

Waverley Council

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12 February 2013

A meeting of **COUNCIL** will be held at Waverley Council Chambers, Bondi Road, Bondi Junction at:

7.00PM, TUESDAY, 19 FEBRUARY 2013

QUORUM: Seven Councillors.

APOLOGIES: E-mail the General Manager or Governance Manager.

Late notice by telephone or through a Councillor attending the meeting.

A handwritten signature in black ink, appearing to read "Anthony Reed", with a stylized flourish at the end.

Tony Reed
GENERAL MANAGER

MEETING DATES FOR FEBRUARY / MARCH 2013

Development Control Committee	26/02/2013
Finance, Ethics & Strategic Planning Committee	05/03/2013
Community, Housing, Environmental Services & Public Works Committee	05/03/2013
Council Inspection Meeting	09/03/2013
Council	12/03/2013
Development Control Committee	19/03/2013

AGENDA

1302.1 OPENING PRAYER & ACKNOWLEDGMENT OF INDIGENOUS HERITAGE

The Mayor will read the following Opening Prayer and Acknowledgment 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.”

1302.2 LEAVES OF ABSENCE AND APOLOGIES

1302.3 DECLARATIONS OF INTEREST

1. _____
2. _____

1302.4 CONFIRMATION OF MINUTES

1302.4.1 Council Meeting – 11 December 2012

PAGE 28

Recommendation: That the Minutes of the Council Meeting of 11 December 2012 be received and noted and that such Minutes be confirmed as a true record of the proceedings of that meeting.

1302.5 ADDRESSES TO COUNCIL BY MEMBERS OF THE PUBLIC

1. _____

1302.6 MAYORAL MINUTE

1302.7 OBITUARIES (A02/0017)

The Mayor will ask Councillors for the submission of any other Obituary Notices.

Paul Fitzgerald

Bruce McLeod

Ross Peters

Recommendation: That a letter of sympathy be forwarded to the families of the deceased named above expressing the condolences of the Mayor, Councillors and staff in the bereavement they have experienced.

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

1302.8 QUESTIONS BY COUNCILLORS WITH NOTICE

**1302.8.1
Plastic Bag free Bondi (A02/0134)**

The following question was submitted by Cr Kanak:

Can the General Manager advise Council whether the procedure for Item 1211.11.7 Plastic bag free Bondi recorded in the Minutes of the November 2012 Council meeting, is in accordance with Council's Code of Meeting Practice and the NSW Local Government Regulations, in that, was the Mayor able to suspend Standing Orders?

**1302.8.2
Fitness Operators Licences (A06/0163-03)**

The following question was submitted by Cr Kanak:

Can the General Manager advise Council how the licensing regime for commercial fitness operators in Waverley's parks is being regulated, including the number of licences and infringement notices, if any, issued and if any licences have been revoked in the past 12 months?

1302.8.3

Eradication of feral foxes (A03/0056)

The following question was submitted by Cr Kanak:

Can the Director, Planning & Environmental Services advise Council of the likely timeframe for a report to be presented to Council outlining actions and planning towards eradication of feral foxes in the Waverley Local Government Area?

1302.9 QUESTIONS BY COUNCILLORS TO THE MAYOR WITHOUT NOTICE

Note from the General Manager: In accordance with Council's adopted procedures, each Councillor may ask the Mayor one question without notice. Councillors are requested to submit their question in writing to the Mayor at the time the question is asked.

1. _____

1302.10 PUBLICATIONS RECEIVED

Recommendation: That Council receive and note the following publications received from public bodies:

1. Relationships Australia New South Wales – A Year in Review – Annual report 2011 – 2012.
2. Government News – Volume 32 Issue 6 – December / January 2013.

1302.11 NOTICE OF MOTIONS SUBMITTED BY COUNCILLORS

Note from the General Manager: Council should note that for the purposes of budgetary control and planning, any Notices of Motion received and endorsed by Council, will be assessed for budgetary implications.

If they cannot be achieved within existing allocations they will be referred to the Finance, Ethics & Strategic Planning Committee for its consideration of budget implications, in conjunction with the budget estimates or at a quarterly review of the budget.

The report to Council about progress in achieving Council's Motions will also highlight whether budget issues are involved.

1302.11.1

Residential Parking Scheme (A03/2581)

The following Notice of Motion was submitted by Cr Wakefield:

“That Council provides the first permit for parking in Residential Preferential Parking Scheme areas at no cost to residents”.

1302.11.2

15 Minute ‘hop in’ parking spaces within metered streets of Waverley (A02/0638)

The following Notice of Motion was submitted by Cr Wakefield:

“That:

1. Council investigate the installation of 15 minute ‘hop in’ spaces within currently metered streets of Waverley. These spaces will be in close proximity to retail strips to allow customers to park and efficiently purchase products.
2. A report be submitted to Council detailing the logistical and financial aspects of the introduction of these ‘hop in’ spaces.”

1302.11.3

Waverley Council Swimming Pool to Pond Conversion Information Program for Waverley Residents (A08/1210)

The following Notice of Motion was submitted by Cr Masselos:

“That as Waverley Council acknowledges the importance of biodiversity in the Waverley Local Government Area:

1. The appropriate Council Officers investigate Ku-ring-gai Council’s ‘Wild Things’ Program which is a program that actively encourages households to do something good for the environment with their unused / underused swimming pools.
2. A representative from Ku-ring-gai Council be invited to speak to Councillors and Council Staff about this program, its merits and benefits, and learnings.
3. Council develop an information pack about how to convert swimming pools to ponds, provide advice and guidance about how to keep the pond healthy and contributing to Waverley’s biodiversity.
4. A public lecture about pool to pond conversions be offered to the residents of Waverley.
5. A new category be introduced into Waverley’s Garden Awards for best Pond Garden.

BACKGROUND:

Council has a comprehensive Environmental Action plan which includes working on cutting greenhouse emissions, saving water, reducing waste, building biodiversity and engaging in sustainability education and engagement. Council also provides some advice to residents as to how they can help.

Many private backyard swimming pools are expensive to maintain (chemicals, electricity, cleaning) and can be either underused or disused. For people thinking about ridding themselves of their pool, they are usually unaware of alternative options to those of chlorination or filling them in. In fact, there are 50 such ponds now on Sydney's north shore.

The experience of Ku-ring-gai Council's 'Wild Things' Program is evidence that swimming pools can be converted to back yard ponds which can make a significant contribution to biodiversity by providing a haven for local native species including frogs.

Random testing by the University of Sydney of 8 pool to pond conversions for E-Coli and other bacteria has found that all were within the guidelines for primary water contact. They are also safe for a quick dip.

Other findings show:

1. These pools are NOT mosquito havens.
2. It is a reversible process, i.e. ponds can be converted back to swimming pools.
3. The process is inexpensive and can in fact save money on electricity, cleaning and chemicals bills.

This initiative should not require additional budget allocation as it falls within officers existing duties."

1302.11.4

Repair of Waverley Cemetery Boundary Fences and Internal Barriers / Guard Railings (A04/0264-02)

The following Notice of Motion was submitted by Cr Masselos:

"That as the orange tape in and around Waverley Cemetery has been creating an eyesore for a long period of time:

1. The fences that have orange safety tape surrounding Waverley Cemetery be repaired as a matter of urgency.
2. The barriers / guard railings inside Waverley Cemetery that contain orange safety tape be repaired as a matter of urgency.
3. A report be presented to Council detailing the number of instances of vandalism in Waverley Cemetery as compared to damage caused by natural weathering and exposure to the elements.

4. This report is to also compare vandalism incidents with other cemeteries in Sydney's East and South East.
5. The Allan Jack and Cottier Report be made available to all Councillors.

BACKGROUND:

Over the past five or so years, the fences and railings in and around Waverley Cemetery have been deteriorating. Prior to this time, the fences were regularly maintained and any broken or missing pickets were quickly repaired.

While it is understood that there is a working party investigating a number of options concerning the long term viability of the cemetery, it will be some considerable time before any decision and action will be taken.

In the meantime, the fences and railings continue to degrade and continue to provide an ever increasing risk to public safety as a result. Residents have also been complaining that the orange tape is a major eyesore.

There appears to be money in the budget as at the last Council meeting a capital works schedule was presented which had an allocation of approx. \$7+ million for cemetery upkeep."

1302.11.5

Waverley Council Becomes a Supporter of OzHarvest (A11/0141)

The following Notice of Motion was submitted by Cr Masselos:

"That Waverley Council becomes an active supporter of OzHarvest by donating any suitable surplus food as a result of any Council meetings and functions.

BACKGROUND:

The OzHarvest initiative has been recognised both domestically and internationally for its social entrepreneurship and excellence in providing a much needed service to Sydney's hungry.

Waverley Council has many catered meetings and functions that have left over food suitable for donation to OzHarvest."

1302.11.6

NSW Planning Changes White Paper - Community Consultation

The following Notice of Motion was submitted by Cr Kanak:

"That, in anticipation of the forthcoming release of a Planning Reform White Paper by the NSW Government, Council :

1. Recognises the potential for widespread impacts on the Waverley Community and on its built and natural fabric.

2. Calls on the NSW Government to ensure there is at least 6 months of public consultation on the White Paper following its release.
3. Requests the Mayor to write to the Hon Brad Hazzard, Minister for Planning and Infrastructure and Minister Assisting the Premier on Infrastructure, informing him of Council's position.

BACKGROUND

Fundamental changes to the NSW Planning System are expected to shift focus from a combination of land use planning and consultation on individual Development Applications to a greater reliance on strategic planning in partnership with the community, with very little public exposure to individual Development Applications. Council will need sufficient time and resources to formulate and undertake a comprehensive consultative process with the Waverley community. Realistic timeframes should be allocated for preparation of materials and to design and undertake a satisfactory consultative planning process."

1302.11.7

Investment Strategy (A04/1773-05)

The following Notice of Motion was submitted by Crs Masselos, Strewe and Wakefield:

"That major policy decisions such as what is to be referred to the Investment Strategy meetings are first clearly explained in a report to the Finance, Ethics and Strategic Planning Committee.

BACKGROUND

Waverley Council prides itself on running open and accountable government. We are also proud of the good sense of previous councils to make major investments in Bondi Junction.

A decision to investigate a possible investment in a multi million dollar chambers and administration block in Bondi Junction is first and foremost a decision that should be made in the public arena giving all councillors the opportunity to express support or opposition and ask questions."

1302.12 ADDITIONAL MATTERS FOR CONSIDERATION

1302.12.1

PAGE 52

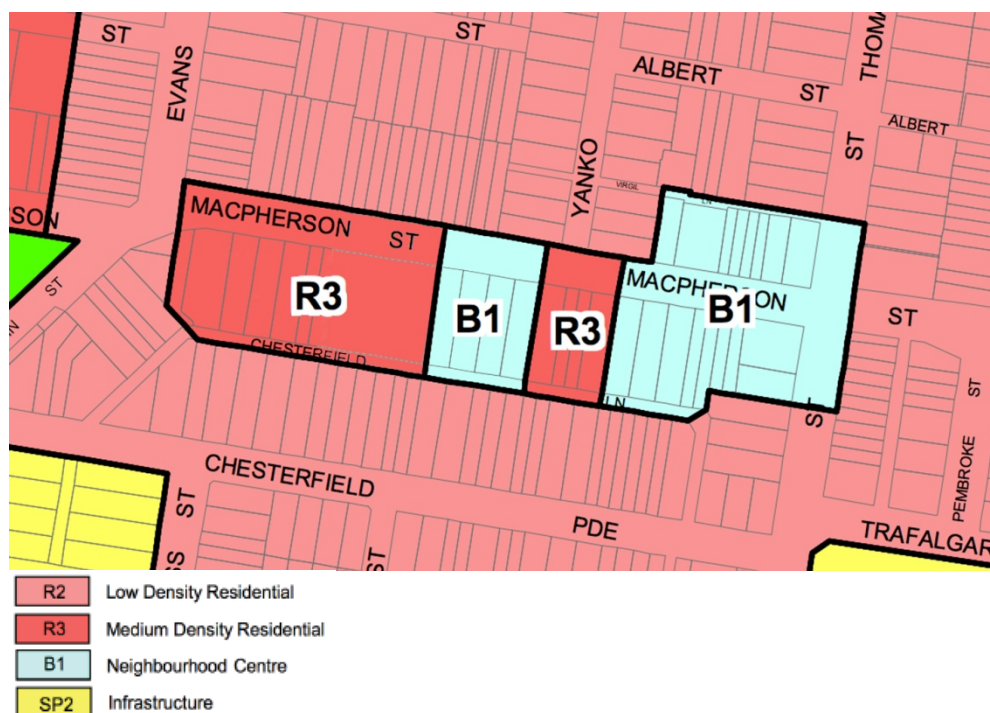
Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Planning Controls (A12/0220-02)

Report dated 19 February 2013 from the Director, Planning and Environmental Services providing recommended planning controls for Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL).

Recommendation: That Council

A. Amend the Waverley Local Environment Plan 2012 (WLEP 2012) as follows:

- i. Amend the Land Zoning Map for land located at 107 Macpherson Street, Bronte (known as Oceanview apartments) from B1 Neighbourhood Centre zoning to R3 medium density residential zoning.



- ii. Add a new clause 6.7 to limit the net floor area of retail premises as follows:

6.7 Maximum area of retail premises in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre

(1) The objectives of this clause are as follows:

- to quantify the maximum floor area of small scale retail in neighbourhood centres containing large amalgamated sites,*
- ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises,*
- to protect the integrity and viability of existing centres, and*
- to respect the retail hierarchy of centres within the local government area.*

(2) This clause applies to land located in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre as shown on the Key Sites Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the Gross Lettable Area Retail of the retail premises does not exceed 500 square metres

(4) For the purposes of this clause Gross Lettable Area Retail (GLAR) is defined by the Property Council of Australia as the aggregate of floor area contained within a retail tenancy including the thickness of external walls for single tenant

buildings and half internal wall thickness for multiple tenancy buildings. Included in GLAR are window mullions and frames, structural column, engaged perimeter columns or piers, fire services and additional facilities for tenants if they are within the area of lease. Excluded from GLAR are areas set aside as public spaces, thoroughfares, accessways, fire and service passages, loading docks, toilets, stairs, utilities, lift shafts, plant rooms, etc where they are not used for the exclusive use of any one tenant. GLAR excludes balconies, awnings, terraces and other outdoor areas and internal areas where the ceiling height is below 1.5m.



iii. Include the following clause in WLEP 2012 Schedule 1 – Additional Permitted Uses:

2. Allow “Registered Clubs (Bronte Returned Services Club)” on land at 113 Macpherson Street, Bronte in addition to the uses permitted under the B1 Neighbourhood Centre Zone.

B. That subject to “A” above, a Planning Proposal be submitted to the Department of Planning and Infrastructure for a gateway determination seeking approval for the preparation of a draft Local Environmental Plan to amend WLEP 2012.

C. Amend the Waverley Development Control Plan 2012 (WDCP 2012) as follows:

i. Add the following objective to Part E3 Local Village Centres - 3.2.3 Built Form Objectives:

(i) To maintain reasonable solar access to residential properties backing onto rear lanes across from village centres.

ii. Add the following control to Part E3 Local Village Centres - 3.2.3 Built Form Controls:

(d) The maximum street wall height of buildings fronting rear lanes is 7.8m or two storeys, whichever is the lesser.

(e) Floors fronting lanes which are located 7.8m above the level of the lane or higher (except those on the south side of the lane) and have residential properties backing onto the rear lane opposite must be setback at an angle of 32 degrees as shown in the following diagram:

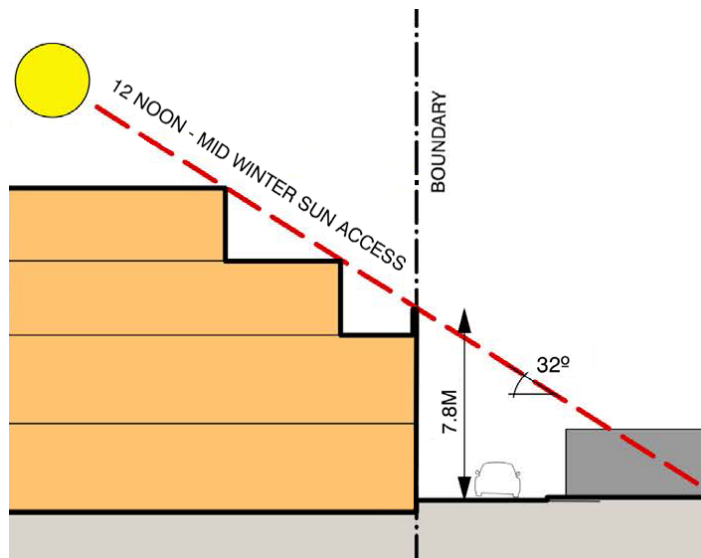
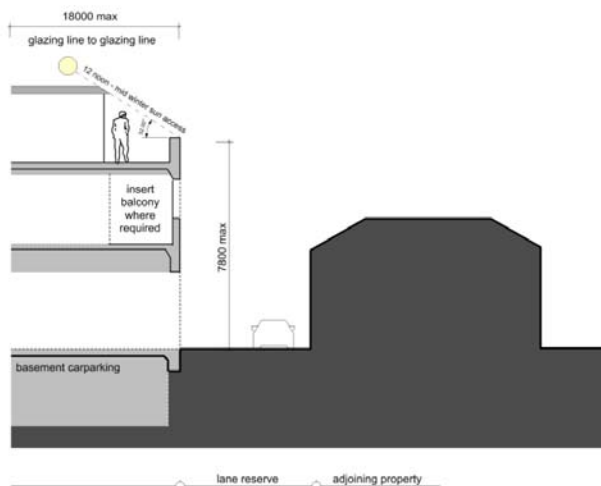


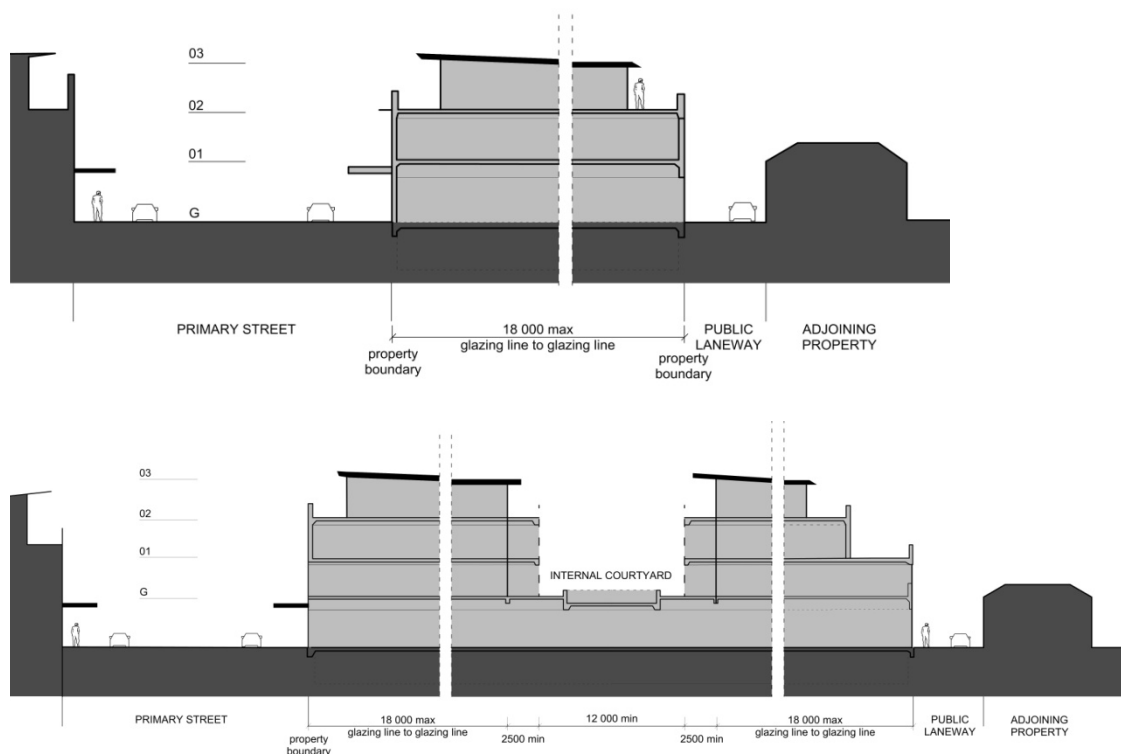
Figure X: Setbacks at rear lanes to ensure solar access to neighbours.

- iii. Replace the fourth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagram to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



Building depth and other controls at the rear boundary over laneway.

- iv. Replace the seventh and eighth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagrams to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



Typical building section - dual street frontage

- v. Add a new section under Part E with the heading 4. 113 Macpherson Street, Bronte

4 113 Macpherson Street, Bronte

Where there are discrepancies between these controls and others within this DCP the following controls take precedence.

The following objectives and provisions apply to 113 Macpherson Street, Bronte described as Lot 19, Lot 20 and Lot 21 of DP 192094 and Lot 22 of DP 72912 (also known as Bronte RSL site), as shown in Figure X Specific sites map and Figure X 113 Macpherson Street Site Plan.

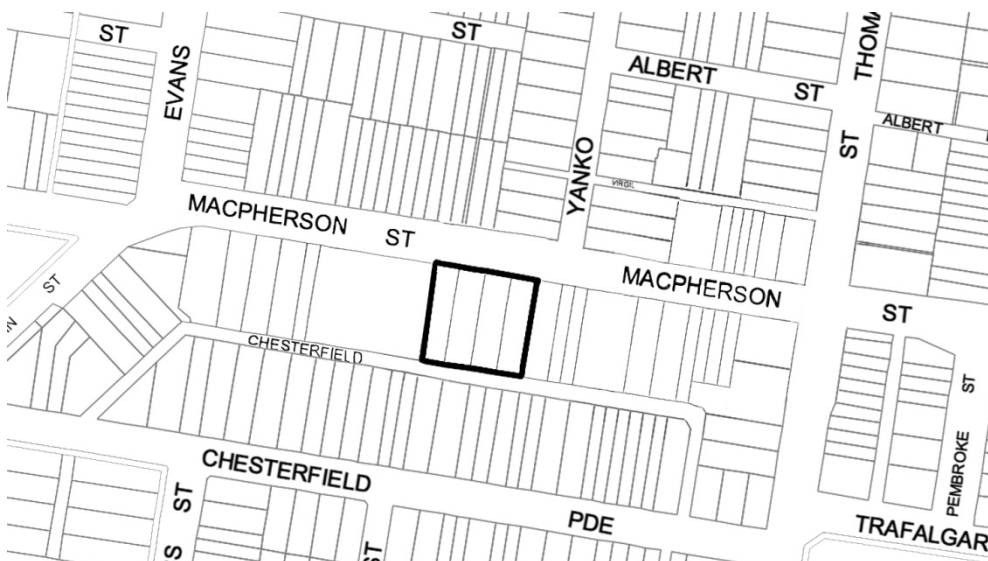


Figure X - 113 Macpherson Street Site Plan.

4.1 Public Domain

Objectives

- (a) Ensure public domain benefits are provided to a high quality and in keeping with Council's vision for the neighbourhood centre*

Controls

- (a) Macpherson Street and Chesterfield Lane are to be landscaped to Council's requirements.*
- (b) Street furniture and renewal of paving is to be provided to Macpherson Street and Chesterfield Lane to Council's requirements.*

4.2 Built form

Objectives

- (a) Facilitate the redevelopment of the site to achieve a high quality urban form.*
- (b) To ensure that redevelopment does not result in adverse impacts on the amenity, privacy and solar access of existing and future residential premises within the precinct.*
- (c) To facilitate built form that accounts for the change in level between Macpherson Street and Chesterfield Lane.*
- (d) To set building heights and frontage alignments to respect the existing character and desired future character of the Bronte's Macpherson Street and St. Thomas Street Neighbourhood Centre*
- (e) Ensure that development has high architectural quality and diversity, and strongly defined streets.*

Controls

- (a) The development of 113 Macpherson Street is to be in accordance with the development control envelope illustrated in Figures X and X - 113 Macpherson Street, Development Control Envelope.*



Figure X: 113 Macpherson Street, Development Control Envelope.

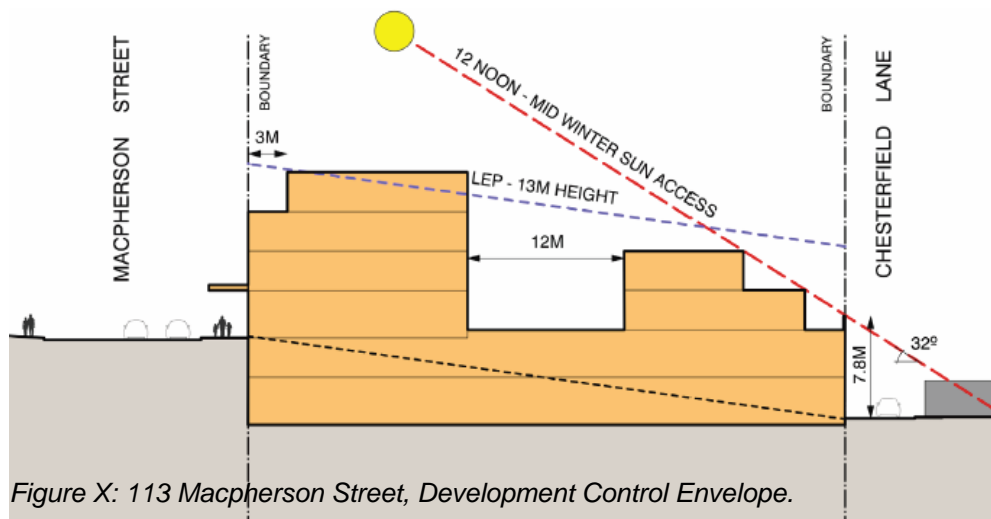


Figure X: 113 Macpherson Street, Development Control Envelope.

