that Council is commencing work on a new Conservation Management Plan, Plan of Management and Strategic Business Plan for Waverley Cemetery in 2016/17 that will investigate available income generation options to fund future cemetery work.
7. Notes advice from the Office of Local Government that has confirmed that the allocation of this funding is in accordance with the OLG Circular of 18th December 2015 *Council decision making during merger proposal periods*.

1. Executive Summary

The gully at Waverley Cemetery sustained significant impact from the East coast low storm in early June 2016. As a result the structural integrity of the coastal path was compromised due to site instability. JK Geotechnical Engineers were engaged to assess the site. The final JK Geotechnics report has now been received and has identified that both projects must happen concurrently due to the site stability issues. The purpose of this report is to present the main findings of the report and to seek Council endorsement to bring forward \$6 million from 2017/18 and 2018/19 SAMP cemetery reserve and commence a RFT process to run both projects concurrently.

2. Introduction/Background

An East Coast Low storm peaked over the period from 4th June – 5th June 2016. Wave conditions during the storm event were severe, with significant wave heights offshore of Sydney exceeding 7m (in excess of a 1 in 100 ARI event of wave height from an easterly direction during this storm). The severity of the event was

exacerbated by elevated sea levels, higher than usual astronomical tides, and strong ENE winds further enhancing wave run up, velocity of foreshore overtopping and distance landward of overtopping (Horton Engineering, 2016).

The culmination of these events resulted in severe damage along the NSW coastline at Waverley Cemetery, at the gully location known as Beeries Cove.

Following the storm event, Council engaged JK Geotechnics to assess the damage and provide an analysis of options for remediation of the affected areas. It is important to note that JK Geotechnics were involved in the development of the Waverley Council Coastal Risks and Hazards Vulnerability Study (2010) that involved a comprehensive risk assessment of the Waverley LGA coastline in terms of geotechnical and coastal inundation risk.

Preliminary engineering advice identified a number of site constraints including site stability, maintaining the stability of the adjacent cemetery boundary retaining walls, the stability of exposed bedrock faces and the access constraints impacting the proposed works. Upon initial investigation, it was proposed that the removal of the fill batter slope in the gully (landslip remediation) and the realignment of the coastal walkway, could be run as separate projects. At the July Council meeting, it was proposed to run the two projects separately, with Council endorsing \$2 million for the realignment of the coastal walkway to commence in 2016/17 and deferring determination of the landslip remediation project estimated at \$4 million, until the final report was received.

The final JK Geotechnics report has now been received and has identified that both projects must happen concurrently due to the site stability issues. The purpose of this report is to present the main findings of the report and to seek Council endorsement to bring forward \$6 million from 2017/18 and 2018/19 SAMP cemetery reserve and commence a RFT process to run both projects concurrently.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Extraordinary Council Meeting 21/06/2016	CM/7.3/16.06	<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorses the establishment of three new projects within the draft 2016/17 Capital Works program for Bronte Beach restoration works (\$862,000), Coastal Walk below Hunter Park restoration (\$250,000), and Waverley Cemetery coastal walk restoration (\$2 million). 2. Notes the submission for project funding under the Commonwealth – State Natural Disaster Relief and Recovery Arrangements (NDRRA) for the above mentioned projects. 3. Notes the submission for project funding under the Commonwealth – State Natural Disaster Relief and Recovery Arrangements (NDRRA) for the Waverley Cemetery embankment rectification works (\$4 million) project. 4. Receives a further report on the Waverley Cemetery embankment rectification works project pending the finalisation of proposed options analysis and detailed costings. 5. Notes a proposed Q1 amendment to fund the Bronte Beach restoration works, Coastal Walk below

		Hunter Park restoration, and Waverley Cemetery coastal walk restoration projects may be required should our grant funding application be unsuccessful.
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4. Discussion

An engineering report was commissioned from JK Geotechnics, to assess the Waverley cemetery storm damage and identify options for remediation. Upon initial investigation, sections of the cemetery coastal walk required realignment in addition to remediation of the gully area. The preliminary report costed these at \$2 million and \$4 million respectively and suggested both works could happen independently. However further assessment of the site has identified that due to the extent of damage and risk of further slippage, both projects will have to be completed concurrently. The main reasons include:

- Fill batter slope stability and ongoing landslip
- Stability of adjacent cemetery boundary retaining walls
- Stability of exposed bedrock faces (incl. the igneous dyke)
- Access constraints through the cemetery
- Continual erosion of the batter slope by wave action
- Working within a coastal environment and timing with high tide and storm events

To undertake this work, it is recommended to run a request for tender RFT process for the design and construction of the restoration project. The structural and coastal engineering reports will form the basis of the technical specifications in the RFT. Project Waverley have also engaged the services of a landscape consultant to prepare the landscaping specifications for the finishing of the structural works. Estimated contract costs are \$6 million.