- (b) *Provide awnings to the entire Macpherson Street frontage between the ground and first floor, except over the driveway. Awnings must be*
 - *minimum 3m wide;*
 - *minimum 3.1m between the underside of awning of 3.1m and the footpath level; and*
 - *include under awning lighting.*
- (c) *Buildings are to be built to the street and lane alignments.*
- (d) *No less than 90% of the building is to be aligned to the street boundary for the ground and first floor fronting Macpherson Street*
- (e) *Provide setbacks above the street-wall in accordance with Figures X and X - Development control envelope.*
- (f) *Provide side setbacks in accordance with Figure X - Development control envelope.*

4.3 Active Street Frontages

Objectives

- (a) *To promote pedestrian activity and safety in the public domain*
- (b) *To provide a high degree of surveillance over Macpherson Street and Chesterfield Lane*
- (c) *To provide transparency and visual contact between the public domain and the building interior*
- (d) *To ensure that retail premises present a “public face” to enhance the character and vitality of the neighbourhood centre*

Controls

- (a) *Active street frontages are required at footpath level along Macpherson Street.*
- (b) *Not more than 10% of the Macpherson Street frontage can be blank walls or service areas.*
- (c) *The installation of roller shutters is not permitted.*
- (d) *Uses providing passive surveillance of Chesterfield Lane must be provided for the majority of the width of the ground and first storey fronting Chesterfield Lane. Car parking must be sleeved by a commercial or residential use.*

4.4 Transport

4.4.1 Loading Facilities

Objectives

- (a) *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*

Controls

- (a) *Driveway entry and exit to commercial loading docks is restricted to Macpherson Street;*

- (b) The driveway access to loading facilities and parking must be combined.*
- (c) Loading facilities must be located internally on the site. They must not front Macpherson Street.*

4.4.2 Driveways and Car Parking Access

Objectives

- (a) To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*
- (b) To ensure main streets are not dominated by driveways*
- (c) To encourage continuous main streets*
- (d) To ensure safety for pedestrians on heavily used footpaths*

Controls

- (a) The width of the driveway on Macpherson Street must be no greater than 6m wide.*
- (b) The driveway off Macpherson Street must be located at the western end of the front boundary as shown on the development control envelope (Figure X).*
- (c) Access to residential parking is permitted from Chesterfield Lane.*
- (d) Access to commercial, retail and RSL club parking is not permitted from Chesterfield Lane.*

4.4.3 Non – Residential Parking Rates

Objectives

- (a) To provide dedicated car parking for those working at the development*

Controls

- (a) Of the total number of non – residential parking spaces provided, 80% is to be allocated for visitors / short-stay parking, and 20% is to be allocated for employee / long-stay parking.*

Bicycle Parking

Objectives

To provide accessible secure and safe bicycle parking close to major pedestrian entries

Controls

- (a) Provide minimum 50% of the required bicycle parking for non-residential premises at an accessible on grade location near the main pedestrian Macpherson Street entries.*

- D.** That subject to a positive response from the Department of Planning and Infrastructure, the Planning Proposal and WDCP 2012 (Amendment No.1) be placed on public exhibition in accordance with the requirements of the Gateway determination.

Tasman Street, Bondi – Temporary Road Closure (DA 301/2012/B)

In accordance with the Waverley Traffic Committee Charter a special meeting of the Committee, where the advice of the members was sought by email, was called by Council's Divisional Manager – Technical Services to consider an application from the Nine Network Australia for a temporary road closure of Tasman Street, Bondi for filming of 'The Block'. The meeting was called as the application required the consideration of the Committee prior to its scheduled meeting so that its recommendation could be considered by Council at this meeting.

The Committee unanimously resolved to support Council's proposal contained within the report.

Report dated 25 January 2013 from the Divisional Manager, Technical Services about an application from the Nine Network Australia for a temporary road closure of Tasman Street, Bondi for filming of 'The Block'.

Recommendation:

That Council approves the temporary road closure of Tasman Street, Bondi as per the transport management plan attached to this report, subject to the following conditions:

1. Closures are to take place during the following times:

▪ Saturday, 2 March 2013	7.00am	–	5.00pm
▪ Sunday, 3 March 2013	7.00am	–	5.00pm
▪ Tuesday, 19 March 2013	12.00pm	–	8.00pm
2. Closures on Saturday, 2 March, Sunday, 3 March and Tuesday, 19 March 2013 to only allow resident vehicles to enter or leave Tasman Street at Philip Street. The applicant is to update the Traffic Management Plan in accordance with this condition to the satisfaction of Council's Divisional Manager, Technical Services.
3. The applicant to undertake a letterbox drop of residents and businesses advising of the road closures. The letter and distribution list are to be approved by Council's Divisional Manager, Technical Services.
4. The applicant to approach the NSW Police Service to determine the cost of providing Police with the full cost to be borne by applicant.
5. The applicant to provide evidence of medical / First Aid personnel being provided on Saturday, 2 March and Sunday, 3 March 2013.
6. Approval of the Section 96 application for filming within the heritage listed properties at 6 - 12 Tasman Street, Bondi.

1302.12.3**PAGE 120****Code of Conduct and Procedures (A03/0385-02)**

Report dated 23 January 2013 from the Acting Director, Corporate and Technical Services about the development of a new Code of Conduct for the Council and the procedures detailing its operation and implementation.

Recommendation: That Council:

1. Adopt the new Code of Conduct, the Code of Conduct Procedure for Councillors & General Manager and the Code of Conduct Procedure for Staff, Delegates & Volunteers to be operational from 1 March 2013.
2. Appoint the Divisional Manager, Governance and Integrated Planning as its complaints coordinator and the Divisional Manager, Human Resources & Organisational Development the alternate complaints coordinator.
3. Inform the Southern Sydney Regional Organisation of Councils (SSROC) that it wishes to continue with the utilisation of a panel of conduct reviewers as provided by the organisation.
4. Request SSROC to commence the recruitment process for a new panel of conduct reviewers so that it can be in place by 30 September 2013 as required by the Division of Local Government.

1302.12.4**PAGE 217****Budget Review (A03/0346)**

Report dated 8 February 2013 from the Director, Corporate & Technical Services on Council's 2nd Quarter Budget Review for financial year 2012/13.

Recommendation: That Council

1. Note this report on the 2nd quarter budget review for 2012/13.
2. Note and receive the Quarterly Budget Review Statement (QBRs) for the 2nd quarter 2012/13.
3. Vary the allocations to the recurrent and capital works budget in accordance with the review documents.

1302.12.5**PAGE 261****Writing Off of Council's Trade Debtor Bad Debts (A05/1181)**

Report dated 5 February 2013 from the Director, Corporate and Technical Services about the writing off of bad debts relating to trade debtors.

Recommendation: That Council:

1. Receive and note this report.
2. Approve the write-off of the bad trade debts and general abandonments identified in this report of \$21,913.35 in accordance with Clause 213 (3) of the Local Government (General) Regulation 2005.

1302.12.6**PAGE 265****Waverley Business Forum (A06/1431)**

Report dated 8 February 2013 from the Director, Recreation Customer and Community Services about establishing a new Waverley Business Forum.

Recommendation: That Council approves the attached Terms of Reference for the Waverley Business Forum.

1302.12.7**PAGE 270****Waverley Public Art Committee Appointments (A03/0161)**

Report dated 6 February 2013 from the Director, Recreation, Customer & Community Services, about the appointment of community members for the Waverley Public Art Committee.

Recommendation: That

1. The report be received and noted.
2. Council determine the members of the Waverley Public Art Committee for a term of two years.

1302.12.8
Youth Week 2013 (A06/0101)

PAGE 277

Report dated 29 January 2013 from the Director, Recreation Customer and Community Services about funding a program of events for Youth Week 2013.

Recommendation: That Council:

1. Approve a grant of \$3,074 to WAYS Youth Services to run a program of events in Youth Week 2013.
2. Approve the waiving of fees for venue hire to the value of \$6,500 for a program of events in Youth Week 2013.

1302.13 ADOPTION OF COMMITTEE MINUTES

1302.13.1
Development Control Committee Meeting – 29 January 2013

PAGE 280

Recommendation: That the Minutes of the Development Control Committee Meeting of 29 January 2013 be received and noted and that such Minutes be confirmed as a true record of the proceedings of that Meeting.

1302.13.2
Finance, Ethics & Strategic Planning Committee Meeting – 5 February 2013

PAGE 285

Recommendation: That the Minutes of the Finance, Ethics & Strategic Planning Committee Meeting of 5 February be received and that such Minutes be confirmed as a true record of the proceedings of that Meeting and that the decisions contained in Clauses F-1302.1 to F-1302.3 be received and noted, and the recommendations contained in Clauses F-1302.4 to F-1302.6 be adopted.

Save and except the following:

1. _____

**Community, Housing, Environmental Services & Public Works Committee Meeting
– 5 February 2013**

Recommendation: That the Minutes of the Community, Housing, Environmental Services & Public Works Committee Meeting of 5 February 2013 be received and that such Minutes be confirmed as a true record of the proceedings of that Meeting and the recommendation contained in Clause C-1302.1 be received and noted, and the recommendation contained in Clause C-1302.2 be adopted.

Save and except the following:

1. _____

1302.14 GENERAL MANAGER'S REPORTS**1302.14.1****PAGE 294****MATTER DISCHARGED BY WAY OF DELEGATED AUTHORITY – Request for the Calling of Tenders for Waverley Council Central Depot 67A Bourke Road Alexandria (A12/0627 and A12/0075)**

The purpose of this item is to inform Council of the decision made under the authority delegated to the Mayor by Council at its meeting on 11 December for the period between 12 December 2012 to 29 January 2013. This decision was made under the delegation, namely:

That:

The Mayor and General Manager under delegated authority approve the calling of a design and construction tender for the construction of the Waverley Council Central Depot.

BACKGROUND

The Construction of the new Central Works Depot is identified in the Capital Works Program Invest Strategy 05 (1810)

The proposed depot comprises a two storey open decked car parking / garage area with an administration /amenities / office building attached at the north eastern end of the site. The administration area will be housed above the truck garaging / workshop and storage area and will comprise a single level plus mezzanine area totalling 1200m2 and accommodating approximately 50 staff.

It will accommodate workstations, meeting/training rooms, amenities, a lunchroom and outdoor eating area and storage areas. Car parking is proposed for 174 cars, 98 trucks and 10 visitors. In addition separate areas are provided for abandoned vehicles, vehicle washing, vehicle maintenance etc.

The proposed depot is to initially operate as a depot for Waverley Council however it may also accommodate the requirements of Woollahra and other neighbouring Councils over the operational life of the facility.

In order to better co-ordinate the detailed design and construction phases of the project, it is proposed that a Design & Construction (D&C) tender be used for this project rather than the traditional approach of having independent contracts for design and construction.

The Local Government Act requires Council to call tenders for any purchase of goods or services for contracts that have a total contract value of above \$150,000. This tender will provide Council with an opportunity to test the market, and recommend a company(s) that can provide Council with the best value for money.

Report dated 24 December 2012 from the Director, Public Works & Services seeking to proceed to tender for the construction of a new Central Works Depot on behalf of Public Works & Services.

Recommendation: That this information be received and noted.

1302.14.2

PAGE 296

MATTER DISCHARGED BY WAY OF DELEGATED AUTHORITY - Bronte Road, Bronte – Australia Day 2013 Traffic Conditions (A03/2332-02)

The purpose of this item is to inform Council of the decision made under the authority delegated to the Mayor by Council at its meeting on 11 December for the period between 12 December 2012 to 29 January 2013. This decision was made under the delegation, namely:

“That the Mayor and General Manager:

- 1. Receive and note the request from the NSW Police Force that it is essential to make Bronte Road one-way to address concerns they have about vehicle and pedestrian safety, and access by emergency vehicles such as ambulances that maybe required at Bronte Beach and Park.*
- 2. Approve under delegated authority the trial implementation of traffic arrangements for Australia Day (Saturday 26 January 2013) as detailed on the attached drawing.”*

BACKGROUND

At the August 2012 meeting of the Waverley Traffic Committee consideration was given to representations from the NSW Police Force requesting consideration be given to temporarily changing traffic conditions in Bronte Road, Bronte during Australia Day 2013. At that meeting the Committee recommended the following which was subsequently adopted by Council at its meeting held on 4 September 2012:

“That:

1. The matter be deferred in order to allow Council officers to assess the State designated events calendar for Australia Day and determine the number of days the proposed changes to Bronte Road, Bronte should be in effect, and to investigate the provision of information to local residents in regards to the proposed changes.
2. Council officers submit a further report on the matter to the Waverley Traffic Committee for consideration.”

Report dated 4 January 2013 from the Acting Director, Corporate & Technical Services regarding the proposed traffic management arrangements for Australia Day 2013 on Bronte Road at Bronte.

Recommendation: That this information be received and noted.

1302.14.3

PAGE 301

Renewal of Director Public Works & Services Contract (P08/087)

Report dated 12 February 2013 from the General Manager regarding the five year contract renewal of the Director Public Works & Services, Mark Wood.

Recommendation: That Council receive and note the report on the renewal of the contract of employment for the Director Public Works & Services, Mark Wood.

1302.14.4

PAGE 302

Appointment of Director Corporate & Technical Services to the NSW Cemeteries and Crematoria Interim Board (A03/2771)

Recommendation: That Council receive and note the report of the General Manager regarding the appointment of the Director, Corporate & Technical Services, Dr Bronwyn Kelly to the NSW Cemeteries and Crematoria Interim Board.

1302.15 PETITIONS

1302.15.1

Macpherson and St Thomas Street Neighbourhood Centre (including the Bronte RSL Site) – Request that the building height limit of 9 metres, as existing on 24 October 2012, be maintained and to restrict development of the site to residential (A01/0037 and A12/0220-03)

Petition containing 1,598 signatures, the majority of which are from residents of the Waverley Local Government Area, requesting Council to protect Bronte, and surrounding communities, from the over development of the Bronte RSL site at 113 Macpherson Street Bronte, by ensuring that any development complies with the building height limit of 9 metres as existed on 24 October 2012 and that the site is restricted to residential use only.

Recommendation: That the petition be received and noted and forwarded to the Director, Planning and Environmental Services.

1302.15.2**Simpson Street Bondi – Request for the installation of 2 hour resident parking (A03/035-03 and A02/0037)**

Petition containing 55 signatures, the majority of which are from residents of Simpson Street Bondi, requesting that 2 hour resident parking be installed in Simpson Street, Bondi between Hall and Curlewis Streets.

Recommendation: That the petition be received and noted and forwarded to the Director, Corporate & Technical Services.

1302.15.3**Save the Street Art in Charing Cross (A02/0037 and A10/0719)**

Petition containing 390 signatures from members of the local community who frequent the Charing Cross shopping strip requesting that Council refrain from removing the street art created in Charing Cross and, in particular, the art on the walls of the businesses known as Bellagio, Shasta Bray and Lesley Lee.

Recommendation: That the petition be received and noted and forwarded to the Director, Recreation, Customer and Community Services.

1302.15.4**180-186 Campbell Parade, Bondi Beach – Objection to the establishment of a 24 hour Supermarket and Liquor Store (DA 433/2012 and A02/0037)**

Petition containing 609 signatures, the majority of which are from residents of Bondi Beach and North Bondi, objecting to the establishment of a 24 hour supermarket and liquor store at 180-186 Campbell Parade, Bondi Beach.

Recommendation: That the petition be received and noted and forwarded to the Director, Planning and Environmental Services.

1302.15.5**108 Roscoe Street, Bondi – Objection to proposed bed and breakfast accommodation (DA 558/2012 and A02/0037)**

Petition containing 10 signatures, the majority of which are from residents of Roscoe Street, Bondi, objecting to the proposed bed and breakfast accommodation at 108 Roscoe Street, Bondi.

Recommendation: That the petition be received and noted and forwarded to the Director, Planning and Environmental Services.

1302.15.6

12 Rickard Avenue, Bondi Beach – Request for the installation of traffic calming devices (A02/0037)

Petition containing 48 signatures from residents of Rickard Avenue, Bondi Beach, requesting that Council install traffic calming devices in Rickard Avenue, Bondi Beach.

Recommendation: That the petition be received and noted and forwarded to the Director, Corporate and Technical Services.

1302.15.7

44 Allens Parade, Bondi Junction – Objection to proposed development of a 3 storey block of units (DA 547/2012 and A02/0037)

Petition containing 23 signatures from residents of Allens Parade, Bondi Junction, objecting to the proposed development of a 3 storey block of units at 44 Allens Parade, Bondi Junction.

Recommendation: That the petition be received and noted and forwarded to the Director, Planning and Environmental Services.

1302.15.8

O'Donnell Street Park, North Bondi – Request for installation of a shade cloth over the children's play area (A02/0037)

Petition containing 142 signatures, the majority of which are from residents of North Bondi, requesting that a shade cloth be installed over the children's play area in the O'Donnell Street Park, North Bondi.

Recommendation: That the petition be received and noted and forwarded to the Director, Recreation, Customer and Community Services.

1302.15.9

Bondi Beach Skate Park – Request for improvements and an additional skate park (A02/0037 and A02/0634-08)

Petition containing 1,128 signatures, half of which are from residents of the Waverley Local Government Area, requesting an additional beginners' area and the installation of lighting at the Bondi Beach Skate Park. The petition also seeks an additional skate board park to be built in Bondi Junction.

Recommendation: That the petition be received and noted and forwarded to the Director, Recreation, Customer and Community Services.

1302.16 QUESTIONS BY COUNCILLORS FOR NEXT COUNCIL MEETING

1. _____

1302.17 URGENT BUSINESS

1302.18 MATTERS TO BE DEALT WITH IN CLOSED SESSION

Note from the General Manager: It is my opinion that the business listed under this section 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.

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) personnel matters concerning particular individuals.
- (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.

Pursuant to section 10A(4) of the Act and clause 252 of the 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.

There are no matters proposed to be dealt with in Closed Session:

1302.19 SUBMISSION OF RESCISSION MOTIONS

Note from the General Manager: Rescission motions must be submitted to the General Manager, or in the absence of the General Manager a member of Council's Governance Unit, and announced before the close of the meeting. The date and time of receipt will be noted on all rescission motions.

Rescission motions received before 10am on the next working day following the meeting will stay action to implement Council's decision until the rescission motion has been determined. This is in line with section 372 of the Local Government Act and Council's Code of Meeting Practice.

Rescission motions received after 10am on the next working day following the meeting may not stay action on implementing Council's decision.

Rescission motions will generally be dealt with at the next Council meeting.

The Chair will call for the submission of any rescission motions.

MINUTES OF THE WAVERLEY
COUNCIL MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBERS
ON TUESDAY, 11 DECEMBER 2012

PRESENT

Councillor Betts (Mayor) (Chair)
Councillors Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kanak, Kay,
Mouroukas and Strewe.

At the commencement of proceedings at 7.01pm those present were as listed above.

**1211.1 STATEMENT OF AFFIRMATION & ACKNOWLEDGMENT OF
INDIGENOUS HERITAGE**

The Mayor read the following Opening Prayer and Acknowledgment 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.”

1211.2 LEAVES OF ABSENCE AND APOLOGIES

**1211.2.1
Leave of Absence**

Cr Wakefield was previously granted a leave of absence by Council for this meeting.

**1211.2.2
Apologies**

Apologies were received and accepted from Cr Masselos.

1211.3 DECLARATIONS OF INTEREST

The Chair called for any Declarations of Interests and the following were received:

1. Cr Strewe declared a less than significant non pecuniary interest in Item 1212.11.1 – Bronte Public School Mural (A05/1643) and informed the meeting that she lives in close proximity to the school.
2. Cr Strewe declared a less than significant non pecuniary interest in Item 1212.12.5 – Dog off Leash Areas and Associated Issues with Compliance (A11/0440-02 and A02/0287) and informed the meeting that she is related to one of the speakers.
3. Cr Kanak declared a less than significant non pecuniary interest in Item 1212.12.8 – Lease Bondi Beach Foods Pty Ltd, the Bucket List, Shop 1 Bondi Pavilion and informed the meeting that he knows the Applicant.
4. Cr Mouroukas declared a pecuniary interest in Item 1212.12.11 – Additional fees for Development Applications that are heritage-related or subjected to coastal inundation (A12/0193) and informed the meeting that he owns a heritage home and that he will vacate the Chamber during the discussion and vote on this item.

1211.4 CONFIRMATION OF MINUTES

1212.4.1

Council Meeting – 20 November 2012

MOTION / DECISION (Betts / Kay)

That the Minutes of the Council Meeting of 20 November 2012 be received and noted and that such Minutes be confirmed as a true record of the proceedings of that meeting, subject to Item 1211.12.14 – Public Art Committee Terms of Reference (A03/0161) – Clause 2 – Objectives of the Waverley Public Art Committee being amended to read as follows:

- *To encourage community participation and consultation in the development of public art and visual art processes and works.*
- *To develop public art and visual art that will reflect the local identity, diversity, values of Waverley and that will promote and preserve sites of significant cultural and natural heritage.*
- *To support public art and visual art in Waverley and encourage creative and innovative design in the built environment that enhances and contributes to the provision of quality facilities and amenities.*
- *To strengthen and enhance the environment for arts and creative enterprises in Waverley.*
- *To develop and review relevant policies and strategies, and integrate art policy content into relevant Council processes, policies and documents*
- *To ensure that public art and visual art processes and works are managed and maintained in a planned and professional manner*
- *To assess applications or proposals related to public art and visual art or the Artists In Residence program*

- *To source funding for public art works including sponsorships and philanthropic opportunities.*
- *To develop a framework that enables and encourages the private and commercial sector to contribute to development and investment in public art and visual art in Waverley.*
- *To provide assessment and advisory for possible inclusions of public art to the Public Works program*
- *Explore possibilities and advocate for the inclusion of public art and visual art and interpretation information in public projects and in future Council budgets*
- *To provide advisory for public art or visual art elements to be incorporated into private sector development projects.*

1212.5 ADDRESSES TO COUNCIL BY MEMBERS OF THE PUBLIC

1. G. Pearce – Item 1212.12.5 – Dog off Leash Areas and Associated Issues with Compliance (A11/0440-02 and A02/0287).
2. G. Stevens – Item 1212.12.5 – Dog off Leash Areas and Associated Issues with Compliance (A11/0440-02 and A02/0287).
3. R. Sassoon – Item 1212.12.5 – Dog off Leash Areas and Associated Issues with Compliance (A11/0440-02 and A02/0287).
4. D. Gathy – Item 1212.12.5 – Dog off Leash Areas and Associated Issues with Compliance (A11/0440-02 and A02/0287).
5. S. Lightfoot– Item 1212.12.10 – Visioning for Bronte’s Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) – Information Report (A12/0220-02).
6. M. Redmond – Item 1212.12.10 – Visioning for Bronte’s Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) – Information Report (A12/0220-02).
7. S. Sanders – Item 1212.12.10 – Visioning for Bronte’s Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) – Information Report (A12/0220-02).
8. A resident of Bondi Junction – Item 1212.13.3 – Waverley Traffic Committee Meeting Minutes – 6 December 2012 - Clause WTC-1212.C1 – Lawson Lane, Bondi Junction – Parking Opposite Driveways (A02/0637-02).
9. V. Brunninghausen (Petitioner) – Item 1212.15.3 – 180-186 Campbell Parade, Bondi Beach – 24 Hour supermarket and Liquor Store (DA-433/2012).

1212.6 MAYORAL MINUTE

1212.6.1

Margaret Whitlam Recreation Centre Award (A08/0929-08)

MOTION / DECISION (Betts)

That Council congratulate National Buildplan on the Margaret Whitlam Recreation Centre being awarded the most prestigious award of the best commercial construction for a sporting facility to the value of \$50m and give a big thank you to all the Council staff that were involved in the design and construction of the centre.

BACKGROUND:

The Margaret Whitlam Recreation Centre had been recognised by the NSW building Industry by being awarded the 2012 Winner for the best design and constructed Sporting Facility up to the value of \$50 million by the NSW Masters Builders Association.

At the NSW Master Builders Association gala black tie award dinner attended by over 900 industry participants, the Margaret Whitlam Recreation Centre was recognised as the very best in commercial construction in 2012 for sporting facilities to the value of \$50M.

The MBA Excellence in Construction Awards are the commercial building industry's most prestigious awards, attracting entries from the state's largest commercial, industrial and civil contractors in a range of categories and price divisions.

The project was entered by National Buildplan and was judged by a panel of esteemed industry experts, these Excellence in Construction Awards are highly contested by the major contractors operating in New South Wales.

Planning for the centre began in 2007 with extensive community consultation. The building was designed by McPhee Architects to Council's vision for a multipurpose community recreation facility integrated with the historic Waverley Park. Its ingenious design complements the existing park landscape with a partially "buried" green roof which provides views to the ocean.

Built from concrete containing 20% recycled material, steel and glass, and partly buried under flowing green rooves, the centre incorporates passive design elements that will contribute to energy-efficient operation year-round.

This award highlights Council's great achievement in building such a great facility for the community.

Congratulations to all of the staff and Councillors involved in the project, it is an award to be shared by all at Waverley.

1212.6.2

Ramp entry signage to reinforce the “No Smoking” ban on Waverley beaches (A04/0512)

MOTION / DECISION (Betts)

That Council:

1. Enhance existing spray painted “No Smoking” stencils at the top of each ramp entry point to all Waverley beaches with the Australian Standard “No Smoking” signage.
2. Continue to support the “No Smoking” ban on Waverley beaches.
3. Commends and thanks the Bondi Beach Responsible Runners for voluntarily removing cigarette butts from Bondi Beach and presenting the statistical evidence to Council.

BACKGROUND

Council has banned smoking on Waverley beaches since 2004, with the capacity for enforcement in place since November 2005.

For a number of years, the “Don’t be a Tosser” campaign has been delivered on Waverley Beaches in conjunction with the “Lovin’ My Bondi Summer” campaign, focusing on various types of litter including cigarette butts, plastic bottles, and bags. This has included education, enforcement, permanent water stations, and free reusable bottles and bags.

In 2008, litter audits conducted by Council showed that cigarette litter accounted for 34.2% of litter found on Bondi Beach. Despite an initial decline in cigarette litter several years ago, the issue has started to re-emerge with many people not knowing about the ban. Recent clean ups by the Responsible Runners community group at Bondi have removed an average of 3000 cigarette butts from the sand each month that would otherwise take 12 years to decompose.

Clear and concise on-site signage is one of the most important and cost effective ways to communicate the ban to residents and visitors alike.

1212.6.3

Independent Local Government Review Panel – Local Government Reform – Resource Sharing with Woollahra and Randwick Councils (A12/0619)

MOTION / DECISION (Betts)

That Council:

1. Note the release of the Local Government Independent Review Panel’s paper ‘Case for Sustainable Change’ and the emphasis on significant consolidation of Sydney Councils.
2. Resolve that Waverley should commence discussions with Woollahra and Randwick Councils regarding the local government reform process including possible resource sharing, joint tendering, and potential boundary adjustments, identifying benefits and

drawbacks whilst ensuring that any changes that take place protect the integrity of Waverley's financial position and product delivery to its residents.

3. States clearly its opposition to forced amalgamations by this or any State Government without demonstrated benefits to the Waverley community that cannot otherwise be achieved in our current structure and size.

BACKGROUND

The NSW Government established an Independent Local Government Review Panel in 2011 and their report "The Case for Sustainable Change" was released in November 2012.

The report comments on Metropolitan Sydney outlining the different populations within the 41 councils and says "a critical element in future metropolitan governance will be the role of the City of Sydney as a centrepiece" of the local government system.

The Panel is seeking further evidence on the benefits and drawbacks of amalgamations in different circumstances.

The three Councils should work together to clearly understand the benefits and possibilities of further resource sharing or joint tendering and any drawbacks from any boundary changes.

1212.7 OBITUARIES (A02/0017)

Harry Masselos

Karen Hourihan

MOTION / DECISION (Goltsman / Strewe)

That a letter of sympathy be forwarded to the families of the deceased named above expressing the condolences of the Mayor, Councillors and staff in the bereavement they have experienced.