In order to commence an RFT process, access to capital funding is required to complete detailed design and the required restoration work. For this reason, it is recommended that Council bring forward the \$6 million of future funding from the Waverley Cemetery Reserve allocated in 2016/17 and 2017/18. It is important to note that despite submitting an application for funding under the *Commonwealth – State Natural Disaster Relief Recovery Arrangements* (NDRRA) scheme, we have been informed that these works do not comply with the funding guidelines.

Office of Local Government advice

The Acting Director, Waverley Renewal contacted the Office of Local Government on the 8th September 2016 to seek advice on the ability for Council to allocate \$6 million of future funding to fund the works in accordance with the OLG Circular from 18th December 2015 on *Council decision making during merger proposal periods*. The OLG has confirmed that both projects comply with the Circular and are therefore allowable. It is important to note that the \$4 million for the Cemetery landslip remediation is already allowable as it is deemed emergency works.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3 and Delivery Program 2013-17* is as follows:

- Direction: C7 Health and quality of life are improved through a range of recreation and leisure opportunities.
- Strategy: C7a Retain, protect and improve the quality, flexibility and useability of parks, reserves and other green spaces to meet recreational needs, whilst considering and ameliorating any negative environmental impacts..

Deliverable: Sustainable, well maintained and well used recreation facilities

.

6. Financial impact statement/Timeframe/Consultation

Access to capital funding is required to commence detailed design, remediation of the landslip (approx. \$4 million) and construction of the re-aligned coastal walk (approx. \$2 million). It is recommended that in addition to the previously proposed Q1 amendment for \$2 million to fund the coastal walk restoration, an additional \$4 million amendment to 2016/17 capital works program is proposed to fund the remediation of the landslip. The funding source for the \$6 million total project budget would be 2017/18 and 2018/19 SAMP Category 9.1 Cemetery.

7. Conclusion

Waverley Cemetery was severely affected by the East Coast low storm in early June 2016. Council has submitted grant funding under the Commonwealth – State *Natural Disaster Relief and Recovery Arrangements* (NDRRA) to fund all rectification works. Should our application for funding be unsuccessful, it is recommended that capital funding is sourced through SAMP Cemetery funds.

8. Attachments:

Nil

NOTICE OF MOTION CM/8.1/16.09



Subject: Improvements to Varna Park

TRIM No.: A06/0739

Submitted by: Councillor Burrill
Councillor Cusack

MOTION:

That Council:

1. Notes that the Mayor Cr Sally Betts, Cr Bill Mouroukas and Council Officers visited Clovelly Public School on Friday 26 August 2016 to see presentations from Year 6 students and discuss potential improvements to Varna Park, other open spaces in the Waverley and Randwick LGAs, and potential grant funding from Council for school projects.
2. Notes a new play space was installed in Varna Park in 2011, with a projected life of 10-15 years, and that consultation on the Varna Park play space was conducted in 2013/14, which resulted in Varna Park being placed within the Play Space Strategy 2014-2029 as a long term priority to:
 - Include creative/imaginative play spaces
 - Investigate opportunities to incorporate wheeled play such as paths for scooters or bicycles
 - Investigate opportunities to incorporate outdoor tennis tables
 - Investigate low barrier fencing and compliance signage (near dog off leash areas), with Council continuing to monitor the use by dogs and dog owners. Continued education of the legal obligations and responsibilities of dog owners.
3. Installs a bush tucker and herb edible garden within Varna Park, subject to location, installation approach and timing, and a maintenance plan being discussed and agreed with the Clovelly Public School.
4. Thanks the Clovelly Public School students for their ideas, and sends a copy of this resolution to the School Principal and the Wentworth Courier.

Background

At the August Council meeting Clovelly Public School pupil, 6-year-old Max Lucas addressed the Council and advised that his class had brainstormed ideas to improve Varna Park. The Notice of Motion on the August Council paper was not supported by Council due to the motions main intent being a request for a Master Plan, as this was advised by the Director of Waverley Renewal as not being necessary; Waverley Council has 29 parks and reserves without Master Plans as they are covered under the Play Space Strategy.