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

1212.8 QUESTIONS BY COUNCILLORS WITH NOTICE

1212.8.1

Appeals against zoning refusals (A07/1581-06)

The following question was submitted by Cr Strewe:

The State Government has decided that Council zoning refusals can now be reviewed. Could the Director, Planning and Environmental Services advise if this could apply to all zones in Waverley?

This is Page 6 of the Minutes of the Council Meeting held on Tuesday, 11 December 2012.

The Director of Planning and Environmental Services replied:

Yes, all planning proposals submitted in Waverley to amend the LEP, not just rezoning proposals but any proposals to amend the LEP, are now subject to review by the Joint Regional Planning Panel if they are refused by Council or not dealt with within a 90 day period.

1212.8.2

Bronte RSL Site Specific Controls (A12/0220-02)

The following question was submitted by Cr Masselos:

Can the Director, Planning and Environmental Services clarify why the Council is reviewing the development of site specific controls for the Bronte RSL site and whether this is an initiative of Council or whether it was a requirement imposed upon Council by the State Government?

MOTION / DECISION (Betts / Clayton)

That this Question with Notice be deferred to the Council Meeting to be held on 19 February 2013.

1212.8.3

Off Leash Dog Area Trials (A11/0440-02 and A02/0287)

The following question was submitted by Cr Kanak:

What data is Council collecting to determine the effectiveness of the new dog off leash area trials?

The Director of Recreation, Customer and Community Services replied:

For these 12 month trials the data collected will be principally community feedback, plus also observations from rangers and staff.

1212.8.4

Bronte Cutting Car Park (A11/0469)

The following question was submitted by Cr Kanak:

One of the recommendations of the 2009 Parking Review was to consult the Community about the Bronte Cutting Car Park, a process which was undertaken for Council by Elton Consulting. Was a report prepared, and if so, can the General Manager advise when it will be available to Council to assist in informing the current Councillor Officer resident parking review process?

The Director of Corporate and Technical Services replied:

A report hasn't been prepared on that yet but in any case it would not be part of the current residential review parking process because Bronte Cutting Car Park is not a residential parking area.

1212.9 QUESTIONS BY COUNCILLORS TO THE MAYOR WITHOUT NOTICE

Note from the General Manager: In accordance with Council's adopted procedures, each Councillor may ask the Mayor one question without notice. Councillors are requested to submit their question in writing to the Mayor at the time the question is asked.

1212.9.1 Bronte Character Study (A07/1581-06)

The following question was submitted by Cr Strewe:

I understand Council has agreed to include the Bronte character study into the revised LEP, which at the moment is missing from it. Can the Mayor advise whether the Bronte Character Study will be included in the next reiteration, of the LEP which will be submitted to the State Government for ratification?

The Mayor replied:

I am not able to answer that question as I don't know the answer. The question should be put on Notice for the relevant Director to answer.

1212.10 PUBLICATIONS RECEIVED

MOTION / DECISION (Goltsman / Kay)

That Council receive and note the following publications received from public bodies:

1. Surf Life Saving New South Wales – 105th Annual Report 2011 – 12
2. Professional Network Magazine – October 2012
3. Australian Local Government Association – The Case for Change – November 2012

1212.11 NOTICE OF MOTIONS SUBMITTED BY COUNCILLORS

Note from the General Manager: Council should note that for the purposes of budgetary control and planning, any Notices of Motion received and endorsed by Council, will be assessed for budgetary implications.

If they cannot be achieved within existing allocations they will be referred to the Finance, Ethics & Strategic Planning Committee for its consideration of budget implications, in conjunction with the budget estimates or at a quarterly review of the budget.

The report to Council about progress in achieving Council's Motions will also highlight whether budget issues are involved.

1212.11.1

Bronte Public School Mural (A05/1643)

Cr Strewe declared a less than significant non pecuniary interest in this item and informed the meeting that she lives in close proximity to the school.

The following is a revised Notice of Motion submitted by Cr Kay and Cr Mouroukas:

DECISION / MOTION (Kay / Mouroukas)

That Council:

1. Investigate whether a Civic Pride project, or an alternative more simple initiative, would be supported by the Bronte Public School, Bronte Precinct Committee and local residents for a mural or other appropriate measures or treatment, such as planting, on the outside of the long school wall at the eastern end of Palmerston Avenue to address the occurrence of graffiti.
2. Receive a brief report of any agreed outcomes, and if a mural is being proposed, the matter be referred to the Waverley Public Art Committee.

BACKGROUND

The exterior of the long Bronte Public School wall at the eastern end of Palmerston Avenue is constantly being defaced with graffiti, which is then cleaned off at a cost, leaving the wall looking extremely unsightly. A local resident has requested that the wall be considered for a mural.

1212.11.2

Change to S94A Development Contributions Plan 2006 (A12/0307)

The following Notice of Motion was submitted by Cr Kay and Cr Mouroukas:

MOTION / DECISION (Kay / Mouroukas)

That Council, as part of the report that will be prepared on changes to the Development Contributions Levy, investigate further possible amendments to the S94A Development Contributions Plan 2006 (the 'Plan') to include a set of criteria within the 'Plan' that clarifies circumstances where the levy may be waived.

BACKGROUND

Section 94A of the Environmental Planning and Assessment Act 1979 provides that a consent authority may impose, as a condition of consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan (the 'Plan'), of the proposed cost of carrying out the development.

At the November 2012 Development Control Committee, Council approved an application for alterations and additions on a property and waived the Section 94A levy, giving specific and valid reasons for doing so, including that:

1. The applicant is a registered charity.
2. The property and extensions are being used for affordable housing type purposes, including emergency and longer term crisis accommodation, counselling services and offices.
3. This action supports the commitment of the NSW State Government and Council to affordable housing and helping to address homelessness.
4. The operation provides public benefit and is in the public interest.
5. The 'Plan' permits Council to waive the levy if Council believes that it would be the right thing to do, and it chooses to do so in this specific case for the reasons given.

This motion provides an opportunity for policy amendments to the 'Plan' so that waiving of future levies are performed in a sound, consistent and equitable manner.”

1212.11.3

Waverley Council Swimming Pool to Pond Conversion Information Program for Waverley Municipality Residents (A08/1210)

The following Notice of Motion was submitted by Cr Masselos:

“That as Waverley Council acknowledges the importance of biodiversity in the Waverley Local Government Area:

1. The appropriate Council Officers investigate Ku-ring-gai Council's Wild Things Program which is a program that actively encourages households to do something good for the environment with their unused / underused swimming pools.
2. A representative from Ku-ring-gai Council be invited to speak to Councillors and Council Staff about this program, its merits and benefits, and learnings.

3. Council develop an information pack about how to convert swimming pools to ponds, provide advice and guidance about how to keep the pond healthy and contributing to Waverley's biodiversity.
4. A public lecture about pool to pond conversions be offered to the residents of Waverley.
5. A new category be introduced into Waverley's Garden Awards for best Pond Garden.

BACKGROUND:

Council has a comprehensive Environmental Action plan which includes working on cutting greenhouse emissions, saving water, reducing waste, building biodiversity and engaging in sustainability education and engagement. Council also provides some advice to residents as to how they can help.

Many private backyard swimming pools are expensive to maintain (chemicals, electricity, cleaning) and can be either underused or disused. For people thinking about ridding themselves of their pool, they are usually unaware of alternative options to those of chlorination or filling them in. In fact there are 50 such ponds now on Sydney's north shore.

The experience of Ku-ring-gai Council's "Wild Things" Program is evidence that swimming pools can be converted to back yard ponds which can make a significant contribution to biodiversity by providing a haven for local native species including frogs.

Random testing by the University of Sydney of 8 pool to pond conversions for E-Coli and other bacteria has found that all were within the guidelines for primary water contact. They are also safe for a quick dip.

Other findings show:

1. These pools are NOT mosquito havens.
2. Is a reversible process, ie ponds can be converted back to swimming pools.
3. The process is inexpensive and can in fact save money on electricity, cleaning and chemicals bills.

This initiative should not require additional budget allocation as it falls within officers existing duties."

MOTION / DECISION (Betts / Kay)

That this Notice of Motion be deferred to the Council Meeting to be held on 19 February 2013.

1212.11.4

Repair of Waverley Cemetery Boundary Fences and Internal Barriers / Guard Railings (A04/0264-02)

The following Notice of Motion was submitted by Cr Masselos:

"That as the orange tape in and around Waverley Cemetery has been creating an eyesore for a long period of time:

1. The fences that have orange safety tape surrounding Waverley Cemetery be repaired as a matter of urgency.
2. The barriers / guard railings inside Waverley Cemetery that contain orange safety tape be repaired as a matter of urgency.
3. A report be presented to Council detailing the number of instances of vandalism in Waverley Cemetery as compared to damage caused by natural weathering and exposure to the elements.
4. This report is to also compare vandalism incidents with other cemeteries in Sydney's East and South East.
5. The Allan Jack and Cottier Report be made available to all Councillors.

BACKGROUND:

Over the past five or so years, the fences and railings in and around Waverley Cemetery have been deteriorating. Prior to this time, the fences were regularly maintained and any broken or missing pickets were quickly repaired.

While it is understood that there is a working party investigating a number of options concerning the long term viability of the cemetery, it will be some considerable time before any decision and action will be taken.

In the meantime, the fences and railings continue to degrade and continue to provide an ever increasing risk to public safety as a result. Residents have also been complaining that the orange tape is a major eyesore.

There appears to be money in the budget as at the last Council meeting a capital works schedule was presented which had an allocation of approx. \$7+ million for cemetery upkeep."

MOTION / DECISION (Betts / Clayton)

That this Notice of Motion be deferred to the Council Meeting to be held on 19 February 2013.

1212.11.5

Waverley Council Becomes a Supporter of OzHarvest (A11/0141)

The following Notice of Motion was submitted by Cr Masselos:

“That Waverley Council becomes an active supporter of OzHarvest by donating any suitable surplus food as a result of any Council meetings and functions.

BACKGROUND

The OzHarvest initiative has been recognised both domestically and internationally for its social entrepreneurship and excellence in providing a much needed service to Sydney’s hungry.

Waverley Council has many catered meetings and functions that have left over food suitable for donation to OzHarvest.”

MOTION / DECISION (Betts / Cusack)

That this Notice of Motion be deferred to the Council Meeting to be held on 19 February 2013.

1212.11.6

Councillor Officer Working Group for Review of Waverley Council’s Resident Parking Scheme (A12/0276)

The following Notice of Motion was submitted by Cr Kanak and was subsequently withdrawn at the meeting.

MOTION (WITHDRAWN)

“That Council notes that the parking review paper lists 40 issues for consideration by the councillor-officer resident parking review working group and that the issues paper be made publicly available on the issues for comment page of Council’s website, and public submissions are invited, on these 40 issues and any other relevant matters and that the final draft report be placed on public exhibition prior to final adoption of recommendations by Council.”

1212.11.7

Incentives for Car Free Households (A08/1357)

The following Notice of Motion which was submitted by Cr Kanak was ruled out of order by the Chair on the basis of repetition. Issue 39 of the Residential Preferred Parking Scheme Review already deals with exactly this matter. It states “Could we offer incentives within the residential parking permit system to encourage residents to reduce the number of vehicles registered to their property and to own smaller environmentally sustainable vehicles, motor cycles and scooters?” This issue was included within the June 2012 Community, Housing, Environmental Services & Public Works Committee Agenda and became a resolution of Council, as part of the Residential Preferred Parking Scheme Review, at the June 2012 Council meeting. It is therefore already Council policy to do this.

“That Council, as part of the current Councillor Officer resident parking review, investigate ways to provide incentives to households to remain or become car free.”

This is Page 13 of the Minutes of the Council Meeting held on Tuesday, 11 December 2012.

MOTION OF DISSENT (Strewe / Kanak)

Cr Strewe moved a Motion of Dissent on the Chair's ruling (that the Motion is out of order).

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

DECISION: That the Chair's ruling be upheld.

1212.12 ADDITIONAL MATTERS FOR CONSIDERATION

1212.12.1

Investment Portfolio Reporting (A03/2211)

Report dated 20 November 2012 from the Director, Corporate and Technical Services providing an update on the performance of Council's investment portfolio for the 2012/13 financial year to 31 October 2012.

MOTION / DECISION (Cusack / Guttman-Jones)

That Council:

1. Receive and note this report.
2. Note 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.

1212.12.2

Delegations over the Christmas Break (A03/0013)

Report dated 3 December 2012 from the Director, Corporate and Technical Services about the delegations over the Christmas Holiday Period

MOTION / DECISION (Betts / Clayton)

That Council:

1. Approve for the period 12 December 2012 to 29 January 2013 inclusive, the delegations from Council under Section 377 and Section 381 of the Local Government Act 1993 to the Development Control Committee to determine all applications are instead delegated to the Mayor (or her nominee), the Chair of the Development Control Committee and Councillor Strewe together, provided all three Councillors unanimously agree on the wording of the determination of the specific development application to be considered and the Director of Planning & Environmental Services concurs.

2. Resolve that the Mayor, or in her absence the Deputy Mayor, in consultation with the General Manager, will determine any matter, excepting Development Applications, that would normally require a Council decision between the last ordinary meeting of the Council for 2011 and the first ordinary meeting of the Council in 2013, with any such matter so dealt with then reported to the first available Council meeting.

1212.12.3

Case for Sustainable Change Discussion Paper (A12/0619)

Report dated 3 December 2012 from the General Manager regarding the release of the 'Case for Sustainable Change' discussion paper and the development of a Council submission.

MOTION / DECISION (Betts / Kay)

That Council:

1. Receive and note the 'Case for Sustainable Change' report from the Independent Local Government Review Panel and the Australian Mayors – What can and should they do? Discussion paper.
2. Agree to develop a submission on the Case for Sustainable Change to be discussed at a Council Workshop in February 2013 prior to the submission close-off date of March 2013.

1212.12.4

Reporting on Council's 2010/2013 Delivery Program (A10/0189)

Report dated 3 December 2012 from the Director, Corporate and Technical Services reporting on progress with implementing Council's 2010/2013 Delivery Program as required by section 404(5) of the Local Government Act 1993.

A copy of the Progress Review 2010 – 2013 Delivery Program dated December 2012 was distributed separately with the Agenda.

MOTION / DECISION (Betts / Goltsman)

That Council receive and note progress to date with actions from Council's Operational Plan in delivering on Council's 2010/2013 Delivery Program.

1212.12.5

Dog off Leash Areas and Associated Issues with Compliance (A11/0440-02 and A02/0287)

Cr Strewe declared a less than significant non pecuniary interest in this item and informed the meeting that she is related to one of the speakers.

Report dated 28 November 2012 from the Director, Planning and Environmental Services and the Director, Recreation, Customer and Community Services about issues regarding dogs in parks, reserves and open space.

MOTION (Kay / Burrill)

That:

1. Council note the implementation of the educational campaign for dog owners, along with follow up monitoring and management, with particular attention to issues around behaviour of dog walkers and dogs at Raleigh Reserve.
2. Council relocate the Children's playground at Raleigh Reserve following investigation by Council officers regarding the best site for re-location.
3. Council note the need to review the effectiveness of the educational campaign and the introduction of new Off Leash areas for dog owners prior to taking further steps.
4. Council receive a further report in May 2013 on the outcome of the educational campaign, the expansion of areas and the community consultation at Marks Park and Bronte Park and Gully.
5. Pending results of the educational campaign, Council further consider in the first quarter of 2013 whether the off leash area at Raleigh Reserve be divided into On Leash and Off Leash and whether a fence should be installed to delineate the area.
6. The community consultation on Marks Park and Bronte Park and Gully be undertaken in February and March 2013.
7. That in relation to Bronte Park and Gully:
 - (a) The path over the top of the gully at Bronte Road towards Hewlett Street, alongside Hewlett Street to Hewlett Reserve and down to Bayview to the Coastal Walk is drawn on the map.
 - (b) The paths are surveyed and any missing pieces made accessible.
 - (c) A full risk assessment of using the path is undertaken across all relevant departments and on the potential impact on the public.
8. All maps used in the consultation must include measurements of the distances from the playground and picnic areas to the paths.
9. Over the holiday period Council Rangers issue infringements notices to dog owners who are not complying with the existing restrictions.

Amendment 1 (Kanak / Strewe)

This is Page 16 of the Minutes of the Council Meeting held on Tuesday, 11 December 2012.

That Council investigate fencing a dog off leash area in Raleigh Reserve rather than relocating the playground.

AMENDMENT 1 WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Guttman-Jones, Kanak and Strewe.

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

Amendment 2 (Strewe / Kanak)

That Bronte Park and Gully is excluded from the consultation for dogs on leash being able to use all paths in the park except the walk marked on the map tabled by Cr Strewe and that the status quo remains.

AMENDMENT 2 WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Kanak and Strewe.

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

Amendment 3 (Strewe / Kanak)

That there is no off leash area in Bronte Park.

AMENDMENT 3 WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Kanak and Strewe.

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

Amendment 4 (Strewe / Kanak)

That a full risk assessment is undertaken across all relevant departments, lifeguards, gardeners, etc. and on the potential impact on the public.

AMENDMENT 4 WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Guttman- Jones, Kanak and Strewe.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

G. Pearce, G. Stevens, R. Sassoon and D. Gathy addressed the meeting.

1212.12.6

This is Page 17 of the Minutes of the Council Meeting held on Tuesday, 11 December 2012.

Waverley Local Hero of the Year Awards (A08/0832)

Report dated 28 November 2012 from the Director, Recreation, Customer and Community Services about the Waverley Local Hero of the Year winners for 2013.

MOTION / DECISION (Clayton / Strewe)

That Council:

1. Receive and note the report.
2. Endorse the recommendations from the panel for the 2013 Waverley Local Hero of the Year, Certificate of Achievement and Waverley Young Local Hero of the Year.

1212.12.7

Evaluation of Tender – Maintenance of Council Sporting Fields – Waverley Oval and Playing Fields 2 and 3 (A12/0106)

Report dated 1 December 2012 from the Director, Public Works & Services about the findings from the Assessment Panel created to evaluate the tender for the Maintenance of Council Sporting Fields – Waverley Oval and Playing Fields 2 and 3.

MOTION / DECISION (Strewe / Betts)

That:

1. Council enters into a contract under Clause 178 of the Local Government (General) Regulation 2005 with Green Options for a contract period of 3 years with an option to extend for a further 2 years for the Maintenance of Council Sporting Fields – Waverley Oval and Playing Fields 2 and 3.
2. The unsuccessful tenderers be notified of the tender result.

1212.12.8

Lease Bondi Beach Foods Pty Ltd, The Bucket List, Shop 1 Bondi Pavilion

Cr Kanak declared a less than significant non pecuniary interest in this item and informed the meeting that he knows the Applicant.

Report dated 29 November 2012 from the Director, Corporate & Technical Services about the lease for Bondi Beach Foods Pty Ltd.

MOTION / DECISION (Betts / Strewe)

That Council:

1. Receive and note the report.
2. Note that the request by Bondi Beach Foods for a new lease of Shop 1, Bondi Pavilion has been withdrawn.

This is Page 18 of the Minutes of the Council Meeting held on Tuesday, 11 December 2012.

3. Approve the calling of Expressions of Interest for appropriate usage of Shop 1, Bondi Pavilion in 2015.

1212.12.9

Tree Preservation Order Report - Removal of one Phoenix palm in a Heritage Conservation Area (TPO-360/2012)

Report dated 3 November 2012 from the Director, PWS about a request to review (TPO-360/2012) the refusal of an application to remove a mature *Phoenix canariensis* (Canary Island Date Palm) from 57 Ruthven Street (TPO-263/2012).

MOTION / DECISION (Cusack / Burrill)

That Council:

1. Receive and note the report from the Director Public Works & Services in regard to TPO 360/2012.
2. Approves the removal of the *Phoenix canariensis* (Canary Island Date Palm).

Cr Kanak asked that it be recorded in the minutes that he voted against the Motion.

1212.12.10

Visioning for Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) – Information Report (A12/0220-02)

Report dated 11 December 2012 from the Director, Planning and Environmental Services providing information on recent community consultation and specialist consultant reports.

A copy of the Community Consultation Report dated November 2012 was distributed separately with the Agenda.

MOTION (Cusack / Burrill)

That Council note:

- A. The matters raised in response to community consultation regarding Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) as described at Attachment A and in the body of the subject report.
- B. The matters raised in the Council commissioned Bronte RSL Redevelopment, 113 Macpherson Street, Bronte - Traffic and Parking Peer Review as described at Attachment B and in the body of the subject report.

- C. The matters raised in the Council commissioned Urban Design Analysis of Bronte's Macpherson and St. Thomas Street Neighbourhood Centre (which includes Bronte RSL) as described at Attachment C and in the body of the subject report.
- D. That Council will receive a report at its meeting in February 2013 indicating whether any changes to the development controls contained within the Waverley Local Environment Plan 2012 and Development Control Plan 2012 are recommended.

Also that:

- 1. A workshop and briefing is held for Councillors in the New Year before the report is finalised.
- 2. It is noted that Figure 31 in the Urban Design Analysis of Bronte's Macpherson Street and St Thomas Street Neighbourhood Centre, undertaken by Olsson & Associates Architects Pty Ltd, was prepared to show the 32 degree angle of the edge of the buildings in relation to the sun and the lane only. It does not represent Council's view of any other matters such as the increased excavation for parking and lower ground floors shown in the diagram.
- 3. Further analysis be undertaken of truck sweep and legal advice obtained as to whether Council has the power to limit truck size and weight.
- 4. Advice be obtained on whether, if the RSL Club fails to revive as a club, the Liquor Licence remains with the land.

Amendment 1 (Strewe / Kanak)

That an analysis be undertaken of whether or not this site should in fact be residential.

AMENDMENT 1 WAS PUT AND DECLARED LOST.

Amendment 2 (Strewe / Kanak)

Clarification be obtained and a specific limit be set as to the size of shops / retail permitted in Neighbourhood Zones since it could affect this neighbourhood centres and other Waverley neighbourhood centres. Whilst the current LEP provides for neighbourhood shops of 80m², it also appears to permit business premises and does not stipulate a size for such uses. There has been an assumption that one can build a shopping centre on the site of over 1000m² ignoring the objectives of the Neighbourhood Centre / Business Zone.

AMENDMENT 2 WAS PUT AND DECLARED LOST.

Amendment 3 (Strewe / Kanak)

That further traffic analysis be undertaken on the impact of a retail supermarket on the Clovelly Public School.

AMENDMENT 3 WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION That the Motion be adopted.

S. Lightfoot, M. Redmond and S. Sanders addressed the meeting.

This is Page 20 of the Minutes of the Council Meeting held on Tuesday, 11 December 2012.

1212.12.11

Additional fees for Development Applications that are heritage-related or subjected to coastal inundation (A12/0193)

Cr Mouroukas declared a pecuniary interest in this item and informed the meeting he owns a heritage home. Cr Mouroukas was not present at, or in sight of, the meeting during the discussion and vote on this item.

Report dated 6 December 2012 from the Director, Planning and Environmental Services about the waiving of fees for certain categories of Development Applications that require the advertising of heritage-related proposals or for assessing reports for properties subjected to coastal inundation.

MOTION / DECISION (Kay / Clayton)

That this matter be deferred to the February 2013 meeting of Council so that the officers can further investigate the proposed options to ensure they are lawful and equitable and to also consider further options not yet investigated including the extent of advertising required for heritage properties and whether amendments to the advertising requirements rather than the fees is an option that Council should consider.

1212.13 ADOPTION OF COMMITTEE MINUTES

1212.13.1

Development Control Committee Meeting – 27 November 2012

MOTION / DECISION (Kay / Guttman-Jones)

That the Minutes of the Development Control Committee Meeting of 27 November 2012 be received and noted and that such Minutes be confirmed as a true record of the proceedings of that Meeting.

1212.13.2

Development Control Committee Meeting – 4 December 2012

MOTION / DECISION (Kay / Guttman-Jones)

That the Minutes of the Development Control Committee Meeting of 4 December 2012 be received and noted and that such Minutes be confirmed as a true record of the proceedings of that Meeting.

1212.13.3

Waverley Traffic Committee Meeting – 6 December 2012

MOTION / DECISION (Kay / Burrill)

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting of 6 December 2012 be received and noted, and that the recommendations contained in Clauses WTC-1212.C1 to WTC-1212.C7, WTC-1212.V1, WTC-1212.Z1 to WTC-1212.Z3, WTC-1212.L1 and WTC-1212.L2 be adopted.

A resident of Bondi Junction addressed the meeting.

1212.14 GENERAL MANAGER'S REPORT

There was no report from the General Manager.

1212.15 PETITIONS

1212.15.1

78 Campbell Parade, Bondi Beach – Section 96 Modification Application (DA-168/2005/E)

Petition containing 32 signatures, the majority of which are of residents of Campbell Parade and Jaques Avenue, Bondi Beach, objecting to the Section 96 Modification Application in relation to the extension of hours, increased patronage and outdoor seating.

MOTION / DECISION (Clayton / Kanak)

That the petition be received and noted and forwarded to the Director, Planning & Environmental Services.

1212.15.2

78 Campbell Parade, Bondi Beach – Section 96 Modification Application (DA-168/2005/E)

Petition containing 55 signatures, the majority of which are of residents of Bondi, supporting the Section 96 Modification Application to provided increased hours to include breakfast, increased seating, a secure toddler play area inside the atrium and the provision of a café cart inside the Arcade.

MOTION DECISION (Kanak / Clayton)

That the petition be received and noted and forwarded to the Director, Planning & Environmental Services.

This is Page 22 of the Minutes of the Council Meeting held on Tuesday, 11 December 2012.

1212.15.3

180-186 Campbell Parade, Bondi Beach – 24 Hour Supermarket and Liquor Store (DA-433/2012)

Crs Guttman-Jones and Strewe were not present in the Chamber during the discussion and vote on this Item.

Two Petitions, one containing 276 signatures and the second containing 417 signatures, the majority of which are of residents living in the Campbell Parade and surrounding streets requesting Council to refuse the Development Application 433/2012.

MOTION / DECISION (Betts / Goltsman)

That the petition be received and noted and forwarded to the Director, Planning & Environmental Services.

V. Brunninghausen (Petitioner) addressed the meeting.

1212.16 QUESTIONS BY COUNCILLORS FOR NEXT COUNCIL MEETING

There were no questions by Councillors for the next Council meeting.

1212.17 URGENT BUSINESS

There were no Urgent Business items.

1212.18 MATTERS TO BE DEALT WITH IN CLOSED SESSION

Note from the General Manager: It is my opinion that the business listed under this section 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.

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) personnel matters concerning particular individuals.
- (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.

Pursuant to section 10A(4) of the Act and clause 252 of the 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.

There were no matters to be dealt with in Closed Session.

1212.19 SUBMISSION OF RESCISSION MOTIONS

Note from the General Manager: Rescission motions must be submitted to the General Manager, or in the absence of the General Manager a member of Council's Governance Unit, and announced before the close of the meeting. The date and time of receipt will be noted on all rescission motions.

Rescission motions received before 10am on the next working day following the meeting will stay action to implement Council's decision until the rescission motion has been determined. This is in line with section 372 of the Local Government Act and Council's Code of Meeting Practice.

Rescission motions received after 10am on the next working day following the meeting may not stay action on implementing Council's decision. Rescission motions will generally be dealt with at the next Council meeting.

The Chair called for the submission of any rescission motions and none were received.

THE MEETING CLOSED AT 9.57PM

**SIGNED AND CONFIRMED
19 FEBRUARY 2013**

MAYOR

REPORT TO COUNCIL

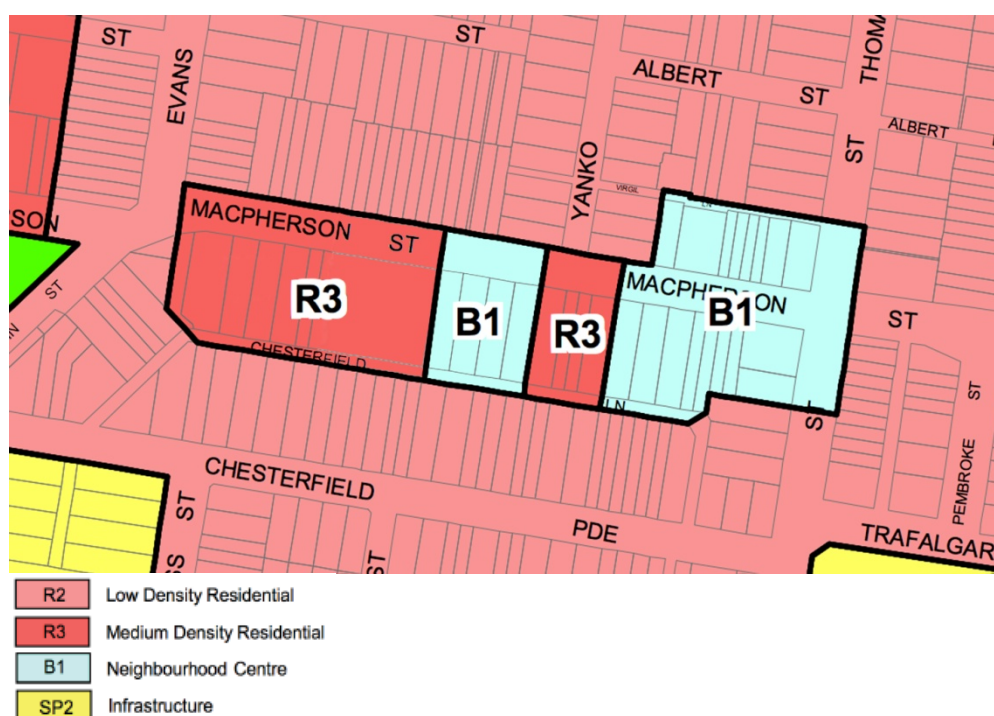
Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Planning Controls (A12/0220-02)

Report dated 19 February 2013 from the Director, Planning and Environmental Services providing recommended planning controls for Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL).

Recommendation: That Council

A. Amend the Waverley Local Environment Plan 2012 (WLEP 2012) as follows:

- i. Amend the Land Zoning Map for land located at 107 Macpherson Street, Bronte (known as Oceanview apartments) from B1 Neighbourhood Centre zoning to R3 medium density residential zoning.



- ii. Add a new clause 6.7 to limit the net floor area of retail premises as follows:

6.7 Maximum area of retail premises in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre

(1) The objectives of this clause are as follows:

- to quantify the maximum floor area of small scale retail in neighbourhood centres containing large amalgamated sites,*
- ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises,*
- to protect the integrity and viability of existing centres, and*
- to respect the retail hierarchy of centres within the local government area.*

REPORT TO COUNCIL

(2) This clause applies to land located in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre as shown on the Key Sites Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the Gross Lettable Area Retail of the retail premises does not exceed 500 square metres

(4) For the purposes of this clause Gross Lettable Area Retail (GLAR) is defined by the Property Council of Australia as the aggregate of floor area contained within a retail tenancy including the thickness of external walls for single tenant buildings and half internal wall thickness for multiple tenancy buildings. Included in GLAR are window mullions and frames, structural column, engaged perimeter columns or piers, fire services and additional facilities for tenants if they are within the area of lease. Excluded from GLAR are areas set aside as public spaces, thoroughfares, accessways, fire and service passages, loading docks, toilets, stairs, utilities, lift shafts, plant rooms, etc where they are not used for the exclusive use of any one tenant. GLAR excludes balconies, awnings, terraces and other outdoor areas and internal areas where the ceiling height is below 1.5m.



iii. Include the following clause in WLEP 2012 Schedule 1 – Additional Permitted Uses:

2. Allow “Registered Clubs (Bronte Returned Services Club)” on land at 113 Macpherson Street, Bronte in addition to the uses permitted under the B1 Neighbourhood Centre Zone.

B. That subject to “A” above, a Planning Proposal be submitted to the Department of Planning and Infrastructure for a gateway determination seeking approval for the preparation of a draft Local Environmental Plan to amend WLEP 2012.

C. Amend the Waverley Development Control Plan 2012 (WDCP 2012) as follows:

i. Add the following objective to Part E3 Local Village Centres - 3.2.3 Built Form Objectives:

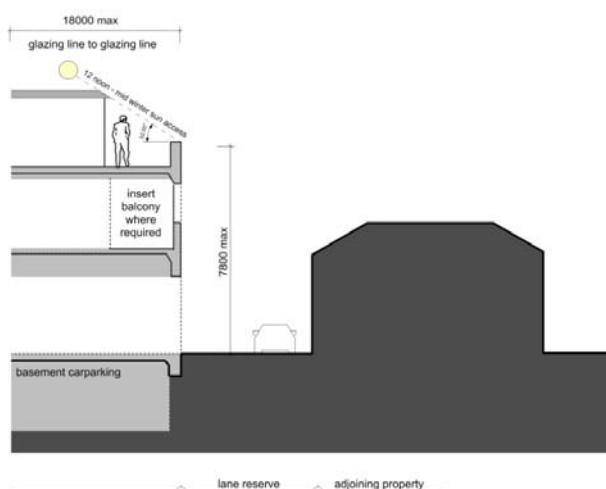
REPORT TO COUNCIL

- (i) *To maintain reasonable solar access to residential properties backing onto rear lanes across from village centres.*
- ii. Add the following control to Part E3 Local Village Centres - 3.2.3 Built Form Controls:
- (d) *The maximum street wall height of buildings fronting rear lanes is 7.8m or two storeys, whichever is the lesser.*
- (e) *Floors fronting lanes which are located 7.8m above the level of the lane or higher (except those on the south side of the lane) and have residential properties backing onto the rear lane opposite must be setback at an angle of 32 degrees as shown in the following diagram:*



Figure X: Setbacks at rear lanes to ensure solar access to neighbours.

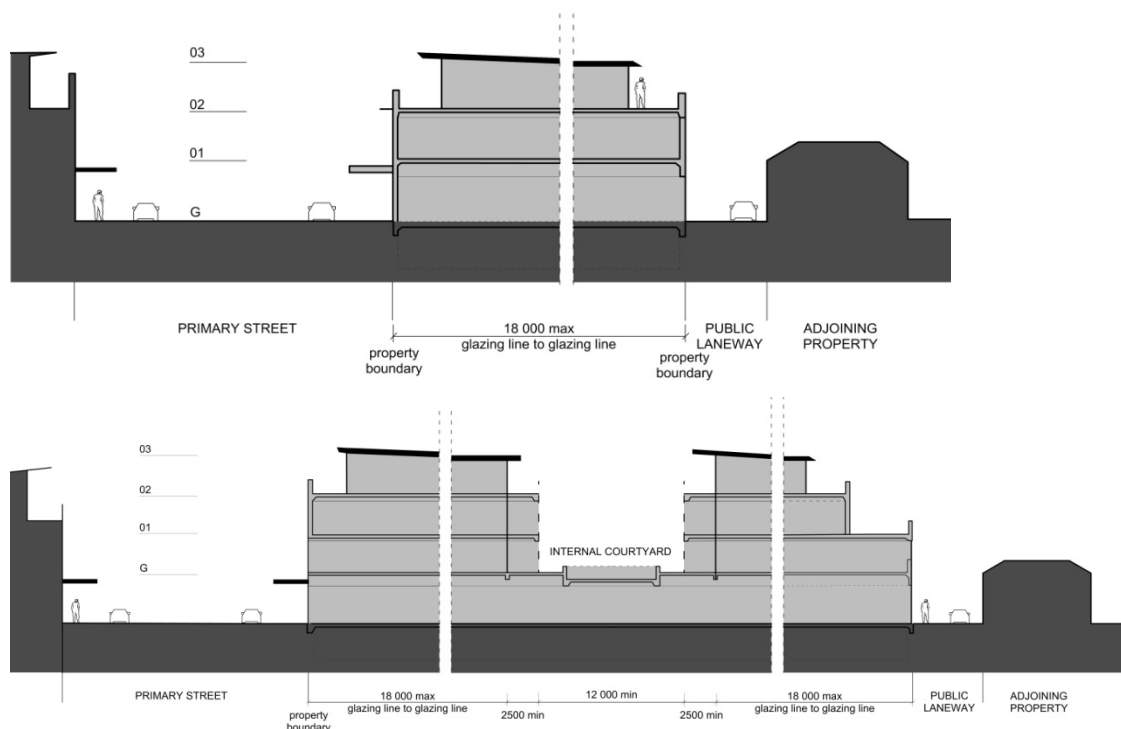
- iii. Replace the fourth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagram to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



Building depth and other controls at the rear boundary over laneway.

REPORT TO COUNCIL

- iv. Replace the seventh and eighth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagrams to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



Typical building section - dual street frontage

- v. Add a new section under Part E with the heading 4. 113 Macpherson Street, Bronte

4 113 Macpherson Street, Bronte

Where there are discrepancies between these controls and others within this DCP the following controls take precedence.

The following objectives and provisions apply to 113 Macpherson Street, Bronte described as Lot 19, Lot 20 and Lot 21 of DP 192094 and Lot 22 of DP 72912 (also known as Bronte RSL site), as shown in Figure X Specific sites map and Figure X 113 Macpherson Street Site Plan.

REPORT TO COUNCIL

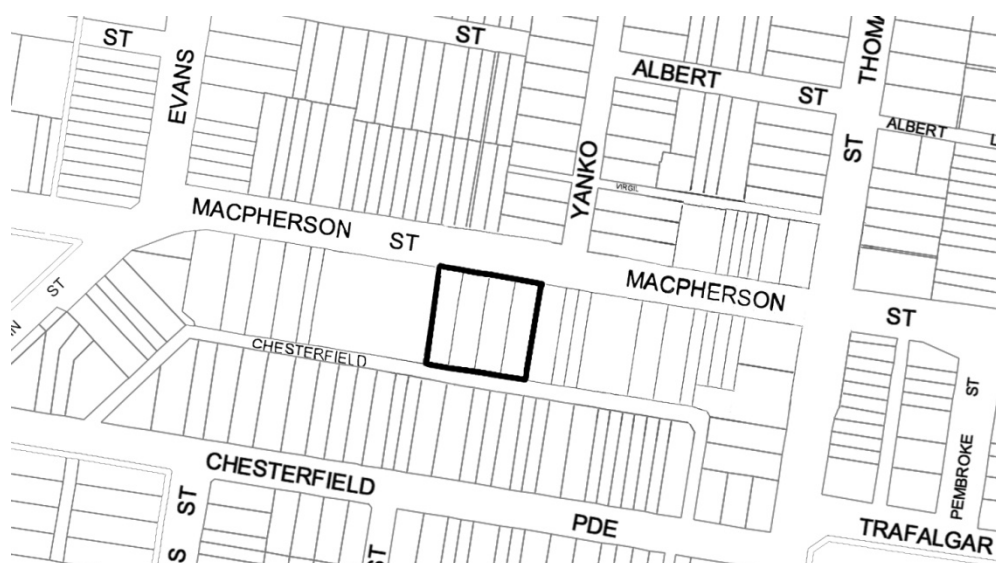


Figure X - 113 Macpherson Street Site Plan.

4.1 Public Domain

Objectives

- (a) *Ensure public domain benefits are provided to a high quality and in keeping with Council's vision for the neighbourhood centre*

Controls

- (a) *Macpherson Street and Chesterfield Lane are to be landscaped to Council's requirements.*
- (b) *Street furniture and renewal of paving is to be provided to Macpherson Street and Chesterfield Lane to Council's requirements.*

4.2 Built form

Objectives

- (a) *Facilitate the redevelopment of the site to achieve a high quality urban form.*
- (b) *To ensure that redevelopment does not result in adverse impacts on the amenity, privacy and solar access of existing and future residential premises within the precinct.*
- (c) *To facilitate built form that accounts for the change in level between Macpherson Street and Chesterfield Lane.*
- (d) *To set building heights and frontage alignments to respect the existing character and desired future character of the Bronte's Macpherson Street and St. Thomas Street Neighbourhood Centre*
- (e) *Ensure that development has high architectural quality and diversity, and strongly defined streets.*

Controls

- (a) *The development of 113 Macpherson Street is to be in accordance with the development control envelope illustrated in Figures X and X - 113 Macpherson Street, Development Control Envelope.*

REPORT TO COUNCIL



Figure X: 113 Macpherson Street, Development Control Envelope.

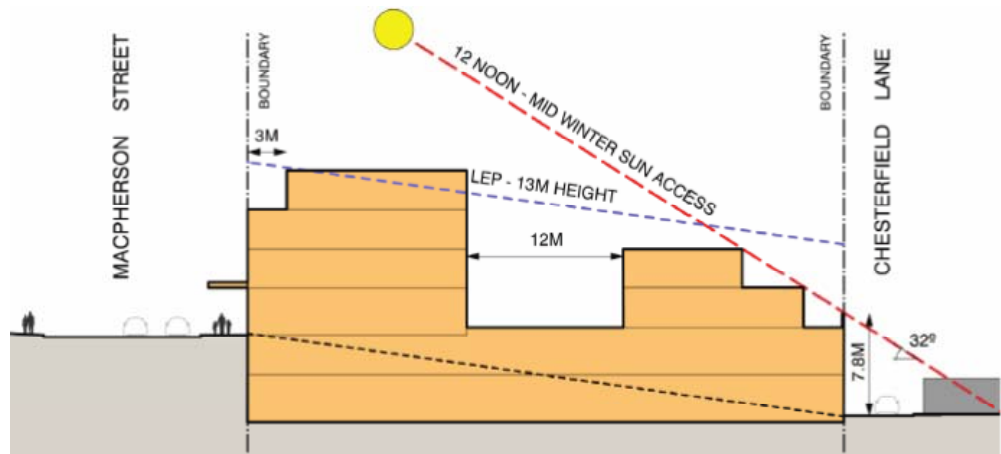


Figure X: 113 Macpherson Street, Development Control Envelope.

REPORT TO COUNCIL

- (b) *Provide awnings to the entire Macpherson Street frontage between the ground and first floor, except over the driveway. Awnings must be*
 - *minimum 3m wide;*
 - *minimum 3.1m between the underside of awning of 3.1m and the footpath level; and*
 - *include under awning lighting.*
- (c) *Buildings are to be built to the street and lane alignments.*
- (d) *No less than 90% of the building is to be aligned to the street boundary for the ground and first floor fronting Macpherson Street*
- (e) *Provide setbacks above the street-wall in accordance with Figures X and X - Development control envelope.*
- (f) *Provide side setbacks in accordance with Figure X - Development control envelope.*

4.3 Active Street Frontages

Objectives

- (a) *To promote pedestrian activity and safety in the public domain*
- (b) *To provide a high degree of surveillance over Macpherson Street and Chesterfield Lane*
- (c) *To provide transparency and visual contact between the public domain and the building interior*
- (d) *To ensure that retail premises present a “public face” to enhance the character and vitality of the neighbourhood centre*

Controls

- (a) *Active street frontages are required at footpath level along Macpherson Street.*
- (b) *Not more than 10% of the Macpherson Street frontage can be blank walls or service areas.*
- (c) *The installation of roller shutters is not permitted.*
- (d) *Uses providing passive surveillance of Chesterfield Lane must be provided for the majority of the width of the ground and first storey fronting Chesterfield Lane. Car parking must be sleeved by a commercial or residential use.*

4.4 Transport

4.4.1 Loading Facilities

Objectives

- (a) *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*

Controls

- (a) *Driveway entry and exit to commercial loading docks is restricted to Macpherson Street;*

REPORT TO COUNCIL

- (b) The driveway access to loading facilities and parking must be combined.*
- (c) Loading facilities must be located internally on the site. They must not front Macpherson Street.*

4.4.2 Driveways and Car Parking Access

Objectives

- (a) To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*
- (b) To ensure main streets are not dominated by driveways*
- (c) To encourage continuous main streets*
- (d) To ensure safety for pedestrians on heavily used footpaths*

Controls

- (a) The width of the driveway on Macpherson Street must be no greater than 6m wide.*
- (b) The driveway off Macpherson Street must be located at the western end of the front boundary as shown on the development control envelope (Figure X).*
- (c) Access to residential parking is permitted from Chesterfield Lane.*
- (d) Access to commercial, retail and RSL club parking is not permitted from Chesterfield Lane.*

4.4.3 Non – Residential Parking Rates

Objectives

- (a) To provide dedicated car parking for those working at the development*

Controls

- (a) Of the total number of non – residential parking spaces provided, 80% is to be allocated for visitors / short-stay parking, and 20% is to be allocated for employee / long-stay parking.*

Bicycle Parking

Objectives

To provide accessible secure and safe bicycle parking close to major pedestrian entries

Controls

- (a) Provide minimum 50% of the required bicycle parking for non-residential premises at an accessible on grade location near the main pedestrian Macpherson Street entries.*

- D.** That subject to a positive response from the Department of Planning and Infrastructure, the Planning Proposal and WDCP 2012 (Amendment No.1) be placed on public exhibition in accordance with the requirements of the Gateway determination.

REPORT TO COUNCIL

Purpose of Report

The purpose of the report is to:

- Recommend planning controls for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL).

December 2012 Information Report

A report titled "Visioning for Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) – Information Report (A12/0220-02)" and dated 11 December 2012 from the Director, Planning and Environmental Services providing information on recent community consultation and specialist consultant reports was debated at Council's December 2012 meeting.

Council resolved to note:

- A. the matters raised in response to community consultation regarding Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) as described at Attachment A and in the body of the subject report;
- B. the matters raised in the Council commissioned Bronte RSL Redevelopment, 113 MacPherson Street, Bronte - Traffic and Parking Peer Review as described at Attachment B and in the body of the subject report; and
- C. the matters raised in the Council commissioned Urban Design Analysis of Bronte's MacPherson and St. Thomas Street Neighbourhood Centre (which includes Bronte RSL) as described at Attachment C and in the body of the subject report.
- D. that Council will receive a report at its meeting in February 2013 indicating whether any changes to the development controls contained within the Waverley Local Environment Plan 2012 and Development Control Plan 2012 are recommended.

Also that:

1. A workshop and briefing is held for Councillors in the New Year before the report is finalised.
2. It is noted that Figure 31 in the Urban Design Analysis of Bronte's Macpherson Street and St Thomas Street Neighbourhood Centre, undertaken by Olsson & Associates Architects Pty Ltd, was prepared to show the 32 degree angle of the edge of the buildings in relation to the sun and the lane only. It does not represent Council's view of any other matters such as the increased excavation for parking and lower ground floors shown in the diagram.
3. Further analysis be undertaken of truck sweep and legal advice obtained as to whether Council has the power to limit truck size and weight.
4. Advice be obtained on whether, if the RSL Club fails to revive as a club, the Liquor Licence remains with the land.

REPORT TO COUNCIL

Introduction

On 6th May 2008, Council resolved to prepare a draft Local Environmental Plan (WLEP) and Development Control Plan for the Waverley Local Government Area.

On 20th March 2012, Council adopted the draft WLEP 2011 subject to amendments. Recommendation 5 stated that:

Stakeholders be invited to enter into discussions to prepare site specific controls for the Bronte RSL Club Sub-branch site and War Memorial Hospital site.

The above recommendation was adopted because a number of submissions (six) received during exhibition of the draft WLEP 2011 raised concerns regarding the redevelopment of significant sites within the Waverley LGA and the need for site specific controls. The Bronte RSL site was considered to be one of the significant sites.

It was considered appropriate to test the current controls and consult with the community as a priority because of community interest, closure of the RSL Club and imminent proposals to redevelop the site.

The Bronte RSL site is located within the MacPherson and St.Thomas Street neighbourhood centre. In order to properly test site specific controls, the existing planning controls and vision for the neighbourhood centre were also reviewed.

It is noted that the Department of Planning and Infrastructure's (DoPI) Green Paper calls for greater community involvement in strategic planning and less involvement at the development application stage. Focussing on the community's vision for the centre (which includes the Bronte RSL site) aligns with the direction suggested by DoPI.

An urban design / architectural consultant (Olsson and Associates Architects) was commissioned by Council to analyse the existing centre, test the current planning controls, present to the community workshop (24 October) and attend the developer's community information session (1 November). The consultant's report recommended revisions and refinements to the current planning controls.

To gain an understanding of the community's aspirations for the centre, Council held a community workshop (on Wednesday 24 October), hosted an online questionnaire, online forum and accepted submissions.

Whilst Council's process was underway, the developer of the Bronte RSL site (WBL) initiated discussions with Council officers concerning the process to be followed for the review and their initial thoughts covering the redevelopment of the site. At Council's request, the developer provided Council with their draft traffic and parking report (by Varga and Associates). Council then commissioned an independent traffic consultant to peer review the Varga report.

The developer held a community information session on 1 November 2012. Twenty information panels were displayed by the developer describing their proposal. Council officers attended the session and displayed three panels providing a summary of feedback from the community workshop (held the week before), Council's online survey, contact details and a 'where to from here' timeline. The developer provided Council with a copy of their community information session outcomes report.

REPORT TO COUNCIL

Council officers had several meetings with community representative groups including the Bronte Precinct Committee, the Save Bronte Village group and representatives of the Oceanview apartments (107 MacPherson Street, Bronte).

On 11th December 2012 an information report was presented to Council describing community consultation carried out before 24 November 2012, the Council commissioned Bronte RSL Redevelopment, 113 MacPherson Street, Bronte - Traffic and Parking Peer Review and the Council commissioned Urban Design Analysis of Bronte's MacPherson and St. Thomas Street Neighbourhood Centre (which includes Bronte RSL). The details of the carried motions are listed above.

Council Officers used the community consultation feedback, specialist urban design analysis and traffic and parking peer review to recommend revisions and refinements to the current planning controls as discussed below.

SECTION 1. BACKGROUND AND OVERVIEW

1.1 Description of Bronte's MacPherson and St. Thomas Street neighbourhood centre (which includes Bronte RSL)

A map of the study area is attached to this report (Figure 1). The centre is bounded by Macpherson Street to the north, Baglin Street to the west, St Thomas Street to the east and Chesterfield Lane to the south. It includes many small sites and several large sites (Bronte RSL site is approx 2225sqm in size and represents the largest redevelopment opportunity in the precinct). The land within the study area generally falls from north to south towards Clovelly.

The centre is characterised by mainly two storey (and one three storey) masonry buildings fronting Macpherson Street. The buildings typically contain shops at ground floor and residential flats above. On the southern side of MacPherson Street some of the sites slope considerably. The RSL site is an example where the existing building presents as two storeys to MacPherson Street and three storeys to Chesterfield Lane. On the western edge of the centre is 107 Macpherson Street which presents as a nine storey apartment building to Macpherson Street and 3 storeys to Chesterfield Lane. Refer to WDCP Part E3.1.2 for description of existing character and built form.

Vehicular access is available from MacPherson Street, Chesterfield Lane and Virgil Lane. Public transport is via one bus route (378) running along Macpherson Street to Bondi Junction.

REPORT TO COUNCIL



Figure 1: Map of the study area

The area surrounding the neighbourhood centre is predominantly residential and is characterised by one and two storey detached housing with the occasional three storey residential flat building. Clovelly Public School, Bronte Early Education Centre, Clovelly 1st Scouts and Waverley Cemetery are located within close proximity just south of the neighbourhood centre. See Figure 2



Figure 2: Existing Land Use Map

Within the locality there is a smattering of taller buildings. However they are few and far between. The taller buildings are single use residential flat buildings mostly built in the 1960's and 1970's. Planning controls have recognised that tall buildings within low rise areas do not

REPORT TO COUNCIL

contribute to the character of the area. As such planning controls have prohibited taller buildings for many years and been replaced by height controls reflecting the dominant height of buildings within the area (1 – 3 storeys with the occasional 4 storey building). Refer to Figure 3 mapping buildings with heights greater than 4 storeys.



Figure 3: Existing heights within a 1000m radius of the neighbourhood centre.

1.2 Community Consultation

1.2.1 Community input

A summary of the feedback received before 24 November 2012 can be found attached to December 2012 Council Meeting - Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report.

Since November 2012, 67 written submissions, a 1598 signature petition and 33 questionnaires were received (questionnaires were added to the online survey). The additional submissions covered similar issues to those previously received. Therefore the

REPORT TO COUNCIL

most pressing issues remain unchanged. Submissions since November also included the following:

- Rezone the Bronte RSL site to medium density residential (R3), reduce height limit to 9m, reduce the FSR to 0.6:1
- Introduce a maximum retail premises of 80sqm in Neighbourhood Centre zones
- Safety for school children - (this coincides with the incident last year where a parent ran over and killed a school boy)
- Trucks turning and entering Chesterfield Parade and Laneway

Summary of feedback

In total 2543 interactions were recorded with the community prior to 11 February 2013 (includes petition signatures). It is assumed that many who attended the community workshop, also filled out the online survey, posted on the forum and sent in submissions.

The most pressing issues resulting from interaction with the community are -

1. Rezone the Bronte RSL site to medium density residential (R3), reduce height limit to 9m, reduce the FSR to 0.6:1
2. Traffic generation as a result of the RSL site being developed as proposed. This includes issues with traffic, parking, loading and access to the site.
3. The effect on the amenity of the surrounding environment if a retailer (as proposed by the developer of the Bronte RSL) opens in the neighbourhood centre.
4. The majority do not want to see more or other types of development because there is enough retail, the centre is dense enough and buildings are at the right height.
5. The majority do not want to extend the neighbourhood centre zoning to allow for more shops because the existing number of shops is seen as sufficient and any increases will cause additional traffic and parking issues.
6. The communities overall vision is to retain the existing village character allowing only low rise development. They would also like to see the provision of community uses.