The Play Space Strategy was updated in 2014 and prioritizes play spaces according to when they are approaching the 'end of their life'. We would expect play equipment to last 10-15 years and rubber soft fall can be expected to last up to 10 years (typically 5 to 7).

Council has 41 play spaces across the LGA, and if 2 to 3 a year are replaced Council is able to achieve a continuous replacement program. The Varna Park play space was last upgraded in 2010/11 following

extensive vandalism. Consequently, Varna Park has been included in the Long Term program for replacement as it was relatively recently replaced.

NOTICE OF MOTION CM/8.2/16.09



Subject: Request on progress for the Blue Bondi Green initiative to make Bondi Beach plastic bag free

TRIM No.: A05/1473

Submitted by: Councillor Kay
Councillor Goltsman

MOTION:

That:

1. Council Officers prepare a progress report on the Blue Bondi Green initiative to make Bondi Beach plastic bag free, and this report to include achievements to date, engagement methods adopted to produce a plastic bag free Bondi Beach, new measures that may be introduced to speed the change, updated timeline and smart targets if appropriate, and potential initiatives to reduce plastic utilisation.
2. The Mayor writes a letter to the NSW Minister for Environment & Heritage Mark Speakman advocating for the introduction of new legislation to phase out the use of plastic bags.

Background

Resulting from a Council resolution a few years ago to commence a plan to make Waverley plastic bag free, Council has been working since 2015 in partnership with Bondi Farmers Markets, community members, sustainability professionals, local artists, graphic designers and retailers on a grass roots, community driven project to kick the plastic habit in Bondi Beach, as a precursor to rolling out the initiative to the whole of Waverley.

This project, called Blue Bondi Green, is achieving a growing swell of Bondi Beach community members and businesses who believe that we should protect our environment and the oceans.

The original project goal of plastic bag free by the end of this year is currently being reassessed in the coming weeks and a new timeline is likely to be developed.

Currently, business engagement is carried out by Council officers, and Council has further resourced this with several business engagement volunteers. I understand that more focus will be placed on building the pool of volunteers who are prepared to actively undertake fieldwork with the businesses to encourage them to explore more sustainable alternatives to plastic bags.

It would also be appropriate to consider other measures to increase project momentum for businesses and the community in general, perhaps by identifying approaches used by other Australian Councils, and from overseas.

It is timely that a report be prepared on current progress and future plans, and that the introduction of new legislation be considered by the State Government to further propel the initiative at Bondi Beach and throughout New South Wales.

NOTICE OF MOTION
CM/8.3/16.09**Subject:** Divestment Day 2016**TRIM No.:** SF16/406**Submitted by:** Councillor Wy Kanak

MOTION:

That Council support Divestment Day 2016 (7, 8 October 2016) activities and provides community awareness information on the Council website and in the Mayor's Column about how Divestment Days focus information to bank customers on alternative investment strategies to support greener industry.

Background

Since publicly supporting the Paris agreement's two degree limit, Commonwealth Bank, ANZ, NAB and Westpac have loaned a combined \$5.6 billion to fossil fuels around the world.

Divestment Day focuses on helping the Big 4 banks' customers decide alternatives to allowing the Big4Banks to use Their Customer savings as bank finance to projects that destroy the environment.

NOTICE OF MOTION CM/8.4/16.09



Subject: Bondi Park Reserve Trust

TRIM No.: A05/1405

Submitted by: Councillor Wakefield

MOTION:

That the Council in its role as Bondi Park Reserve Trustee (D.500048) prepare a report consolidating and analysing the following items:

1. Register of Bondi Park Reserve Trust structures, facilities, other assets including the land itself.
2. Records of Bondi Park Reserve Trust financial management, asset, asset management, leases and licenses, meeting minutes and activities for which fees are collected.
3. Annual reports for the Bondi Park Reserve Trust submitted to the Minister.
4. Annual audits for the Bondi Park Reserve Trust conducted by a registered company auditor.

Background

Bondi Park, Beach and Pavilion Plan of Management 2014-2024 tells us that Bondi Park was dedicated as a Reserve Trust under the provisions of the Crown Land Act on 28 January 1938, and that the purpose of the reserve has been identified as "Public Recreation." The Plan also confirms that Waverley Council is empowered to act in relation to this land only in its role as "Bondi Park (D.500048) Reserve Trust."

Under the requirements of relevant Crown Land legislation (in particular S122 in Part 5 of the Crown Lands Act and the details required in Schedule 4 of the Regulations), Bondi Park (D.500048) Reserve Trust is required to maintain certain records relating to this Reserve.