1.3 Urban Design / Architectural Analysis

1.3.1 Council Commissioned Analysis

Waverley Council engaged Olsson & Associates Architects (OAA) on 9th October 2012 to:

- consider the urban design issues in the MacPherson Street and St Thomas Street Neighbourhood Centre, focussing upon the Bronte RSL Club site;
- identify the existing character of the area;
- examine the appropriateness of the current controls for the neighbourhood centre;
- prepare a power point presentation and present it at the Council run community workshop held at Bronte RSL on 24th October 2012;
- attend the developers' information session on 1st November 2012 held at the Bronte RSL, as an observer only;
- make any recommendations regarding revisions and or refinements to the controls;

REPORT TO COUNCIL

- recommend building envelopes for the Bronte RSL Club site that reinforce the character of this Neighbourhood Centre;
- write a succinct report incorporating the research and recommendations.

The key recommendations of the Consultant Architect's report are that:

- The objectives of the B1 Neighbourhood Centre zone in Waverley LEP 2012 regarding commercial premises provide guidance for the size of shops and businesses permissible in the study area. For sites zoned B1 Neighbourhood Centre, land uses such as Neighbourhood Shops, Retail Premises and Business premises are permitted uses. The LEP objectives for the Neighbourhood Centre include providing a range of small scale retail, business and community uses. While Neighbourhood Shops in the LEP are limited to a maximum area of 80sqm, it does not however limit the area of Business Premises or Retail Premises. It is recommended that the permissible land uses for the sites zoned B1 be reviewed to ensure that the objectives in the Waverley LEP 2012 are achieved.
- The Waverley LEP 2012 Height of Building control for the Bronte RSL Club site of 13m and the Floor Space Ratio control of 1:1 are appropriate
- The Waverley DCP 2012 height controls of 4 storeys are appropriate
- The Waverley DCP 2012 height control is expressed as a cross section with a 45 degree angle to create upper floor set backs from Chesterfield Lane. It is recommended that the angle be reduced to 32 degrees, the sun angle at noon in mid-winter, to minimise overshadowing of properties to the south of Chesterfield Lane.
- The Waverley DCP 2012 cross-section control does not describe setbacks from side boundaries. This report recommends setbacks at upper building levels from side boundaries to retain amenity to residential buildings on both sides of the site boundaries
- Continuous small scale shopfronts on MacPherson Street with vehicular access from Chesterfield Lane are supported. It is recommended that the DCP restrict vehicular crossings on MacPherson Street.

This Urban Design Analysis report is complemented by a traffic and parking peer review prepared by GTA Consultants.

A copy of Olsson & Associates Architect's Report can be found attached to the December 2012 Council Meeting report titled "Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report".

1.3.2 Developer's urban design analysis of their proposal

Following issue of the urban design analysis, the developer has submitted urban design reports in support of their proposal. They were prepared by Inspire and GM Urban Design & Architecture (January 2013).

A summary of the GM Urban report follows:

- We regard the overall height of the current proposal to Macpherson Street as appropriate (assuming no gains due to plant room and lift overruns) due the site's recognised importance and unique location adjacent to an existing taller building within a neighbourhood centre.

REPORT TO COUNCIL

- The proposal's massing to the east should be reduced to ensure that it does not create an awkward relationship against the adjacent buildings along Macpherson Street.
- We regard the extent of overshadowing to the rear as likely to be justifiable, creating only minor increases in overshadowing from the existing scenario. We note some issues which may help in supporting this, including:
 - a comparison with the Ocean View Apartments sectional relationship to this lane;
 - identifying the extent of any non-compliance (if any) with the DCP 'typical built form envelope' of 7.8m at the rear boundary with a 45 degree angle; and
 - ensuring that overshadowing of buildings not shown in the present detailed test (e.g. 44 and 42 Chesterfield Parade) is addressed.
- We do not believe that the tighter envelope presented in the Olsson report should be required to apply as it is not supported by detailed shadow analysis (which the present plans are).
- The Macpherson Street facade is generally well-designed and presents well to the streetscape.
- The vehicular entrance on Macpherson Street should be redesigned to allow a better response to the streetscape.
- The building frontage to Chesterfield Lane and also the eastern facade near Chesterfield Lane should provide a better response to the streetscape.
- The eastern residential lobby should address the street.

A summary of the Aspire report follows:

- A number of urban design opportunities are apparent:
 - Higher height can be considered;
 - Higher density residential development can be considered;
 - Opportunities to accommodate a mix of retail and club to serve the community's needs
 - Lack of any distinctive architectural style allows for innovative, contemporary architectural styles.
- Constraints include shadow impacts on surrounding residences and additional traffic generation requiring a sensitive response so unreasonable impacts are not created.
- Urban design objectives should be adopted for the site covering mix of uses, amenity, building height, net community benefit and density.
- Urban design principles should be adopted for the site as follows:
 - minimum ground floor setbacks to activate the street frontage
 - articulate buildings in plan and section to reduce the impact of scale
 - buildings should have a harmonious relationship with neighbouring buildings
 - building height should respect the amenity of surrounding residents and streets by minimising shadow, privacy and visual impact

REPORT TO COUNCIL

- buildings should reinforce the potential landmark status of the site by allowing taller buildings, creating a visual presence for the centre from distant viewing points
- maximise public benefits for the greater community by creating new housing and commercial premises close to public transport
- allow contemporary architectural style to enhance streetscape and image of centre
- create an interesting roofscape
- pedestrian and vehicular access should be legible, direct and vehicular entry should be consolidated into minimal driveways with minimum impact on surrounding road network.
- car parking should be located in basements within building envelope
- enhance the appearance of the public domain
- protect ground level public places from wind impacts and other microclimatic affects generated by the building
- the density of pedestrian use should activate the public domain, increasing vitality and providing vibrant spaces and viable businesses.

1.3.3 Council's motion

At Council's December 2012 meeting Motion 4 stated that:

It is noted that Figure 31 in the Urban Design Analysis of Bronte's Macpherson Street and St Thomas Street Neighbourhood Centre, undertaken by Olsson & Associates Architects Pty Ltd, was prepared to show the 32 degree angle of the edge of the buildings in relation to the sun and the lane only. It does not represent Council's view of any other matters such as the increased excavation for parking and lower ground floors shown in the diagram.

The cross sections based on Figure 31 contained in the proposed DCP controls do not show or endorse further excavation to accommodate car parking and lower ground floors.

1.4 Traffic and Parking Peer Review

1.4.1 Council commissioned "Bronte RSL Traffic and Parking Review"

Waverley Council engaged GTA Consultants to undertake a peer review of the Traffic and Parking Study supporting the proposed development of the Bronte RSL site at 113 Macpherson Street, Bronte. The developer's *Traffic and Parking Study* was prepared by Varga Traffic Planning Pty Ltd in September 2012 for Winston Langley Burlington.

The peer review is comprised of a transport impact review of the proposal, safety and amenity impacts of site access from Chesterfield Lane, parking review, a review of loading and servicing, and a high-level review of the Economic Impact Assessment for the proposed development, which was prepared by Urbis (discussed below under point 5. Economic Analysis).

Based on the Traffic and Parking Review undertaken by GTA, the following issues were raised:

REPORT TO COUNCIL

- Traffic generation
- Passing trade
- Traffic distribution
- RSL Traffic
- Schedule of traffic surveys
- Seasonality of traffic flows
- Traffic impact assessment
- Traffic impacts
- Contribution
- Site access
- Loading dock location and access
- Loading dock capacity
- Chesterfield Lane pavement condition
- Truck manoeuvres
- Truck vertical clearances
- Parking provision
- Parking layout
- Bicycle parking
- Pedestrian facilities

Further investigation on these key issues would need to be undertaken as part of the on-going approval assessment process for the development proposal. Appropriate management plans for off-street car parking and the loading dock would also need to be prepared by the proponent and submitted together with the development application.

A copy of GTA's Report can be found attached to the December 2012 Council Meeting report titled "Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report".

Following issue of the report, Council officers requested further information and clarification to fulfil the requirements of the original brief. The memo received from the consultant in response to this request forms Attachment A of this report.

1.4.2 Bronte RSL Traffic and Parking Review – Internal response from Council's Divisional Manager of Transport and Development.

The Council commissioned review was referred internally. The following response was received.

- Number of car movements: The GTA report in section 4.1 (Traffic Generation), indicates the Varga report underestimates the traffic movements being generated by the retail component of the proposal. Varga uses traffic generation rates for "Shopping Centres" from the RMS document "Guide to Traffic Generating Developments". GTA considers the generation rate should be determined using rates from a similar facility to that proposed such as a Harris Farm market or alternatively, by using the "supermarket" rates in the RMS document. I consider the GTA assessment using the supermarket rate to be the appropriate one. The traffic movements in the Friday pm peak increase from 93 in the Varga report to 141 in the GTA assessment and in the Saturday noon peak, from 99 in the Varga report to 153 in the GTA assessment.
- Loading Dock: I consider there should be more than one loading dock. The DCP requires 1 dock for the club, 1 for the flats (as there is > 25 units) and 3 for the shops. Probably the

REPORT TO COUNCIL

club and shops could share the large loading dock with turntable as the club only has 2-3 deliveries a week. I consider another loading dock to cater for a medium rigid vehicle is needed to avoid trucks waiting in the lane and blocking through traffic if the single dock is occupied. The second dock could also be used by smaller trucks such as milk, meat and fish deliveries etc. if the main dock is occupied. I consider loading should be done from Macpherson St and not the rear lane for the following reasons:

- There is an incline in the lane just to the east of the site. To travel up the incline, truck engine revs will need to be increased compared to those if it were flat resulting in higher engine /exhaust noise levels plus diesel smoke emissions. Trucks that are stationary or at idle for lengthy periods emit the most emissions when moving off. I noticed today there are houses backing onto the lane on both sides with windows to rooms directly on the lane. Engine exhausts on some trucks will very likely be level with some windows. There will be many more trucks using the lane once developed compared to the present.
- It is common for residents and others to park in the lane at present both along the straight section at the rear of the club and on the west side of the lane just before it exits to Chesterfield Parade. Even if NO PARKING restrictions are installed, unless those restrictions are enforced frequently, one illegally parked car has the potential to block truck movements and traffic completely.
- The site has a 49m frontage to Macpherson St. I consider a loading dock of similar dimensions to that proposed off the rear lane could be installed without a big impact on the way the development may look from the street.
- Macpherson St has a concrete pavement which will withstand truck manoeuvring better than bitumen in the rear lane. In the lane, trucks will be on full lock to enter and exit the dock which will shorten the life of the pavement unless the pavement is strengthened and has a modified bitumen. Modified bitumens will result in a higher cost for Council to maintain the lane in the future.
- Could the loading dock access be incorporated into the retail driveway proposed on the western side of the site? There is a large car park on top of the Hurstville rail station that does that. The exit from the roof carpark increases in width front the loading dock entry point out to the street.
- The only vehicles using the lane from the site if loading is off MacPherson St would be those from the residential flats.
- I do not know the height of trucks that will serve the site but I have concerns if trucks have high roof lines that they will have difficulties travelling in Chesterfield Pde due to the heavy and low canopy from the street trees.

The branches from the fig trees are quite large in diameter and low to the road so to remove the branches to allow the passing of trucks may have a significant impact on the trees.

1.4.3 Council motion

At Council's December 2012 meeting Motion 3 stated that:

Further analysis be undertaken of truck sweep and legal advice obtained as to whether Council has the power to limit truck size and weight.

REPORT TO COUNCIL

Council can limit truck size, height and weight via conditions of development consent. However it is difficult to police these conditions and as such often they are breached with no consequence.

Council's traffic consultant noted that having the loading dock access off Chesterfield Parade could have significant impacts on residential amenity in terms of vehicle sizes, manoeuvres and potential safety issues. They also raised the Chesterfield Lane pavement condition and truck queuing issues on Chesterfield Lane. In fact they recommend that based on the established road hierarchy in the precinct, site access for the retail and RSL components would be more suitable on Macpherson Street rather than on Chesterfield Lane.

It is therefore recommended that access to the commercial loading docks for 113 Macpherson Street be limited to Macpherson Street with no ingress or egress points on Chesterfield Lane. Refer to proposed DCP controls for proposed traffic and parking controls.

1.5 Economic Analysis

1.5.1 Department of Planning and Infrastructure's Metropolitan Strategy 2010

The NSW Government Metropolitan Strategy East Subregional Strategy (exhibited in 2007) classifies MacPherson Street, Bronte as a 'neighbourhood centre'. It defines neighbourhood centres as one or a small cluster of shops and services containing between 150 and 900 dwellings with a radii of 150m. The closest surrounding neighbourhood centres to the west and east are Lugar Street, Bronte and Bronte Beach. To the north and south are Murray Street, Bondi and Arden Street, Clovelly and Clovelly Beach. Charing Cross and Clovelly are defined as small villages. Note that the Strategy seeks to provide a guide only. It is not meant to be prescriptive or to prevent development. Indeed the subsequent NSW Draft Centres Policy (DoPI, 2009) recommends that the retail hierarchy should be flexible to allow centres to grow in line with demand.

In mid 2012, the Department of Planning and Infrastructure released a discussion paper announcing that they intend to prepare a new Metropolitan Strategy to replace the current one.

1.5.2 Council commissioned "Economic Impact Assessment Peer Review 2012"

Waverley council engaged Urbis (as a sub-consultant of GTA Consultants) to undertake a peer review of the Economic Impact Assessment supporting the proposed development of the Bronte RSL site at 113 Macpherson Street, Bronte.

The developer's *Bronte RSL Redevelopment Economic Impact Assessment* was prepared by Location IQ in August 2012 for Winston Langley Burlington. The peer review looked at the appropriateness of assumptions and conclusions discussed in Location IQ report.

Urbis advised that the assumptions and forecasts that have been used in the Economic Impact Assessment report for the developer are reasonable.

More broadly, having regard to the EIA and the plans contained, the following observations are made by Urbis:

- The proposed development at 1,246 m² is relatively modest in scale and is located on the edge of an existing retail strip.

REPORT TO COUNCIL

- This scale of grocery retailing is likely to be highly convenient for Main Trade Area residents undertaking top-up food shopping.
- Although there may be some minor competitive impacts on individual retailers within the Main Trade Area, the development should strengthen the overall retail offer on Macpherson Street. The specialty shops are oriented to the street and should therefore complement the existing retail strip.

Urbis notes that the information contained in the *Bronte RSL Redevelopment Economic Impact Assessment* demonstrates that there are no economic grounds on which the proposed development should be refused planning consent.

A copy of GTA's Report which contains the Council commissioned Economic Impact Assessment Peer Review can be found as an attachment to the December 2012 Council Meeting report titled "Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report".

1.5.3 Developer commissioned response to peer review- January 2013

Following issue of the report, the developer has submitted a response to the Urbis review prepared by Location IQ (January 2013). A summary of revised or new issues follows.

- The Bronte RSL site forms part of the Bronte Macpherson Street Neighbourhood Centre (New South Wales Metropolitan Strategy – East Subregion) which is the main retail precinct of Bronte.
- The Bronte RSL retail centre would record a 4.4% share of total main trade area spending and an approximate 13.5% market share of the food and grocery market.
- The Macpherson Street and Lugar Street Neighbourhood Centres include six Food and Grocery retail shopfronts. While there is likely to be some impact on these retail tenants, the proposed Bronte RSL retail centre will not impact on the viability of these tenants nor would the proposed development be detrimental to the surrounding retail strip. Indeed, the surrounding Macpherson Street retail strip stands to benefit from the increased sales potential and increased customer flows attracted to the retail precinct by the proposed development of the Bronte RSL retail centre.

1.5.4 Council commissioned review of "Waverley Local Village Centres - DCP & Public Domain Improvement Plan - Economic Assessment 2006"

In 2006 Waverley Council engaged Hill PDA Consultants to undertake a Retail Hierarchy Study for the Waverley LGA. The peer review comprised of a review of Waverley LGA village and neighbourhood centres to provide general advice on planning and economic issues facing those centres. It included an analysis and forecast of demand for retail space and commercial services.

In February 2013 Hill PDA was commissioned to recap their 2006 *Waverley's Local Village Centres - Economic Assessment* with a focus on the Bronte RSL site (113 Macpherson Street, Bronte).

The key recommendations of the consultant's review were:

- General support for a Harris Farm or similar food and grocery store of up to 1,000sqm being provided on the site for the following reasons:
 - It would provide a net benefit to the local area (in economic terms and excluding any potential environmental and traffic concerns);

REPORT TO COUNCIL

- Such a use would provide an important anchor for the Macpherson Street Centre which is currently lacking;
 - It would improve the retail offer for local residents and provide a service for regular shopping for essential items (foods and groceries);
 - It would reduce the number of necessary trips by car into Bondi Junction or other higher order centre for local residents that need to top-up their food and groceries;
 - Harris Farm, Thomas Dux and similar stores are a relatively new store types that serves higher socioeconomic demographic areas which is the case in Bronte;
 - Impacts on existing specialties in the Macpherson Street Centre would be mixed but with some possible short-term changes but the medium term impacts will be positive due to a likely nexus and complimentary relationship with the anchor tenant; and
 - The proposal is unlikely to adversely impact any other centre to any significant level, although we have not undertaken impact modelling to quantify the extent of potential impacts.
- Harris Farm would elevate the centre to 'village centre' per the Metro Strategy definition.
 - Whilst there are some food and grocery retailers that can fill smaller areas (below 500sqm) such as IGA Friendly Grocer or Coles Express, there is no certainty that any of these retailers will locate in the Macpherson Street Centre.

If Council was to impose a 500sqm cap there is some risk that the centre would not get an anchor tenant.

- Add DCP clause –

'No single shop is permitted to exceed (floorspace cap) sqm in Gross Lettable Area Retail as defined by the Property Council of Australia Method of Measurement.'

The consultant also answered several key questions posed by Council Officers. Their answers to several are listed below:

- Question: How would you define small scale retail per the zone objectives? At what point does a retail premises cease being small scale and start being medium scale? Can you put a max floor area on small scale retail?

Answer: The extent of what constitutes 'small scale' retail will vary depending upon the occupant and retail store type of specific retailers. The most appropriate means of defining 'small scale' retail may be by considering the extent of the trade area served by the retail facility rather than the size of individual units. A restaurant, for example, may serve a comparable trade area to a take-away but by necessity the restaurant provides a comparably greater quantum of retail floorspace. Supermarkets need to be larger than other retail specialties because they capture around 30% of total household retail expenditure - far more than any other store type. A specialty food store (e.g. butcher, baker, greengrocers) or non-food store captures only a tiny proportion of total household retail spend. Commonly the largest retail attractor and the largest occupier of floorspace in small centres is a supermarket or large food and grocery retailer. As such, in defining the maximum size of retail unit which may be considered small-scale it may be appropriate to work backwards from supermarket floorspace. Council may deem that the extent of the trade area for, say, a 1,000sqm supermarket may serve more than the surrounding neighbourhood but that a supermarket unit up to, say 500sqm is likely to serve a neighbourhood catchment only.

REPORT TO COUNCIL

- Question: What is the catchment of the average Harris Farm?

Answer: The catchment or 'trade area' of any retail store or centre is dependent upon:

- The strength and attraction of the centre and/or facility as determined by factors such as the composition, layout, ambience/atmosphere and car parking in the centre/facility;
- Competitive retail centres, particularly their proximity to the subject centre/facility and respective sizes, retail offer and attraction;
- The location and accessibility of the centre/facility, including the available road and public transport network and travel times; and
- The presence or absence of physical barriers, such as rivers, railways, national parks and freeways.

ALDI stores rely on a trade area of around 20,000 people. Harris Farm is a smaller retailer than ALDI and operates on a different business model, catering for households with above average socio-demographic characteristics and household retail expenditure levels. However, it is likely that Harris Farms serves a comparable trade area of around 20,000 people subject to the trade area having the required socio-demographic characteristics and household retail expenditure levels capable of supporting its business model.

See Attachment B for a copy of the Hill PDA review.

1.6 Liquor Licensing

At Council's December 2012 meeting Motion 4 stated that:

Advice be obtained on whether, if the RSL Club fails to revive as a club, the Liquor Licence remains with the land.

The following legal advice was obtained from Wilshire Webb Staunton Beattie lawyers:

- Bronte RSL would have had a club licence.
- The entity of Bronte RSL would be the licensee (assume to be a corporate licensee).
- The licensee would have appointed a secretary manager.
- A club licence authorises the licensee (through the manager) to sell liquor on the licensed premises stipulated on the licence.
- If the RSL club ceases trading and closes the licence would likely cease under its conditions of issue. In the absence of a formal transfer or removal somewhere else it cannot be used by another person or at another premises.
- A club licence can be transferred to another club (in an amalgamation situation) on application provided certain requirements are met.
- A licensee can also apply for approval to remove the licence from the premises to another premises not specified in the original licence. This is effectively a new application.

REPORT TO COUNCIL

SECTION 2. FUTURE SCENARIOS

As a result of community consultation and council commissioned analysis and peer review of Bronte's Macpherson and St. Thomas Street neighbourhood Centre (which includes Bronte RSL), it is recommended that revisions and refinements be made to Council's current planning controls.

2.1 Waverley Local Environment Plan 2012 (LEP) - proposed revisions

2.1.1 Land Use / Zoning

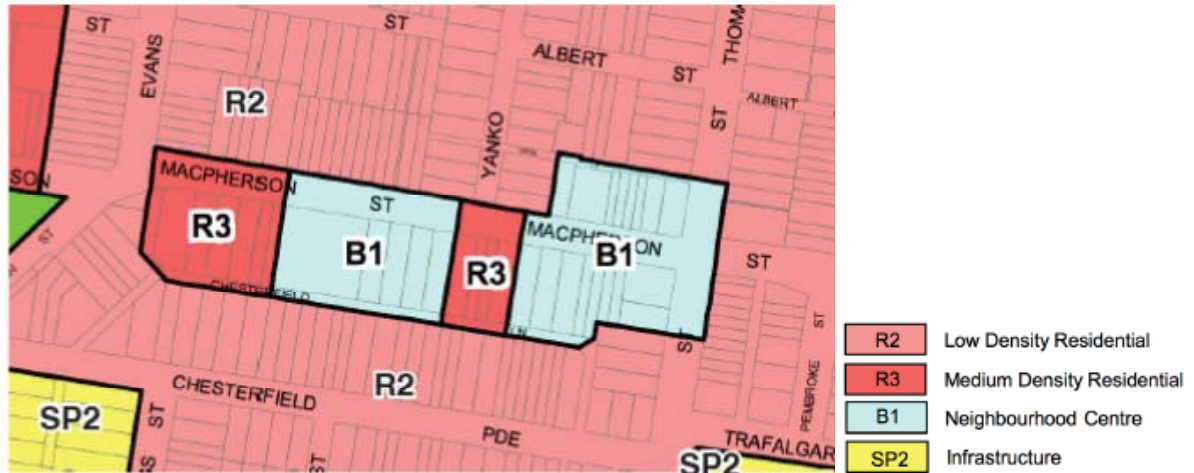
Waverley LEP 2012 shows the neighbourhood centre (which includes the local shops, Bronte RSL and Oceanview apartments) as B1 Neighbourhood Centre Zone (See Figure 4 - Zoning map). Prior to that LEP 1996 and LEP 1985 zoned the neighbourhood centre as Neighbourhood Business 3(c). Hence, since 1985 the local shops, Bronte RSL and Oceanview apartments were considered appropriate sites for providing a range of shops and low intensity commercial uses that serve the daily needs of adjacent residential neighbourhoods.

The objectives of the B1 neighbourhood centre zone are:

- a. To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- b. To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises.
- c. To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.

The B1 neighbourhood centre zone permits the following land uses: boarding houses, group homes, hostels, seniors housing, shop top housing, home-based child care, home business, home occupations, bed and breakfast accommodation, commercial premises, business premises, funeral homes, office premises, retail premises, cellar door premises, food and drink premises, pubs, restaurants or cafes, take-away food and drink premises, kiosks, markets, roadside stalls, neighbourhood shops, veterinary hospitals, home industry, vehicle body repair workshops, vehicle repair stations, sewage reticulation systems, car parks, roads, educational establishments, health services facilities, medical centres, health consulting rooms, child care centres, community facilities, emergency services facilities, information and education facilities, public administration building, respite day care centres, places of public worship, signage (except advertising structures), environmental facilities, recreation areas, recreation facilities (indoor), environmental protection works and flood mitigation works.

REPORT TO COUNCIL



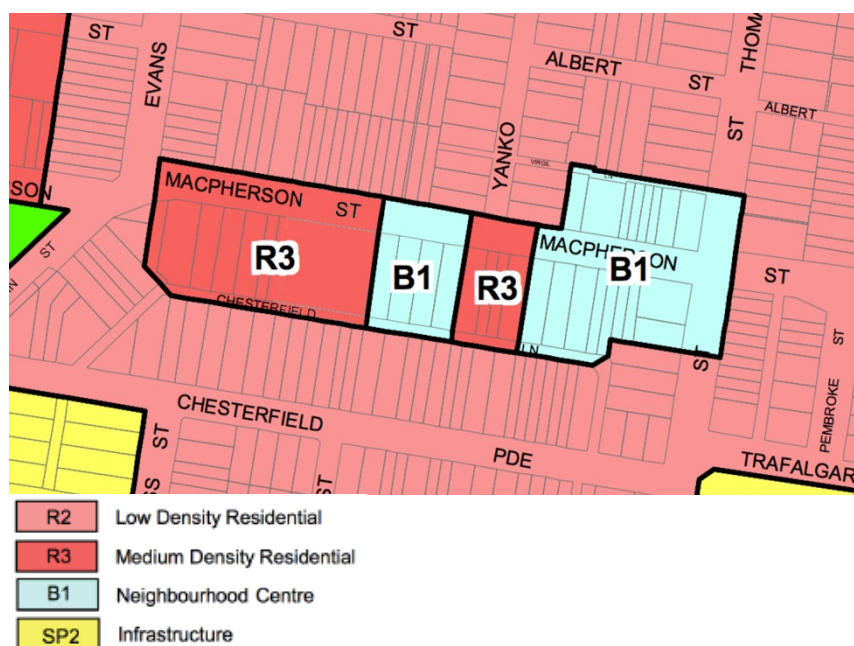
2.1.1.1 Zoning of the local shops

With the exception of Oceanview apartments (107 Macpherson Street) and the Bronte RSL site (113 Macpherson Street), the current zoning of the existing local shops, being B1 Neighbourhood Centre is considered appropriate.

Future land use scenarios for 113 Macpherson Street and 107 Macpherson Street have been investigated below to test whether the current zoning of B1 Neighbourhood Centre is appropriate.

2.1.1.2 Zoning of 107 Macpherson Street (Oceanview apartments)

Oceanview apartments has been used primarily as a strata titled residential flat building for many years. It is very unlikely to be redeveloped to another use. As such the current zoning, being B1 Neighbourhood Centre is considered inappropriate. The zoning should be changed to R3 Medium Density Residential to reflect its ongoing and long standing use. (See Figure 5)



REPORT TO COUNCIL

Figure 5: Waverley Local Environmental Plan 2012 - 107 Macpherson Street (Oceanview apartments) - Proposed Zoning

2.1.1.3 Zoning of 113 Macpherson Street (Bronte RSL site)

The appropriate future land use at the Bronte RSL site has been subject to much discussion (including community consultation). The site is ripe for redevelopment. The following four zoning options have been tested for the site:

- Option 1: Residential units only.
- Option 2: Residential units, RSL club and optional small shop.
- Option 3: Small scale shops, residential units and RSL club
- Option 4: No change to existing land use controls.

It is recommended that Option 3 be adopted by Council.

Option 1: Residential only

A component of the submissions made by the community called for the Bronte RSL site to be limited to residential uses only. This would mean rezoning the site to R3 medium density residential and prohibiting other uses like neighbourhood shops, childcare centres etc. It is not possible to impose such a restrictive limit on permitted uses because of the requirements of the NSW Standard LEP Template. As such, this option would not be approved by the Department of Planning and Infrastructure.

Option 2: Residential units, RSL club and optional small shops.

Two of the most pressing issues resulting from community consultation were:

- The majority do not want to see more or other types of development because there is enough retail, the centre is dense enough and buildings are at the right height.
- The majority do not want to extend the neighbourhood centre zoning to allow for more shops because the existing number of shops is seen as sufficient and any increases will cause additional traffic and parking issues.

Submissions received after December's Information report call for Council to:

- Rezone the Bronte RSL site to medium density residential (R3), reduce height limit to 9m, reduce the FSR to 0.6:1
- Introduce a maximum retail premises of 80sqm in Neighbourhood Centre zones

Rezoning the Bronte RSL site from 'B1 neighbourhood business' to 'R3 medium density residential' would address these issues by

- restricting the allowable size of neighbourhood shops on the site to a maximum gross floor area of 80sqm each. Provision of shops would be optional;
- prohibiting commercial premises (includes business, retail and office premises other than Neighbourhood Shops) that could negatively affect the amenity of existing and future surrounding residential premises;
- consolidating the existing neighbourhood centre. There are currently four residential properties between the last strip shop and the RSL site. There is no community support to rezone those properties to neighbourhood business. As such retaining the

REPORT TO COUNCIL

neighbourhood centre zoning on the RSL site would encourage a fragmented centre which is an undesirable outcome;

- retaining the hierarchy of centres within the LGA. Waverley's higher order retail centres are located on major bus or train routes and usually surrounded by higher density residential. The closest is located at Charing Cross (9 bus routes). Bronte's Macpherson and St. Thomas Street centre is serviced by one bus route (378) and surrounded by mainly low density residential.

The Objectives of R3 medium density residential zone are to:

- a. To provide for the housing needs of the community within a medium density residential environment.
- b. To provide a variety of housing types within a medium density residential environment.
- c. To enable other land uses that provide facilities or services to meet the day to day

The R3 medium density residential zone permits the following land uses: residential accommodation (except home occupations, sex services and shop top housing), bed and breakfast accommodation, kiosks, markets, neighbourhood shops, home industry, sewage reticulation systems, roads, educational establishments, health services facilities, child care centres, community facilities, information and education facilities, respite day care centres, places of public worship, signage (except advertising structures), environmental facilities, recreation areas, recreation facilities (indoor), environmental protection works, exhibition homes, exhibition villages and flood mitigation works.

It is considered inappropriate to rezone the Bronte RSL site to R3 medium density residential because it would

- reduce the long standing range of permitted uses
- potentially reduce the value of the land.
- potentially remove any opportunity for the centre to gain an anchor tenant in the future (because it is a rare large site not requiring amalgamation).

Option 3: Small scale shops, residential units and RSL club

Three of the most pressing issues resulting from community consultation were:

- Traffic generation as a result of the RSL site being developed as proposed (approx. 1248sqm retail (which includes one 700sqm retailer and several smaller retailers but excluding back of house), RSL club and 28 residential units). This includes issues with traffic, parking, loading and access to the site.
- The effect on the amenity of the surrounding environment if a retailer (as proposed by the developer of the Bronte RSL) opens in the neighbourhood centre.
- The majority do not want to see more or other types of development because there is enough retail, the centre is dense enough and buildings are at the right height.

Retaining the existing zoning and restricting the area of retail premises (to approximately 500sqm) within the neighbourhood centre (by addition of a new control) would:

- Address several issues raised by the community;
- retain the existing long standing zoning which has been in force since at least 1985;
- retain the existing range of permissible uses;
- reinforce the objectives of the B1 neighbourhood centre zone;

REPORT TO COUNCIL

- retain the hierarchy of centres within the LGA. Waverley's higher order retail centres are located on major bus or train routes and usually surrounded by higher density residential. The closest is located at Charing Cross (9 bus routes). Bronte's Macpherson and St. Thomas Street centre is serviced by one bus route (378) and surrounded by mainly low density residential; and
- reduce potential traffic generation.

Restricting the area of retail premises would require a new local provisions LEP clause (See recommendation A(ii) on page 1 of this report).

The appropriate maximum floor area for retail premises to define it as "small-scale retail" (per the objectives of the B1 neighbourhood centre zone) needs to be quantified.

The Council commissioned local village centres economic assessment by Hill PDA in 2006 recommended that a mini-mart anchor tenant for Bronte's Macpherson Street centre with an area up to 500sqm would be appropriate. It would enhance the viability of the centre and comply with the objectives of the zone. Examples of other mini-marts within the locality and their associated areas (approximate areas only) are listed below:

- IGA, Hall Street, Bondi - 400sqm
- IGA, 124 Curlewis Street, Bondi – 400sqm
- Foodworks, 1-5 Dover Road, Rose Bay – 700sqm
- Foodworks, 43 Burnie Street, Clovelly – 400sqm (located within Randwick LGA)
- 137 – 147 Kemeny's, Bondi Road, Bondi – 900sqm
- Thomas Dux, Five Ways, Glenmore Road, Paddington – 450sqm

The Harris Farm at Bondi Junction is approximately 1000sqm.

In January 2013 Council Officers engaged Hill PDA to review their 2006 study and recommend an appropriate maximum retail area. The Hill PDA review (Attachment B) stated that construction of the proposed Bronte RSL redevelopment (1000sqm specialty fruit shop) would elevate the role of the centre to one more akin to a 'Village Centre' based on the draft East Subregional Strategy definition. This is by virtue of the extended trade area which the centre would serve if the proposed development were implemented.

The closest 'Village Centre' is Charing Cross, less than a kilometre away. It contains many more shops and is served by 9 bus routes. Bronte's MacPherson and St. Thomas Street neighbourhood centre is serviced by one bus route and is very unlikely to attract more in the future. Regardless, without a revised retail hierarchy study and provision of better public transport system it will not be considered for advancement to a village centre.

Hill PDA advised that a retail cap could be calculated by equating a supermarket's forecast trade area with the population of the surrounding neighbourhood it should serve (See figure 6)

A 500sqm retail cap per retail unit for the centre is proposed as being adequate to serve the local community and has been included in the draft LEP controls.

REPORT TO COUNCIL

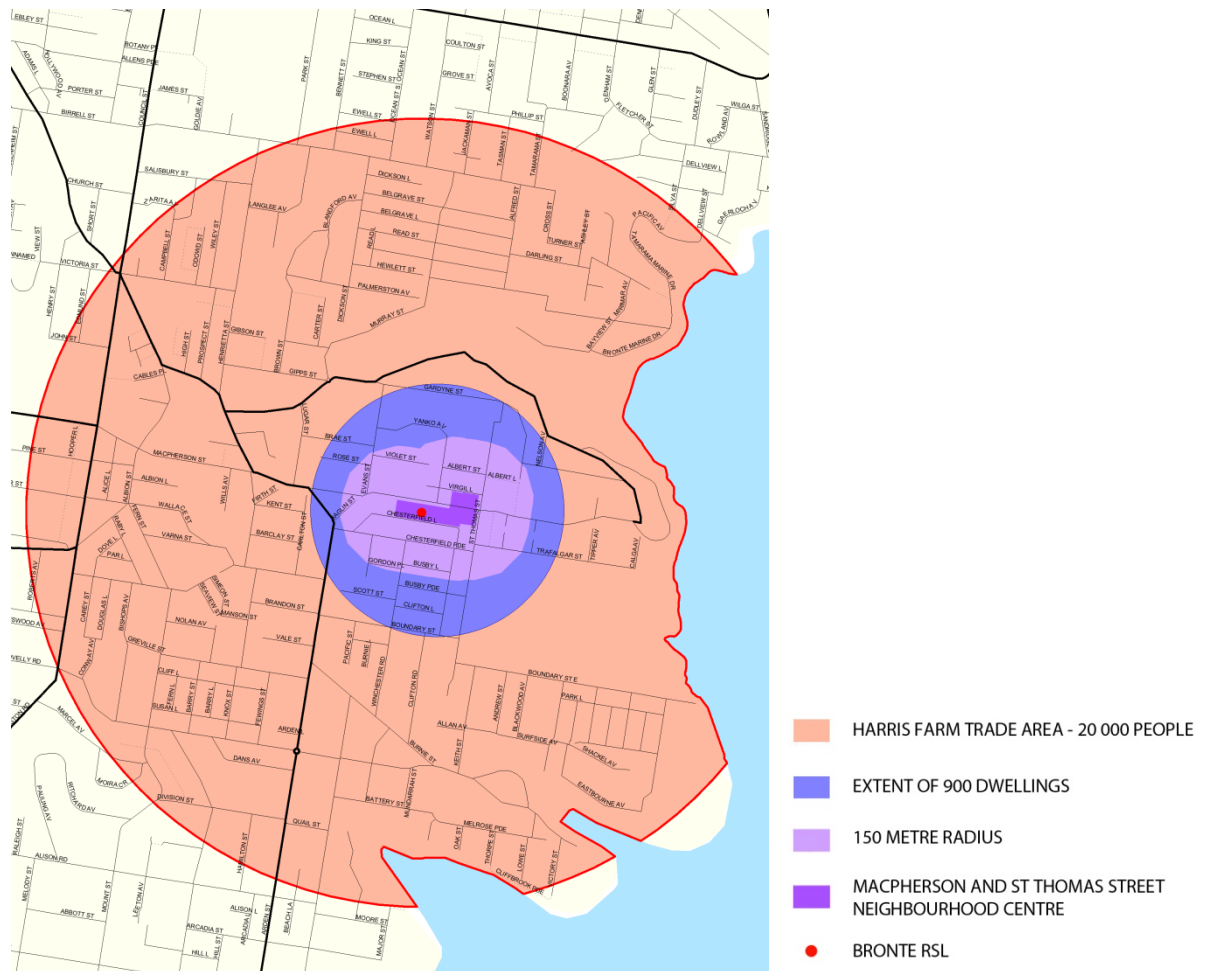


Figure 6: Map comparing average Harris Farm trade area with average neighbourhood centre trade area

There is little precedent for this type of clause within existing Standard Instrument LEP's. As such it may not be approved by the DoPI and may have to be in the DCP (per Hill PDA recommendation). However, it is recommended that it is pursued as Council's preferred option because it best fits the aspirations of the community whilst retaining the long standing existing zoning of the site.

Option 4: No change to existing land use controls.

Retaining the existing controls would mean that any development application would be assessed under the current controls and be subject to Section 79C assessment. There would be no quantifiable restriction on size of retail and business premises however proposals would have to satisfy the objectives of the B1 neighbourhood centre zone (Refer to part 2.1.1 for zone objectives).

2.1.2 Additional permitted use or existing use rights for the Bronte RSL Club

There is an expectation in the community and from the land owner for the Bronte RSL Club use to continue. The Bronte RSL club has been trading on the site since 1946.

The neighbourhood centre and medium density residential zoning options discussed above prohibit registered clubs.

REPORT TO COUNCIL

The RSL club could apply to continue to operate under 'existing use rights'.

Note the following relevant points about existing use rights:

- If the RSL club ceases to trade for a continuous period longer than 12 months, the use is presumed to be abandoned. However, if the club is seen to be working towards trading again, the courts are usually lenient on the 12 month deadline.
- There are examples of case law (e.g. Stromness Pty Limited v Woollahra Municipal Council [2006] NSWLEC 587) which have allowed developers to use existing use rights to overturn and undermine any of the LEP provisions in relation to the existing use. However, the wording of the Environmental Planning And Assessment Act 1979 with regards to existing use rights was changed in 2006 which may affect the developer's right to use this example as case law.
- Only Bronte RSL Club can utilise the existing use rights. Other clubs are prohibited per the zoning controls.

An alternative to existing use rights is to list the club as an allowable use on 113 Macpherson Street under Schedule 1 Additional Permitted Uses. If this alternative was adopted it would:

- extinguish existing use rights and stop developers utilising existing use rights case law;
- indicate Council's willingness to accept the club use on the site without expanding it to other sites within the B1 neighbourhood zone;
- give some certainty to the developer;
- set a precedent for other clubs within the LGA; and
- allow other registered clubs to trade on the site which may be undesirable.

The potential of unknown outcomes resulting from court cases relating to existing use rights are sufficient to recommend that Bronte RSL club be listed under Schedule 1 Additional Permitted Uses. Adopting this alternative would rescind existing use rights and the case law associated with it. It is noted that this recommendation may not be accepted by the Department of Planning and Infrastructure; however it is recommended that it still be put to them.

2.1.3 Height of Buildings

Waverley LEP 2012 shows the neighbourhood centre with maximum height of buildings of 9m, 9.5m and 13m (See Figure 7 - Height of Buildings map).

LEP 1996 (recently repealed) states that all buildings within 3(c) zones will be no greater than 9m.

REPORT TO COUNCIL



Figure 7: Waverley Local Environmental Plan 2012 - Existing Height of Buildings Map (metres)

2.1.3.1 Existing objectives of the height of buildings clause

The relevant objectives of the height of buildings clause are as follows:

- a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,
- d) to ensure that building`s are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.

2.1.3.2 Submissions relating to height limits

Submissions from community members have requested reducing the prevailing height limit to 9.5m as per previous LEP 1996. Submissions received from the developer of the Bronte RSL site have requested increases in the height limit to 20m.

2.1.3.3 Existing and future character

An assessment of the character of the area reveals a dominant two storey neighbourhood centre with the occasional three storey example of shop top housing. Four storey walk-up flats are common in the broader area but not dominant. Taller buildings can be found within the locality but they are the anomaly rather than the norm. Most were built in the 1960's and 1970's. Planning controls reflect the existing character of the neighbourhood centre whilst acknowledging that the Bronte RSL site is a key site within the area and ripe for redevelopment. As such a 13m height limit (3 - 4 storeys) has been allowed for the site. The height limit is therefore considered appropriate and in keeping with the existing and desired future character of the area.

2.1.4 Floor Space Ratio

Waverley LEP 2012 shows the neighbourhood centre with maximum floor space ratios of 0.5:1, 0.6:1 and 1:1 (See Figure 8 - Floor Space Ratio map).

REPORT TO COUNCIL

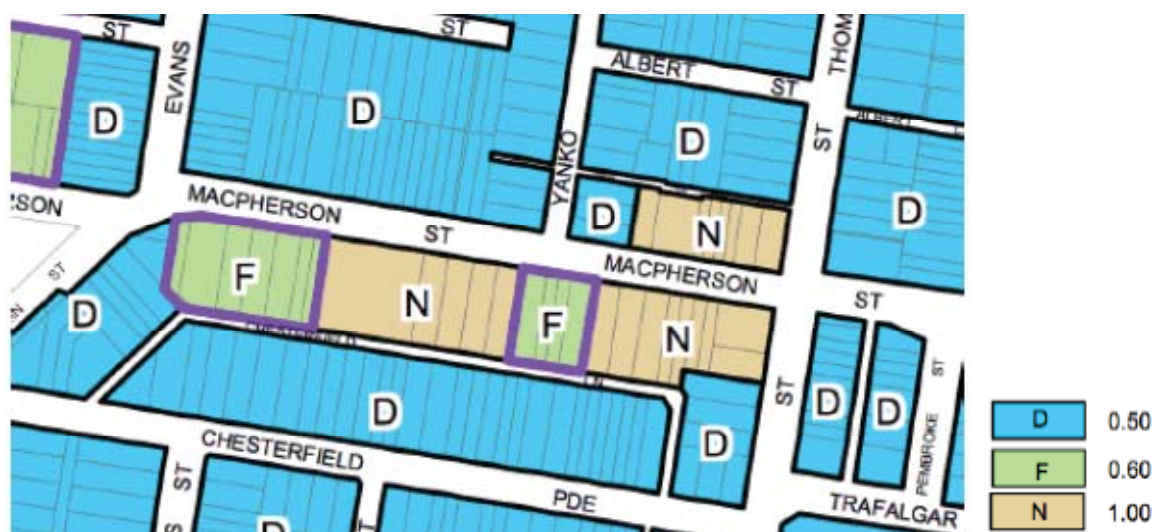


Figure 8: Waverley Local Environmental Plan 2012 - Floor Space Ratio

2.1.4.1 Existing objectives of the floor space ratio clause

The relevant objectives of the floor space ratio clause are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

2.1.4.2 Submissions relating to floor space ratio

In discussions with the developer of the Bronte RSL site it has been stated that an increase in the FSR to over 2:1 will be proposed. Submissions from community members have requested reducing the existing bulk, scale and prevailing floor space ratio for the Bronte RSL site to 0.6:1.

2.1.4.3 Proposed control

Testing was carried out on the Bronte RSL site. Testing of the appropriate built form was based on:

- the building envelope and cross section as shown in Recommendation C(v) above
- correlation with the height limit (13m);
- setbacks to ensure compatibility with the streetscape and existing character;
- compliance with the Residential Flat Design Code (SEPP 65);
- compliance with WDCP 2012 controls; and
- preservation of the environmental amenity of neighbouring properties and minimisation of the adverse impacts on the amenity of the locality.
- utilisation of areas below the footpath level on Macpherson Street for commercial space

REPORT TO COUNCIL

It is noted that there is no guarantee that development will locate gross floor area below the Macpherson Street level. The testing confirmed that it would be prudent to retain a maximum floor space ratio of 1:1. (Note that an additional affordable housing incentive equal to 15% of the max gross floor area may also apply).

2.2 Waverley Development Control Plan 2012 (DCP) - Proposed Revisions

As a result of the community consultation and specialist consultant input one revision to the generic village centre is proposed and a new site specific section is proposed for the Bronte RSL site.

2.2.1 Solar Access within Local Village Centres - Part E3.2

Annexure E3-1 provides examples of typical built form envelopes within Local Village Centres. The cross-sections show an angle of 45° for floors backing onto rear lanes above 7.8m high. It is recommended that this angle be changed to 32° to match the angle of the mid-winter sun at noon, and to minimise overshadowing of the properties on the southern side of Chesterfield Lane. The existing sections to be revised are as follows:

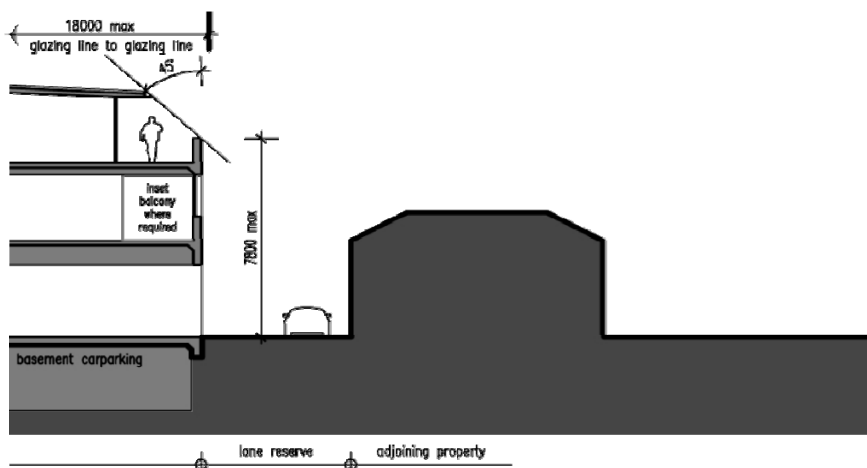


Figure 9: Waverley Development Control Plan 2012 - Annexure E 3-1 - examples of typical built form envelopes - Building depth and other controls at the rear boundary over laneway.

REPORT TO COUNCIL

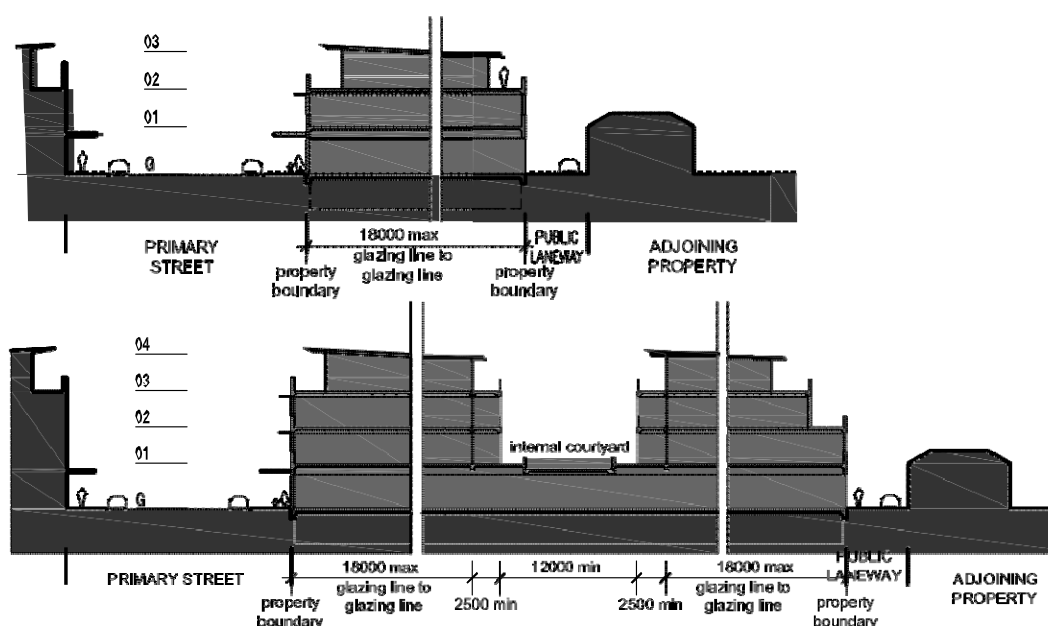


Figure 10: Waverley Development Control Plan 2012 - Annexure E 3-1 - examples of typical building section dual street frontage.

Currently these diagrams are not referenced by controls. It is recommended that a specific control be added to enforce the 7.8m height limit and 32 deg. solar access angle for properties within local village centres (which back onto rear lanes).

Refer to recommendation C(i) – (iv) for wording and revised diagrams.

2.2.2 Site specific controls for 113 Macpherson Street, Bronte (Bronte RSL site)

It is recommended that a new section (Part E4) be added to the DCP to cover site specific controls for particular sites. The general controls would still apply unless there was a conflict and then the site specific controls would prevail. Bronte RSL site would be the first with others following as required (e.g. War memorial hospital). When there is more than one site a map will be added called *Figure X - Specific sites map*

The controls will cover detailed built form, traffic and parking issues as discussed below.

2.2.2.1 Public Domain

Specific controls have been added to ensure beautification and upgrades to the footpath and laneway form part of any development proposal.

2.2.2.2 Built Form

Specific controls have been added to control the building envelope on the site. The controls detail building alignment, upper level setbacks, side setbacks and awning location and details. The controls intend to ensure no unreasonable adverse impacts on amenity, privacy and solar access for surrounding dwellings and to facilitate high quality built form which defines the street and is in keeping with the existing and future desired character of the area.

2.2.2.3 Active Street Frontages

Specific controls have been added to reduce the chance of blank walls facing the main street and lane and to increase passive surveillance over public places.

REPORT TO COUNCIL

2.2.2.4 Loading Facilities

The developer's proposal to locate loading facilities in Chesterfield Lane was one of the major concerns voiced by the community. Specifically they raised the following issues:

- Traffic generation as a result of the RSL site being developed as proposed (approx. 1000sqm retail (which includes one 700sqm retailer and several smaller retailers but excluding back of house), RSL club and 28 residential units). This includes issues with traffic, parking, loading and access to the site.
- The effect on the amenity of the surrounding environment if a retailer (as proposed by the developer of the Bronte RSL) opens in the neighbourhood centre.
- Safety for school children
- Trucks turning and entering Chesterfield Parade and Laneway

Additionally, the traffic and parking review commissioned by Council listed many unresolved issues relating to the proposed location of the loading dock in Chesterfield Lane. Council's Divisional Manager of Transport and Development recommended that due to the many unresolved issues, the loading dock be accessed from Macpherson Street with no non-residential access allowed from Chesterfield Lane.

It could be argued that many of the traffic and parking issues could be resolved by applying conditions of consent limiting the delivery times and length, height and frequency of delivery vehicles. However, infringements to these conditions are nearly impossible to police on a day to day basis and could have unreasonable effects on the amenity of residents utilising the lane and safety of the community accessing the nearby school, childcare centre and scout hall. Therefore it is considered appropriate to physically limit the location of access to the loading dock per the proposed controls (see recommendation C(v)).

2.2.2.5 Driveways and Car parking Access

Specific driveway and car parking access controls have been added to ensure the main street is not dominated by driveways and access is limited to the far end of the shopping strip. Future residents of the development can access their parking from Chesterfield Lane.

2.2.2.6 Non-residential Parking Rates

Parking rates for employees of the RSL club and retail premises have been added to ensure that the majority of employees do not fill spaces on surrounding residential streets where parking is already at a premium.

2.2.2.7 Bicycle Parking

A requirement to provide some of the bicycle parking near the main pedestrian entries has been added.

REPORT TO COUNCIL

Analysis

- **Financial**

A budget of \$40,000 was allocated to the project. Since reporting in December 2012 an additional \$5,750 (plus GST) was spent to commission Hill PDA to review their 2006 Local Village Centres Economic Assessment.

- **Delivery Program/Operational Plan**

The preparation of site specific controls is related to the Waverley Planning Review 2010 which complies with the strategies identified in Council's Management Plan 2008 – 2012 where it is stated that Council must “ensure that policies and guidelines are in place to deliver good design outcomes”.

- **Consultation**

In summary -

- Consultation carried out to date is documented in this report and in the information report presented to Council in December 2012.
- It is considered that the community has been provided with adequate opportunity to raise issues pertaining to visioning for the centre. The issues raised and expert consultant recommendations have been utilised to inform the recommendations regarding planning controls contained within this report.
- The community will have a further opportunity to have input and raise issues when recommended revisions and refinements to the current planning controls are publicly exhibited as part of the planning proposal and DCP amendment. Notification is proposed via letter and email to those within close proximity of the study area (400m radius) and sites within local village centres with rear lanes. The exhibition period will be advertised in the Wentworth Courier, on Council's website and at Council's customer service centre.

Timeframe / Next steps

The timeframe for further work on the project is as follows:

Feb / Mar 2013	Lodge stand alone planning proposal / gateway determination with Department of Planning and Infrastructure
May 2013	Prepare technical information if requested.
May / June 2013	Public exhibition of planning proposal and DCP amendments (28 days). Further Councillor consultation.
September 2013	Consideration of planning proposal post exhibition. Report to Council. Submission to the DoPI to finalise LEP.
Late 2013	Anticipated gazettal of planning proposal.