NOTICE OF MOTION
CM/8.5/16.09**Subject:** Remembrance of Black Deaths in Custody**TRIM No.:** A02/0424**Submitted by:** Councillor Wy Kanak

MOTION:

That Council continue to fly its Aboriginal Flags at halfmast on the closest business days to 28 September, known as a day focusing on the Remembrance of Black Deaths in Custody.

Background

This year 28 September 2016 is on Wednesday, but to ensure that Waverley Council continues its practice of flying the Aboriginal Flags and putting these flags to halfmast on a day marked in Remembrance of Aboriginal Islander deaths in police and prison custody Council should amend this practice to ensure the Aboriginal Flags are halfmasted on a business day, preferably before the 28th of September, so that if September 28th is a Saturday, Sunday or Public Holiday, then the Aboriginal Flags are set to halfmast on Friday, or the closest previous business day to September 28.

NOTICE OF MOTION CM/8.6/16.09



Subject: Waverley Aboriginal Cultural Heritage Assessment

TRIM No.: A07/1307-02

Submitted by: Councillor Wy Kanak

MOTION:

That Council include all the Recommendations from the 2009, Waverley Aboriginal Heritage Assessment in its LEP, and DCP, and continue to reconcile its land management policy with its care and custody relationship with contemporary Aboriginal Rights.

Background

Previous Resolutions of Waverley Council have approached the Care, Custody and Control responsibilities of Waverley Council over Public Crown Land and property from a Reconciliation and Social Justice rationale. It is important to ensure that Waverley Council continues this mindset in its dealings with Crown and Public responsibilities over Land Water and Air space.

The issue of Aboriginal Rights in relation to airspace were recently discussed as part of a 2016 NSW Local Government Aboriginal Network Annual Conference Panel on 'Recognise' and Aboriginal Constitutional Recognition.

Council has previously under the Mayoralty of Councillor John Wakefield received a copy of the S.A.C.R.E.D. Principles from the NSW Aboriginal Land Council network.

('Sydney Alliance for Culture Rights and Economic Development', were Principles for Cooperation and Joint Action, which is a strategy of the Sydney-Newcastle Aboriginal Land Council Region that will result in better working relationships between Local Aboriginal Lands Councils and Local Municipal Councils. The SACRED Principles were officially signed on 30 November 2011 at the Sydney Opera House in the presence of Mr Dominello, MP , a former NSW Minister for Aboriginal Affairs (and Community Members including CR dominicWYkanak) , and at the 26 January 2012 Waverley Council Citizenship Ceremony a formal receiving by Mayor Wakefield of a framed version of this document from Mr Chris Ingrey, Chief Executive Officer, of the La Perouse Local Aboriginal Land Council, signified Council's commitment to work in joint cooperation with the regional strategy of SACRED especially in Land Management, development and environmental planning.)

URGENT BUSINESS
CM/9/16.09

Subject: Urgent Business

Author: Peter Brown, General Manager

In accordance with Clause 241 of the Local Government (General) Regulation 2005 and Section 3.5 of Council's Code of Meeting Practice, business may be transacted 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 proposed to be brought forward is ruled by the chairperson to be of great urgency; and
2. a motion is passed to have the business transacted at the meeting.

Such a motion can be moved without notice.

Only the mover of a 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 be of a kind:

1. that requires immediate action or attention, and
2. that cannot be dealt with as a Mayoral Minute or Notice of Motion at a later meeting or by any other means.

The mover of the motion must, when speaking to the motion, explain why he or she believes the business to be of great urgency.

CLOSED SESSION
CM/10/16.09

Subject: Moving into Closed Session

Author: Peter Brown, General Manager

**RECOMMENDATION:**

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under the provisions of Section 10A (2) of the Local Government Act 1993 for the reasons specified:

CM/10.1/16.09 CONFIDENTIAL REPORT - Lease Shop 4, 276-278 Bronte Rd, Waverley 2024

This matter is considered to be confidential in accordance with Section 10A(2)(di) 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 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) of the Local Government Act 1993.
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 1993.

Introduction/Background

In accordance with section 10A(2) of the Act, a Council may close part of its meeting to deal with business of the following kind:

- (a) personnel matters concerning particular individuals.
- (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 2005, 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 clause 252 of the Local Government (General) Regulation, 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/11/16.09

Subject: Resuming in Open Session
Author: Peter Brown, General Manager



RECOMMENDATION:

That Council resumes in Open Session.

Introduction/Background

In accordance with Clause 253 of the Local Government (General) Regulation 2005, when the meeting resumes in open session the Chair will announce the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.