REPORT TO COUNCIL

Conclusion

Based on the discussion above it is recommended that Council retain the existing B1 neighbourhood centre zoning and introduce a retail cap of 500sqm. The cap will provide greater control over outcomes and reduce planning and economic risk. Caps are sometimes viewed as too prescriptive, negative and anti-competitive. However, in this case it is considered appropriate due to

- widespread community concern against the possible impacts of a larger development on amenity; and
- to avoid over intensification of the neighbourhood centre which would elevate it to a 'village centre' and potentially realign the existing retail hierarchy of the area.

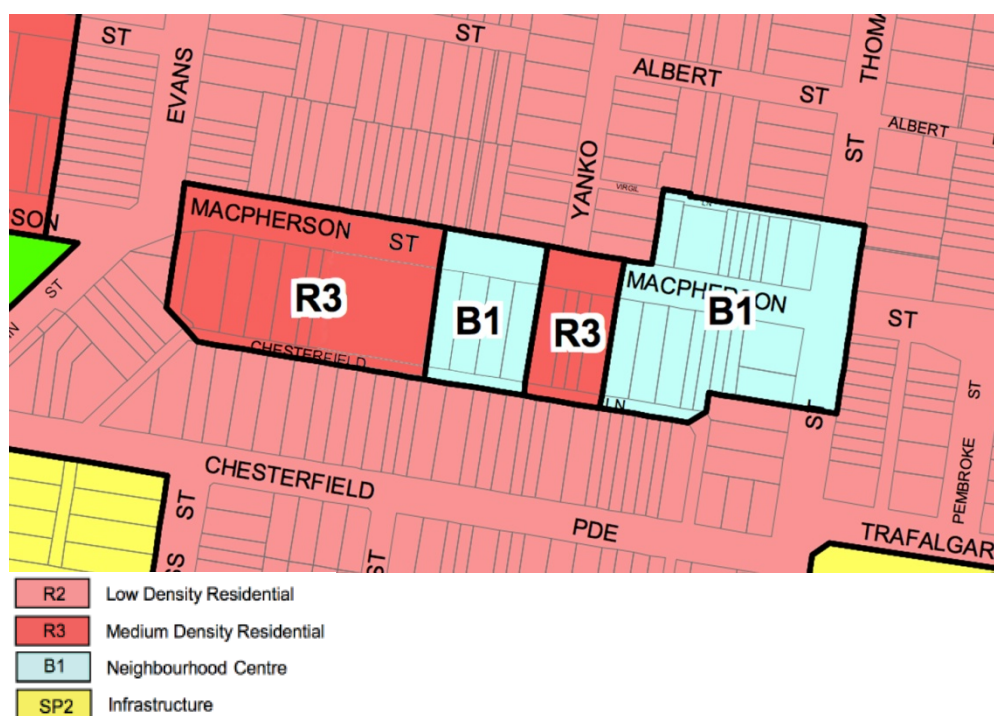
Additionally, it is recommended that specific building envelope controls and vehicular access limits be introduced to further ensure reasonable amenity is retained for surrounding existing and future residents.

To give effect to this option the following should occur:

Recommendation: That Council

A. Amend the Waverley Local Environment Plan 2012 (WLEP 2012) as follows:

- Amend the Land Zoning Map for land located at 107 Macpherson Street, Bronte (known as Oceanview apartments) from B1 Neighbourhood Centre zoning to R3 medium density residential zoning.



REPORT TO COUNCIL

ii. Add a new clause 6.7 to limit the net floor area of retail premises as follows:

6.7 Maximum area of retail premises in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre

(1) The objectives of this clause are as follows:

- to quantify the maximum floor area of small scale retail in neighbourhood centres containing large amalgamated sites,*
- ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises,*
- to protect the integrity and viability of existing centres, and*
- to respect the retail hierarchy of centres within the local government area.*

(2) This clause applies to land located in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre as shown on the Key Sites Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the Gross Lettable Area Retail of the retail premises does not exceed 500 square metres

(4) For the purposes of this clause Gross Lettable Area Retail (GLAR) is defined by the Property Council of Australia as the aggregate of floor area contained within a retail tenancy including the thickness of external walls for single tenant buildings and half internal wall thickness for multiple tenancy buildings. Included in GLAR are window mullions and frames, structural column, engaged perimeter columns or piers, fire services and additional facilities for tenants if they are within the area of lease. Excluded from GLAR are areas set aside as public spaces, thoroughfares, accessways, fire and service passages, loading docks, toilets, stairs, utilities, lift shafts, plant rooms, etc where they are not used for the exclusive use of any one tenant. GLAR excludes balconies, awnings, terraces and other outdoor areas and internal areas where the ceiling height is below 1.5m.

REPORT TO COUNCIL



iii. Include the following clause in WLEP 2012 Schedule 1 – Additional Permitted Uses:

2. Allow “Registered Clubs (Bronte Returned Services Club)” on land at 113 Macpherson Street, Bronte in addition to the uses permitted under the B1 Neighbourhood Centre Zone.

B. That subject to “A” above, a Planning Proposal be submitted to the Department of Planning and Infrastructure for a gateway determination seeking approval for the preparation of a draft Local Environmental Plan to amend WLEP 2012.

C. Amend the Waverley Development Control Plan 2012 (WDCP 2012) as follows:

- i. Add the following objective to Part E3 Local Village Centres - 3.2.3 Built Form Objectives:
 - (ii) *To maintain reasonable solar access to residential properties backing onto rear lanes across from village centres.*
- ii. Add the following control to Part E3 Local Village Centres - 3.2.3 Built Form Controls:
 - (d) *The maximum street wall height of buildings fronting rear lanes is 7.8m or two storeys, whichever is the lesser.*
 - (e) *Floors fronting lanes which are located 7.8m above the level of the lane or higher (except those on the south side of the lane) and have residential properties backing onto the rear lane opposite must be setback at an angle of 32 degrees as shown in the following diagram:*

REPORT TO COUNCIL

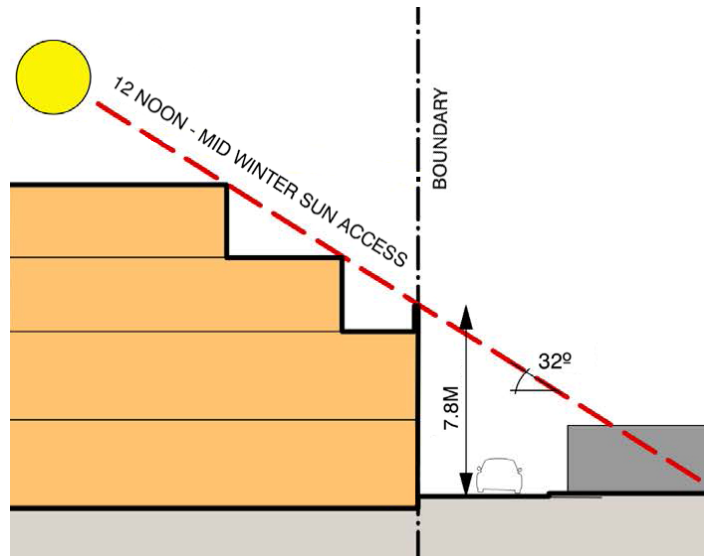
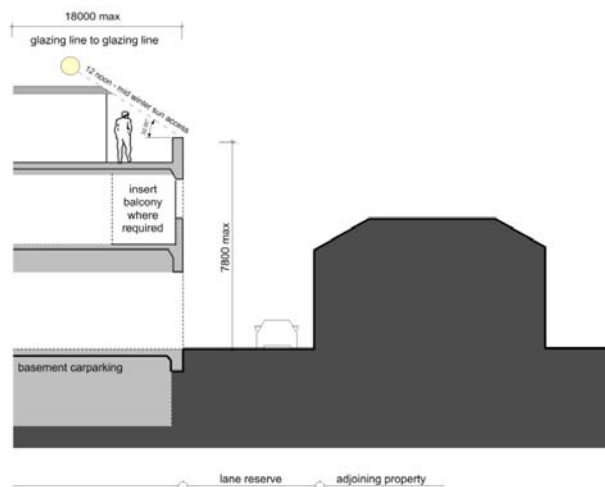


Figure X: Setbacks at rear lanes to ensure solar access to neighbours.

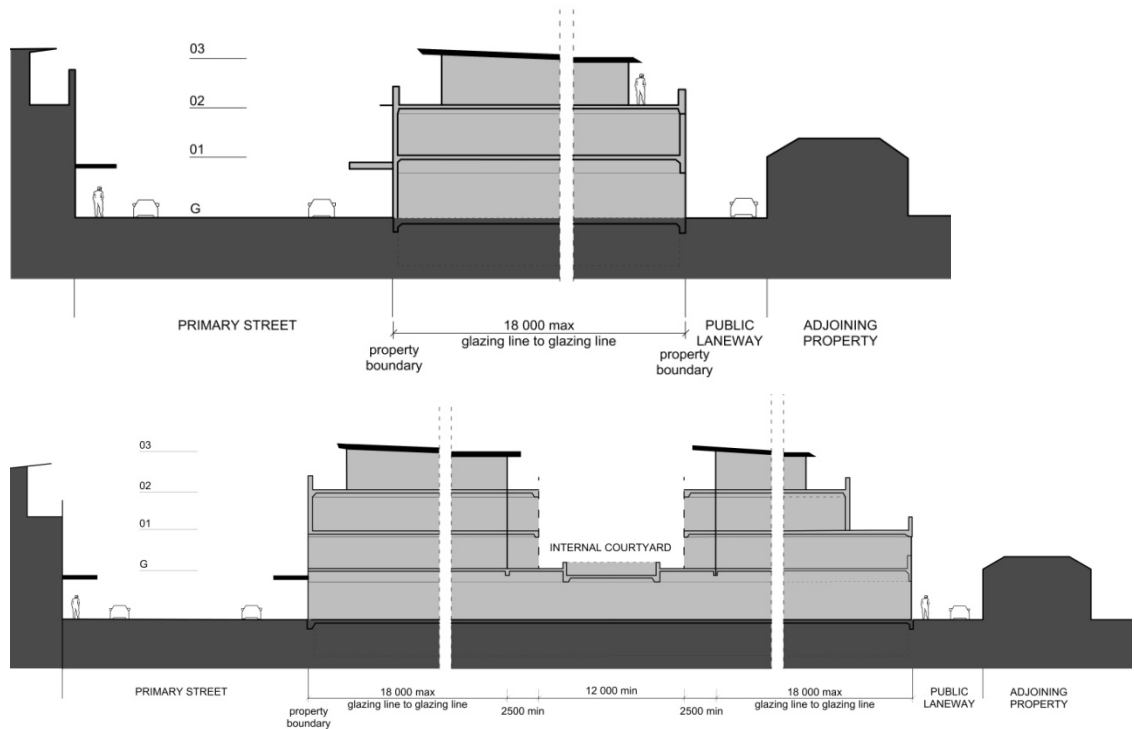
- iii. Replace the fourth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagram to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



Building depth and other controls at the rear boundary over laneway.

- iv. Replace the seventh and eighth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagrams to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:

REPORT TO COUNCIL



Typical building section - dual street frontage

- v. Add a new section under Part E with the heading 4. 113 Macpherson Street, Bronte

4 113 Macpherson Street, Bronte

Where there are discrepancies between these controls and others within this DCP the following controls take precedence.

The following objectives and provisions apply to 113 Macpherson Street, Bronte described as Lot 19, Lot 20 and Lot 21 of DP 192094 and Lot 22 of DP 72912 (also known as Bronte RSL site), as shown in Figure X Specific sites map and Figure X 113 Macpherson Street Site Plan.

REPORT TO COUNCIL

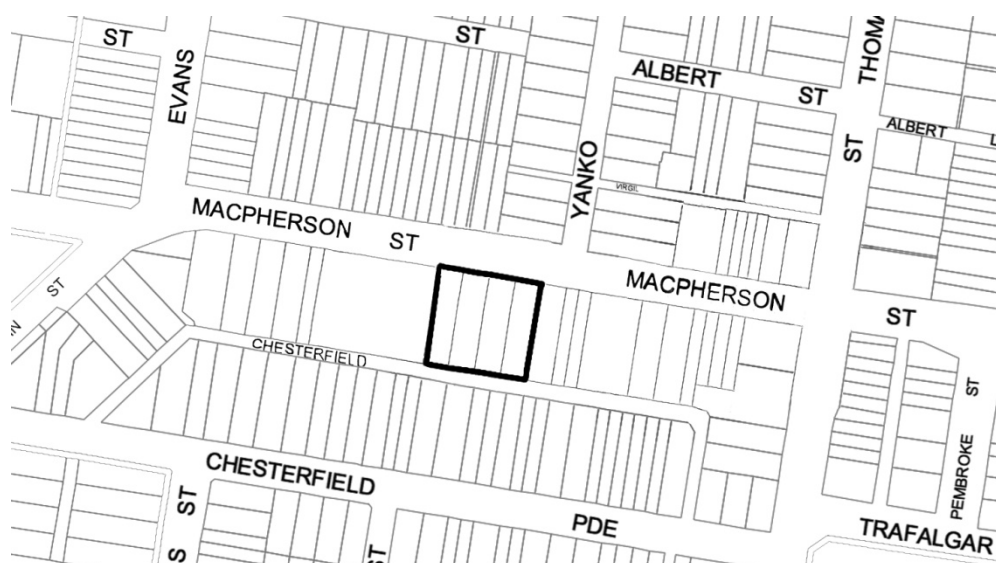


Figure X - 113 Macpherson Street Site Plan.

4.1 Public Domain

Objectives

- (a) *Ensure public domain benefits are provided to a high quality and in keeping with Council's vision for the neighbourhood centre*

Controls

- (a) *Macpherson Street and Chesterfield Lane are to be landscaped to Council's requirements.*
- (b) *Street furniture and renewal of paving is to be provided to Macpherson Street and Chesterfield Lane to Council's requirements.*

4.2 Built form

Objectives

- (a) *Facilitate the redevelopment of the site to achieve a high quality urban form.*
- (b) *To ensure that redevelopment does not result in adverse impacts on the amenity, privacy and solar access of existing and future residential premises within the precinct.*
- (c) *To facilitate built form that accounts for the change in level between Macpherson Street and Chesterfield Lane.*
- (d) *To set building heights and frontage alignments to respect the existing character and desired future character of the Bronte's Macpherson Street and St. Thomas Street Neighbourhood Centre*
- (e) *Ensure that development has high architectural quality and diversity, and strongly defined streets.*

Controls

- (a) *The development of 113 Macpherson Street is to be in accordance with the development control envelope illustrated in Figures X and X - 113 Macpherson Street, Development Control Envelope.*

REPORT TO COUNCIL



Figure X: 113 Macpherson Street, Development Control Envelope.

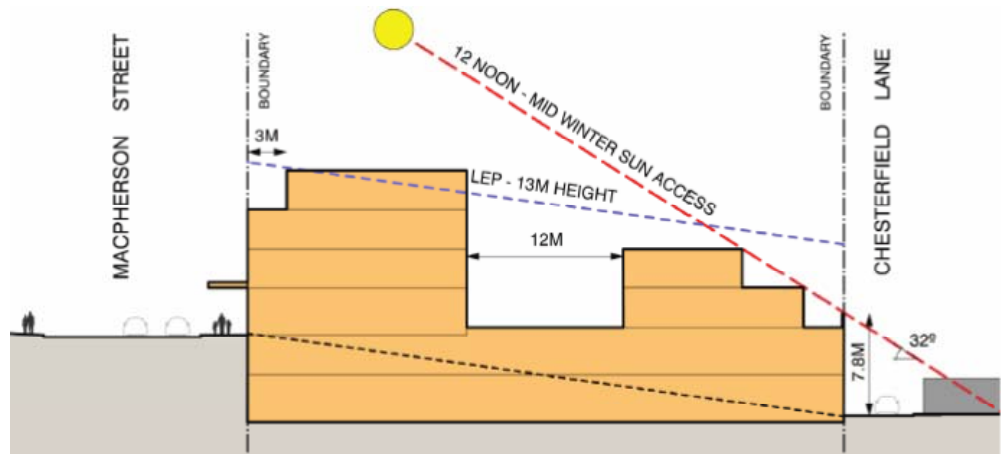


Figure X: 113 Macpherson Street, Development Control Envelope.

REPORT TO COUNCIL

- (b) *Provide awnings to the entire Macpherson Street frontage between the ground and first floor, except over the driveway. Awnings must be*
 - *minimum 3m wide;*
 - *minimum 3.1m between the underside of awning of 3.1m and the footpath level; and*
 - *include under awning lighting.*
- (c) *Buildings are to be built to the street and lane alignments.*
- (d) *No less than 90% of the building is to be aligned to the street boundary for the ground and first floor fronting Macpherson Street*
- (e) *Provide setbacks above the street-wall in accordance with Figures X and X - Development control envelope.*
- (f) *Provide side setbacks in accordance with Figure X - Development control envelope.*

4.3 Active Street Frontages

Objectives

- (a) *To promote pedestrian activity and safety in the public domain*
- (b) *To provide a high degree of surveillance over Macpherson Street and Chesterfield Lane*
- (c) *To provide transparency and visual contact between the public domain and the building interior*
- (d) *To ensure that retail premises present a “public face” to enhance the character and vitality of the neighbourhood centre*

Controls

- (a) *Active street frontages are required at footpath level along Macpherson Street.*
- (b) *Not more than 10% of the Macpherson Street frontage can be blank walls or service areas.*
- (c) *The installation of roller shutters is not permitted.*
- (d) *Uses providing passive surveillance of Chesterfield Lane must be provided for the majority of the width of the ground and first storey fronting Chesterfield Lane. Car parking must be sleeved by a commercial or residential use.*

4.4 Transport

4.4.1 Loading Facilities

Objectives

- (a) *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*

Controls

- (a) *Driveway entry and exit to commercial loading docks is restricted to Macpherson Street;*

REPORT TO COUNCIL

- (b) The driveway access to loading facilities and parking must be combined.*
- (c) Loading facilities must be located internally on the site. They must not front Macpherson Street.*

4.4.2 Driveways and Car Parking Access

Objectives

- (a) To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*
- (b) To ensure main streets are not dominated by driveways*
- (c) To encourage continuous main streets*
- (d) To ensure safety for pedestrians on heavily used footpaths*

Controls

- (a) The width of the driveway on Macpherson Street must be no greater than 6m wide.*
- (b) The driveway off Macpherson Street must be located at the western end of the front boundary as shown on the development control envelope (Figure X).*
- (c) Access to residential parking is permitted from Chesterfield Lane.*
- (d) Access to commercial, retail and RSL club parking is not permitted from Chesterfield Lane.*

4.4.3 Non – Residential Parking Rates

Objectives

- (a) To provide dedicated car parking for those working at the development*

Controls

- (a) Of the total number of non – residential parking spaces provided, 80% is to be allocated for visitors / short-stay parking, and 20% is to be allocated for employee / long-stay parking.*

Bicycle Parking

Objectives

To provide accessible secure and safe bicycle parking close to major pedestrian entries

Controls

- (a) Provide minimum 50% of the required bicycle parking for non-residential premises at an accessible on grade location near the main pedestrian Macpherson Street entries.*

- D.** That subject to a positive response from the Department of Planning and Infrastructure, the Planning Proposal and WDCP 2012 (Amendment No.1) be placed on public exhibition in accordance with the requirements of the Gateway determination.

REPORT TO COUNCIL

Peter Monks

Director, Planning and Environmental Services

Author: Valerie Giammarco, Senior Strategic Planner (Urban Design / Heritage)

ATTACHMENTS

Attachment A: Final memorandum from council's traffic consultant, GTA.

Attachment B: Waverley Local Village Centres Study Review by Hill PDA

REPORT TO COUNCIL

Attachment A: Final memorandum from Council's Traffic consultant, GTA



MEMORANDUM

TO: Valerie Giammarco – Waverley Council

CC: Peter Monks, Geoff Garnsey

FROM: Ronaldo Manahan

DATE: 15 January 2013

OUR REF: 13S1083000

PAGE 1 OF 5

RE: **BRONTE RSL TRAFFIC AND PARKING REVIEW – RESPONSE TO COUNCIL'S FINAL REPORT COMMENTS**

Dear Valerie,

This memorandum provides our response to the feedback received from Waverley Council with regard to the GTA Traffic and Parking Review – Final Report for the proposed redevelopment at 113 Macpherson Street, Bronte (RSL site).

Attachment

Council Feedback

The peer review should consider the proposal having regard to the potential traffic which will be generated by the proposed development and whether the proposed uses will create capacity / blockages above acceptable levels in Macpherson Street and for a 1km radius of the site. The review has not looked at a 1km radius of the site. I have discussed this with our internal traffic specialist. He said that it is unlikely that the round-a-bouts further to the west of the Arden/Macpherson Street intersection will be affected by the proposal. However this needs to be clarified in writing.

GTA Response

The GTA Traffic and Parking Review focused on assessing the potential traffic impacts of the proposed development on its immediate influence area, principally on Macpherson Street and Chesterfield Lane.

The GTA Review indicated that the proposed development would generate approximately 165 to 168 peak period vehicle trips. The review also revised the distribution of the generated traffic, based on the land use pattern and road network configuration in the precinct. This was assumed to be 30% to/from the east (Thomas Street), 35% to/from the west (Macpherson Street and Leichhardt Street/Bronte Road) and 35% to/from the south (Arden Street). This would imply that the peak hour traffic generated by the proposed development would be about 118 vehicles at the Arden Street/Macpherson Street intersection, assumed to be evenly split as 59 to and from the west (Macpherson Street) and another 59 to and from the south (Arden Street).





Further away from the immediate intersections adjacent to the site (Arden Street/Macpherson Street, St Thomas Street/Macpherson Street), the traffic generated by the proposed development are further reduced as traffic is distributed, and the impacts become smaller as a proportion of traffic on the network.

It is further noted that the estimated traffic generated by the proposed development also already includes "passing trade" trips, i.e. vehicles that are already travelling on the road network. This would reduce the incremental traffic attributable to the proposed development even further.

Traffic impacts – Intersection Level of Service

Council Feedback

Part 4.4 'Traffic Impacts' (p.22) states that the right turn movement from northbound Arden Street into Macpherson Street (eastbound) would experience service level F as a result of the proposed development. The intersection will move from service level C to service level F. The developer should therefore be required to upgrade the intersection at his own cost to control the traffic saturation. Please clarify that the developer should fix up the intersection to Council's satisfaction.

GTA Response

The Level of Service F (LOS F) identified as an impact of the development proposal would potentially occur on the right turn movement from Arden Street to Macpherson Street (eastbound) during the Saturday PM peak in the peak summer month (with 14% higher background traffic on Macpherson Street). This was determined as part of a sensitivity test relating to the higher background traffic on Macpherson Street during the summer months. However, this change in the level of service from LOS C to LOS F should be considered in the appropriate context. It is noted that in Table 4.12 of the GTA Review, the queue associated with this turning movement would be 6 vehicles (from 3 in the existing situation).

While this impact (change in LOS) is directly attributable to the development, the requirement for an intersection upgrade that caters to peak volumes occurring only on a limited number of times throughout the year would not be in accordance with normal road design practice.

We note that upgrading the Macpherson Street/Arden Street intersection would not be simple, and widening the road carriageway to accommodate an additional turn lane, for example, would have adverse implications for pedestrians seeking to cross Macpherson Street due to the longer distance. Thus, while there would be a negative traffic impact during the peak hours on Saturdays during the summer, we do not recommend that the intersection be upgraded just to accommodate traffic flows for this period.

Overflow Parking On-street

Council Feedback

There is no mention of the effect and street capacity for overflow parking. Where do people park when the car park is full and if they circulate to look for a parking spot how does that affect traffic. Can you please comment on this issue?

REPORT TO COUNCIL



GTA Response

The GTA Review indicated that the proposed parking provision for the development outlined in the Varga Traffic Study exceeds the maximum limits in the Waverley DCP 2012.

Notwithstanding the parking overprovision, there could be times when the car park could be expected to be full. Any such overflow parking demand would need to be accommodated on-street within the surrounding precinct.

We note that on-street parking in the area is well used. Likely consequences of overflow parking would be a need to police parking usage, reduce on-street parking availability for other users and very likely some loss of trade to businesses on the site. On the other hand, we would expect that other businesses in the area would benefit from patronage by customers that parked on the site.

All up, we believe some overprovision of parking would be appropriate in this particular circumstance to reduce impacts on on-street parking, provided the site's parking spaces also be made available to other patrons in the precinct.

Traffic Generation Using Moving Annual Turnover (MAT)

Council Feedback

Residents are questioning the Varga Report's numbers for car movements accessing the shopping centre. One email received by Council states: "Coincidentally I've just received an email from a neighbour who works with a major development group responding to my request he confirm a traffic movement figure of 120 vehicles per hour I was given by another traffic engineer (and double that rate during peaks) likely to be generated by a 1000 sq meter Harris Farm Markets supermarket/store. What he has come back with is a figure at double this earlier rate. I'm sure your traffic engineer is on top of this sort of data but thought I'd forward in any case."

"... we worked out together that an average traffic movement figure would be around 200-230 per hour. Our assumptions were based on an average store MAT of \$15million and an assumed basket size of \$20..."

"Moving Annual Turnover (MAT) is sales for a twelve-month period calculated on a monthly rolling basis. As a general rule the MAT of the shopping centre is to include trade from all tenants."

Can you please comment on the validity of this method of deducing car movements so I can include in my council report? I noted that their assertion does not account for pedestrian traffic and there is little basis for the assumed average basket size. Can you please clarify if this is a common way to calculate traffic movements and if so calculate car movements based on the proposed method and deduce alternative effects on surrounding intersections.

You provided the following in an email last year...

...but the community member's calculation for traffic generation based on annual turnover is an entirely different method from how we estimate traffic generation. Besides, the calculated traffic generation figure of 205 vehicles per hour would mean that there would be a constant stream of that amount over the 10-hour day, all year round.



GTA Response

As indicated in our earlier response, the estimation of the traffic generation of a particular development is guided by methodology developed by the Roads and Maritime Services to assess traffic generating developments¹, following standard traffic engineering practice. The methodology makes use of traffic generation rates surveyed from similar establishments and land uses, with the guide identifying potential peak period rates. For retail establishments, this is provided in terms of traffic generation per area (per 100 sqm.).

There are a number of limitations for using the MAT as a basis for estimating traffic generation. These include:

- Transport mode shares are not taken into account, i.e. the resulting estimate of 200 to 230 "trips" cited in the email correspond to "baskets", regardless of travel mode taken. Not all these "basket" purchases would correspond to a car trip generated by the retail development, as other modes could be used.
- "Linked trips", in which a single car trip could be undertaken for a number of inter-related trips, are not taken into account.
- The distribution of the average hourly traffic is not readily provided. The estimated figure would represent an average figure spread evenly throughout the 12-month period. This would not readily indicate the peak traffic generation figure being assessed.
- The traffic generation estimates are sensitive on the overall assumed MAT.
- The traffic generation estimates are also sensitive on the overall assumed average basket size.
- We suspect (but do not have evidence) that basket sizes between stores could vary significantly having regard to socio-economic and demographic factors, competition from other retail outlets and the convenience to access the development.

For these reasons, the MAT method of estimating traffic generation would likely produce a wide variety of results that are highly sensitive to input assumptions.

Our review of the Varga Traffic Study assumptions on traffic generation indicates that the rates used in their assessment corresponded to averages for shopping centres, instead of specialty stores, which would tend to be higher. However, the methodology used in the Varga Traffic Study followed standard traffic engineering practice.

We are not aware of any studies at centres of this size that have used MAT and basket size as a method of predicting peak hourly traffic generation.

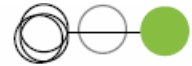
Compliance with Deliverables

Council Feedback

Provide the contents of the report per the brief. We ask for this to make it easier to insert diagrams and wording into our control documents. Note that you have already provided PDF and one electronic version. We are unable to convert the unsecured PDF to MS word.

¹ Refer to http://www.rta.nsw.gov.au/roadprojects/community_environment/documents/guide_to_generating_traffic_developments.pdf.

REPORT TO COUNCIL



GTA Response

The other deliverables have been supplied by file transfer following receipt of the feedback letter on 11 January 2013.

We hope that this document has clarified the remaining issues relating to the GTA Review and Final Report. Should there be further information required relating to our review, please contact me on 8448 1800.

Yours sincerely

GTA CONSULTANTS

Ronaldo Manahan
Associate

REPORT TO COUNCIL

Attachment B: Waverley Local Village Centres Study Review by Hill PDA

Hill PDA

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11 February, 2013

Valerie Giammarco
Senior Strategic Planner
Strategic and Landuse Planning Department
PO Box 9, Bondi Junction 1355

Via email: ValerieG@waverley.nsw.gov.au

Dear Valerie,

Re: Waverley Local Village Centres Study Review

Introduction

Hill PDA was commissioned to provide advice to Waverley Council ('Council') related to retail provision within Waverley Local Government Area (LGA) and to provide commentary on a number of specific retail issues. The purpose of this advice was to assist Council in the preparation of site specific controls for the Bronte RSL site in Macpherson and St Thomas Street Neighbourhood Centre, Bronte.

The following tasks were undertaken as part of advice:

- A high-level review of the Waverley Local Village Centres Study (the Study) which Hill PDA completed for Council in 2006. This included consideration of trends and developments since 2006 and any implications to the recommendations of the Study;
- A site visit to the Macpherson and St Thomas Street Neighbourhood Centre, Bronte, to determine prevailing occupiers, role and performance of the centre;
- Consideration of the precedent for restricting the size of retail units in any given area, the principle of such a restriction, the extent to which such a restriction is needed in relation to the Macpherson and St Thomas Street Neighbourhood Centre and how such a restriction could be worded;
- Responses to a number of other questions which Council has requested are answered.

The outcome of each of these tasks is detailed below. Note that it is not the purpose of this advice to form a conclusion on the acceptability or otherwise of the proposed Bronte RSL redevelopment or to undertake a peer review of the economic-related documentation submitted in support of it. It also does not comment on other matters including traffic. Rather, it seeks to clarify certain matters and considerations to enable Council to make a fully informed decision in preparing site specific controls for the Bronte RSL.

REPORT TO COUNCIL

Review of Waverley Local Village Centres Study (2006)

The Study was undertaken to assist Council in understanding the current and future roles and opportunities of commercial centres within Waverley LGA. Since the Study a number of changes have taken place which any update would need to consider. These include:

- The socio-demographic characteristics data is now ten years out of date. It is based on 2001 ABS Census data and 2011 ABS Census data is now available. This is important because demand for retail floorspace is dependant not only on the number of households within a given area but also on the socio-demographic characteristics of those households;
- The publication of additional guidance by the NSW Department of Planning and Infrastructure (DP&I) and State Government related to planning for centres including the following:
 - Draft East Subregional Strategy (DP&I, 2007);
 - NSW Draft Centres Policy (DP&I, 2009);
 - Metropolitan Plan for Sydney to 2036 (DP&I, 2010);
 - Draft Competition SEPP (NSW Government, 2010).
- Changes in the composition of individual centres. Approaching 8 years has elapsed since the Study was completed and therefore the floorspace survey data is considerably out-of-date. For example:
 - Westfield Bondi Junction: Change in anchor tenants and floorspace supply additions since the Study including Apple and more recently Zara;
 - Proposed redevelopment of the Bronte RSL site comprising 1,246sqm gross lettable area (GLA) retail floorspace inclusive of a 999sqm¹ mini-major, understood to be Harris Farm;
 - Proposed 1,290sqm supermarket and 189sqm liquor store at the Swiss Grand Hotel, Bondi Beach².
- The trading performance of centres will have changed. For example Westfield Bondi Junction is now the best performing large shopping centre in Australia (based on shopping centres of greater than 40,000sqm gross lettable area or GLA as recorded by Shopping Centre News) and has considerably consolidated its trading position since the Study was completed;
- Population projections and housing targets have been increased since the Study which has implications for retail demand;
- Per capita household retail expenditure, per capita real retail growth and shopper spending patterns have changed since the Study was undertaken;
- New and emerging retail trends including the emergence of new retail store types (e.g. Thomas Dux, Harris Farm) and the continued growth of internet retailing.

¹ Source: Bronte RSL Redevelopment Sydney, Economic Impact Assessment, Location IQ (2013)

² Source: DA-433/2012, Waverley Council

REPORT TO COUNCIL

It is difficult to comment on the extent to which the above changes would alter the findings and recommendations of the Study without a more detailed analysis which would include expenditure modelling based on household expenditure data and population projections, a review of the policy implications and floorspace surveys.

Retail Hierarchy

We understand that concern has been expressed by local residents in Waverley LGA regarding the reference to Bronte as a 'Village Centre' in the Study. This is contrary to the definition of the Macpherson and St Thomas Street as a 'Neighbourhood Centre' in the draft East Subregional Strategy published by the DP&I in 2007. As the draft Subregional Strategy was published subsequent to the Study no allowances for its recommendations were made within it.

In any case, the centres hierarchy defined in the draft Subregional Strategy seeks to provide a guide only. It is not meant to be prescriptive or to prevent development. Indeed the NSW Draft Centres Policy (DP&I, 2009) recommends that the retail hierarchy should be flexible to allow centres to grow in line with demand. The key consideration is the extent to which there is demand for a centre to grow and the acceptability of economic impacts which would eventuate. Subject to these issues being acceptable, the elevation of centres up the retail hierarchy would comprise a positive impact on community welfare in economic terms through increased choice, competition and jobs. It is the role and function of the centre which is the pertinent consideration in retail terms.

Macpherson and St Thomas Street Neighbourhood Centre

Hill PDA completed a site visit to Macpherson and St Thomas Street Neighbourhood Centre (the Macpherson Street Centre) on 1st February 2013. The findings of the site visit are shown in the table below.

Table 1 - Composition of Macpherson and St Thomas Street Neighbourhood Centre

Retail Store Type	Unit Count	Proportion of Units
Cafes & Restaurants	4	14.8%
Clothing	1	3.7%
Commercial - Finance	1	3.7%
Commercial - General	2	7.4%
Commercial - Medical	1	3.7%
Commercial - Real Estate	2	7.4%
Convenience Store	2	7.4%
RSL	1	3.7%
Other	2	7.4%
Personal Services	5	18.5%
Specialty Food	1	3.7%
Specialty Non Food	3	11.1%
Vacant	2	7.4%
Total	27	100.0%

Source: Hill PDA Floorspace Survey (1st February 2013)

Based on the Hill PDA survey the Macpherson Street Centre currently contains 27 shopfront units of which 2 are vacant and advertised for lease. This equates to a vacancy rate of approximately 7%.

REPORT TO COUNCIL

In retail planning terms it is desirable to maintain an adequate supply of vacant floorspace because this allows new retailers to enter the local market and promotes competition. This is particularly important if there is strong demand for representation in a centre from prospective tenants. We note that the vacant units in the Macpherson Street Centre are small and are dispersed in the centre preventing amalgamation to create a larger retail tenancy.

Based on our site visit the centre appears to have a good level of footfall and a good range of shops and services commensurate with its role as a small centre serving a localised shopping need. Shopfronts are well maintained and on-street car parking is provided. Anecdotally trading performance of the centre appears to be reasonable. This is contrary to findings of the earlier Study which found that the centre was of 'below average performance'³. This is likely attributable to the continued gentrification of the area since 2006.

Based on the role and function of the Macpherson Street Centre it accords with the definition of a 'neighbourhood centre' as defined by the draft East Subregional Strategy. The proposed Bronte RSL redevelopment would elevate the role of the centre to one more akin to a 'Village Centre' based on the draft East Subregional Strategy definition. This is by virtue of the extended trade area which the centre would serve if the proposed development were implemented.

In economic terms as noted above it is the assessment of economic impact which would determine its permissibility or otherwise, rather than whether or not it would accord with the definition of the centre in the draft Subregional Strategy. The NSW Draft Centres Policy (2009) advocates a flexible approach towards the retail centres hierarchy and Draft SEPP (Competition) supports a positive approach towards new retail proposals with the role of planning to regulate the location and scale of such proposals, not the principle.

Small Scale Retail

The Study proposed the following characteristics of a 'small village centre':

*'A small village centre has a trade area of 2,000 to 10,000 households and usually contains a small strip of between 10 and 30 shops. It may be anchored by a small supermarket (say less than 500sqm). Included in this category are Charing Cross, Glenayr Avenue, Bronte, North Bondi, clusters along Old South Head Road and Murrivier Road.'*⁴

The Macpherson Street Centre formed part of Bronte Small Village Centre within which provision for a supermarket of less than 500sqm was recommended. Note that this was a definition of the characteristics of a small village centre and, much like the discussion previously, was not meant to be prescriptive but merely meant to provide a typology to allow a consistent means of classification.

Nevertheless, we note that one of the objectives of B1 Neighbourhood Centre zoning which applies to the Macpherson Street Centre in the Waverley Local Environment Plan (LEP) 2012 is for the zoning to:

'provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.'

³ Source: Page 32, Waverley Local Village Centres Study, Hill PDA (2006)

⁴ Source: Page 27, Waverley Local Village Centres Study, Hill PDA (2006)

REPORT TO COUNCIL

Notwithstanding economic issues, therefore, Council may consider that the Bronte RSL does not comply with the small-scale aspiration for the B1 Neighbourhood Centre zoning.

In considering this matter we have been mindful of the guidance contained in the Draft SEPP (Competition) which states that:

- The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

This does not preclude a restriction on the size of retail units. Notwithstanding this, floorspace caps are deemed to be anti-competitive with the Productivity Commission noting that:

'Planning restrictions on the types of commercial developments allowed in particular locations are generally aimed at improving amenity for the community. However, they also limit the number, size, operating model and product mix of businesses and thus restrict competition'.⁵

If Council was minded to define the size of 'small scale' retail and businesses uses, we are aware of a number of instances where this has been done before. A representative sample of some of these wordings is provided in Appendix 1 of this Study.

Floorspace caps have come under some criticism. They are often viewed as being too prescriptive, negative and sometimes anti-competitive. However floorspace caps do provide greater control over outcomes and reduce planning and economic risk.

An example of planning risk was the case of a 1,400sqm ALDI store being approved as a "general store" in the industrial zone of Port Macquarie. The zoning prohibits retail use with the exception of general stores. The principle behind the controls was to permit small stores to service the immediate workforce. Following legal advice, Council resolved to approve the use rather than argue the matter in Court. Clearly if a floorspace cap had been placed on the size of the store (say 200 or 300sqm) then the ALDI store would have been prohibited.

In a case in Newtown (*Artro Management v Sydney City Council* 2009) the Court ruled against an appeal because the proposed 2,000sqm supermarket was considered to be too large to be regarded as a "small shop" as permitted under the DCP. However the DCP did not specify any cap on size making it problematic for the Court to decide whether or not a store conforms to the objectives and principles of the DCP.

⁵ Source: Page 277, Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments, Productivity Commission (2011)

REPORT TO COUNCIL

If a 500sqm store were provided on the Bronte RSL site rather than a 1,000sqm unit, it would prevent a Harris Farm from operating on the site given that it would not align with their business model. There are a number of other potential food and grocery operators who operate from stores of this size including IGA Friendly Grocer, Foodworks, Coles Express, Norton Street Grocer, Maloneys and 7-eleven. However in setting a floorspace cap there is a risk that the store would be too small to provide a sufficiently strong retailer offer for a future tenant on the site to attract a sufficient level of trade to ensure its commercial viability in this location.

It is more appropriate to have capped areas in the DCP to ensure greater flexibility. Standards in an LEP become too prescriptive and undermine the potential to accommodate a new format if that is deemed desirable. DCPs are far more flexible to accommodate changes and new format types. Whilst DCPs do not have the statutory weight of LEPs they have been given considerable recognition in the NSW Land and Environment Court. In my experience Courts have relied on them in making judgements particularly when the economic impacts are unclear or pseudo-scientific. See for example *Artro Management v Sydney City Council 2009*.

A potential wording could be as follows:

'No single shop is permitted to exceed [floorspace cap]sqm in Gross Lettable Area Retail as defined by the Property Council of Australia Method of Measurement.'

Other Retail Considerations

Council has posed a number of additional questions related to retail issues. These are considered in turn as follows:

Q. Is it appropriate to have an LEP control capping the area of retail premises?

A. Floorspace caps are often viewed negatively given their anti-competitive and prescriptive nature but would provide Council with a greater level of control. The balance is the extent to which the dangers of no cap outweigh concerns over the restrictive provision of a cap.

Q. Is 500sqm the appropriate cap?

A. We are not aware of specific precedents when a 500sqm cap has been used to limit the size of retail units. However, this is not to say that it is not an appropriate cap. The limit of any cap should be determined based on the particularities of the individual locality, issue and LEP.

Q. Does 500sqm include areas for back of house?

A. We would expect the 500sqm cap to relate to Gross Lettable Area Retail as defined in the Property Council of Australia Method of Measurement (refer to Appendix 2).

Q. Is it 500sqm per site or per shop?

A. The floorspace cap would apply per unit. Such a restriction per site would not account for the particularities of individual sites (for example site size) and the desirability to achieve active shopfront uses in a retail centre. As such, in the example of the Bronte RSL there would be nothing to stop two units of 500sqm being provided rather than one unit of 1,000sqm. Although in effect this would prevent occupancy of the development by Harris Farm be aware that,

REPORT TO COUNCIL

in terms of economic impact, the trading impact of two convenience stores of 500sqm each trading on the site would be similar or identical to that of one 1,000sqm convenience store trading from the site.

Q. How would you define small scale retail per the zone objectives? At what point does a retail premises cease being small scale and start being medium scale? Can you put a max floor area on small scale retail?

A. The extent of what constitutes 'small scale' retail will vary depending upon the occupant and retail store type of specific retailers. The most appropriate means of defining 'small scale' retail may be by considering the extent of the trade area served by the retail facility rather than the size of individual units. A restaurant, for example, may serve a comparable trade area to a take-away but by necessity the restaurant provides a comparably greater quantum of retail floorspace. Supermarkets need to be larger than other retail specialties because they capture around 30% of total household retail expenditure - far more than any other store type. A specialty food store (e.g. butcher, baker, greengrocers) or non-food store captures only a tiny proportion of total household retail spend. Commonly the largest retail attractor and the largest occupier of floorspace in small centres is a supermarket or large food and grocery retailer. As such, in defining the maximum size of a retail unit which may be considered small-scale it may be appropriate to work backwards from supermarket floorspace. Council may deem that the extent of the trade area for, say, a 1,000sqm supermarket may serve more than the surrounding neighbourhood but that a supermarket unit up to, say 500sqm is likely to serve a neighbourhood catchment only.

Q. Is an anchor tenant still required at the Macpherson Street shops since vacancies are now very low?

A. Notwithstanding vacancy levels, it is our view an anchor tenant would be a positive for the trading performance of the centre by widening its role, function and trade area and increasing the number of shoppers attracted to it. This is likely to have beneficial impacts for other retailers in the centre. In any case note that vacancy rates are only one indicator of trading performance.

Q. Does the 2006 study assume the Bronte commercial centre as 3 small commercial centres based on tram stops? If not it should because it is too far between them to fill the gaps.

A. The 2006 Study was not based on tram stops. For ease of analysis these centres were considered in broad terms as 'Bronte' in the Study. We recognise that the three individual components effectively function as independent entities and serve different catchment areas. Further we recognise that since the Study the draft East Subregional Strategy has been published which identifies each of the three areas as a neighbourhood centre.

Q. Would Harris Farm adversely or positively affect local businesses?

A. In our view the impact of a Harris Farm on the surrounding centre would likely be positive. Although it may lead to adverse impacts on a small number of stores which sell a similar range of goods, the larger trade area served by Harris Farm will attract more shoppers to the area which would create potential for spin-off trade to be captured by retailers in the vicinity.

Q. What is the appropriate floor area definition for retail premises? Two that we have researched are "net lettable area" and "net retail sales area". Neither of these are definitions under the LEP Template standard definitions.

REPORT TO COUNCIL

A. 'Net lettable area' and 'net retail sales area' are not frequently used in the context of retail floorspace in Australia, although in the UK they are commonly used to measure the extent of a retail store that is publically accessible (i.e. the area used exclusively for retail sales, rather than back of house which is included in the definition of GLA). Given the prevalence of GLA as a unit of measurement in Australia, the difficulties in measuring net lettable areas/ retail sales areas and the presence of a Gross Lettable Area Retail definition in the Property Council of Australia Method of Measurement we would recommend Gross Lettable Area Retail as an appropriate means of defining any potential unit cap.

Q. What is the catchment of the average Harris Farm?

A. The catchment or 'trade area' of any retail store or centre is dependent upon:

- The strength and attraction of the centre and/or facility as determined by factors such as the composition, layout, ambience/atmosphere and car parking in the centre/facility;
- Competitive retail centres, particularly their proximity to the subject centre/facility and respective sizes, retail offer and attraction;
- The location and accessibility of the centre/facility, including the available road and public transport network and travel times; and
- The presence or absence of physical barriers, such as rivers, railways, national parks and freeways.

ALDI stores rely on a trade area of around 20,000 people. Harris Farm is a smaller retailer than ALDI and operates on a different business model, catering for households with above average socio-demographic characteristics and household retail expenditure levels. However, it is likely that Harris Farms serves a comparable trade area of around 20,000 people subject to the trade area having the required socio-demographic characteristics and household retail expenditure levels capable of supporting its business model.

Please note that the catchment or trade area of a store capped at 500sqm in size will vary considerably between different store types. Supermarkets can be much larger than specialty stores yet have smaller trade area. This is because a large proportion of household expenditure (close to 30%) is captured by supermarkets. So a 500sqm supermarket may have a small trade area within a radius of one kilometre of say 5,000 people. On the other hand a very specialised retail use (eg Kosher Foods, German butcher, adventure clothing, etc) in a 500sqm store would have a very wide and thin trade area but stretching many kilometres

Q. What would be the effect of restricting car parking so there is no off street customer parking provided. Would it reduce the catchment and traffic generation?

A. Hill PDA is not a transport expert and therefore cannot comment on traffic generation or numbers. However, we note that the removal of car parking would not remove the necessity for the majority of residents in the main trade area to reach the store by car. Supermarkets and large food and grocery operators rely on an appropriate provision of car parking being provided to ensure that new schemes are successful. In a few cases, such as the Coles in Kings Cross or Woolworths and Coles in Wynyard Station, supermarkets are provided without associated car parking. However, these are located in highly accessible public transport locations and in high density inner city areas. In the case of the Bronte RSL the potential operator is likely to require sufficient car parking to support the economic viability of future occupation of the tenancy.

REPORT TO COUNCIL

Conclusion

In general we support a Harris Farm or similar food and grocery store of up to 1,000sqm being provided on the site for the following reasons:

- It would provide a net benefit to the local area (in economic terms and excluding any potential environmental and traffic concerns);
- Such a use would provide an important anchor for the Macpherson Street Centre which is currently lacking;
- It would improve the retail offer for local residents and provide a service for regular shopping for essential items (foods and groceries);
- It would reduce the number of necessary trips by car into Bondi Junction or other higher order centre for local residents that need to top-up their food and groceries;
- Harris Farm, Thomas Dux and similar stores are a relatively new store types that serves higher socio-economic demographic areas which is the case in Bronte;
- Impacts on existing specialties in the Macpherson Street Centre would be mixed but with some possible short-term changes but the medium term impacts will be positive due to a likely nexus and complimentary relationship with the anchor tenant; and
- The proposal is unlikely to adversely impact any other centre to any significant level, although we have not undertaken impact modelling to quantify the extent of potential impacts.

Whilst there are some food and grocery retailers that can fill smaller areas (below 500sqm) such as IGA Friendly Grocer or Coles Express, there is no certainty that any of these retailers will locate in the Macpherson Street Centre. If Council was to impose a 500sqm cap there is some risk that the centre would not get an anchor tenant.

Should you have any questions, please do not hesitate to contact us in our Sydney office on 02 9252 8777.

Yours sincerely,



Adrian Hack
Principal, Hill PDA

REPORT TO COUNCIL

DISCLAIMER

1. This report is for the confidential use only of the party to whom it is addressed ("Client") for the specific purposes to which it refers and has been based on, and takes into account, the Client's specific instructions. It is not intended to be relied on by any third party who, subject to paragraph 3, must make their own enquiries in relation to the issues with which this report deals.
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4. This report and its attached appendices are based on estimates, assumptions and information provided by the Client or sourced and referenced from external sources by Hill PDA. While we endeavour to check these estimates, assumptions and information, no warranty is given in relation to their reliability, feasibility, accuracy or reasonableness. Hill PDA presents these estimates and assumptions as a basis for the Client's interpretation and analysis. With respect to forecasts, Hill PDA does not present them as results that will actually be achieved. Hill PDA relies upon the interpretation of the Client to judge for itself the likelihood of whether these projections can be achieved or not.
5. Due care has been taken to prepare the attached financial models from available information at the time of writing, however no responsibility can be or is accepted for errors or inaccuracies that may have occurred either with the programming or the resultant financial projections and their assumptions.
6. This report does not constitute a valuation of any property or interest in property. In preparing this report Hill PDA has relied upon information concerning the subject property and/or proposed development provided by the Client and Hill PDA has not independently verified this information except where noted in this report.
7. In relation to any valuation which is undertaken for a Managed Investment Scheme (as defined by the Managed Investments Act 1998) or for any lender that is subject to the provisions of the Managed Investments Act, the following clause applies:

This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.

REPORT TO COUNCIL

Appendix 1 – Examples of Floorspace Restrictions in LEPs

Liverpool LEP (2008 as amended 2013)

7.23 Bulky good premises and retail premises in Zone B6

...(2) Development consent must not be granted to development for the purposes of retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the retail premises is more than 1,600 square metres.

7.25 Food and drink premises and shops in Zone B1

(1) Development consent must not be granted to development for the purposes of food and drink premises on land in Zone B1 Neighbourhood Centre if the gross floor area of the food and drink premises is more than 300 square metres.

(2) Development consent must not be granted to development for the purposes of a shop on land in Zone B1 Neighbourhood Centre if the gross floor area of the shop is more than 1,500 square metres.

7.29 Maximum floor area that may be used for business premises for certain land in Zone B2 at Middleton Grange

For development of a site on land shown as being within Area 4 on the Floor Space Ratio Map, no more than 25% of the gross floor area of all buildings on the site may be used for the purposes of business premises

7.30 Maximum floor area that may be used for retail premises for certain land in Zone B1 at Hoxton Park

For development of a site on land shown as being within Area 5 on the Floor Space Ratio Map, no more than 35% of the gross floor area of all buildings on the site may be used for the purposes of retail premises.

7.32 Maximum floor space that may be used for retail premises for certain land in Zone B1 at Hinchinbrook

For development of a site on land shown as being within Area 6 on the Floor Space Ratio Map, the maximum gross floor area that may be used for the purposes of retail premises on that land is 1,000 square metres.

Wollongong Local Environmental Plan 2009

Part 8 Local provisions – Wollongong city centre

8.7 Shops in Zone B4 Mixed Use

(1) The objective of this clause is to limit the size of shops in Zone B4 Mixed Use to ensure that land within Zone B3 Commercial Core remains the principal retail area.

(2) Development consent must not be granted for development for the purpose of a shop on land in Zone B4 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.

REPORT TO COUNCIL

Bankstown Local Environmental Plan 2001

Part 8 Business zones

Clause 50A Development in Zone 3(c)

- (3) The consent authority may grant consent to development for the purpose of a convenience store on land within Zone 3 (c) only if it has a gross floor area of not more than 250 square metres.

Sydney Local Environmental Plan 2012

Part 7 Local provisions – general

Division 4 Miscellaneous

7.23 Large retail development outside of Green Square Town Centre and other planned centres

- (1) This clause applies to land identified as Restricted Retail Development on the Retail Premises Map.
- (2) The objectives of this clause are:
- (a) to promote the economic strength of Green Square Town Centre and planned local centres by limiting large-scale retail development to those centres, and
- (b) to support the provision of community facilities and infrastructure in Green Square.
- (3) Development consent must not be granted to development on land to which this clause applies for the purposes of shops or markets with a gross floor area greater than 1,000 square metres.

Willoughby Local Environmental Plan 2012

Part 6 Additional local provisions

6.12 Size of shops in Zone B3 and Zone B4 in Chatswood

- (1) This clause applies to land in Zone B3 Commercial Core and Zone B4 Mixed Use on the western side of the North Shore Rail Line in Chatswood.
- (2) The maximum gross floor area of a shop on land to which this clause applies must not exceed 100 square metres.

Wyong Local Environmental Plan 1991

59 Local shopping centres—Blue Haven, Warnervale East and Wadalba

- ...(3) Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for the purpose of a local shopping centre on land on which development is restricted by subclause (1) or (2) where:

REPORT TO COUNCIL

(a) the gross floor area of any building or buildings used for the purposes of a shop does not exceed 1,000 square metres, and

(b) the gross floor area of any building or buildings used for the purposes of commercial premises does not exceed 200 square metres.

59A Highway service centres—Wamervale

...(3) The Council shall not consent to the carrying out of development for the purposes of a highway service centre where any building or buildings or part thereof used for the purposes of a shop has a gross floor area of more than 600 square metres, excluding areas used for offices, staff rooms, public toilets and store rooms.

84 Neighbourhood shops in Zone R1 or R2

(1) The objective of this clause is to set a maximum retail floor area for neighbourhood shops in Zone R1 General Residential or Zone R2 Low Density Residential.

(2) The retail floor area of a neighbourhood shop must not exceed 125 square metres.

Appendix 2 Definition of Gross Lettable Area Retail

Property Council of Australia defines GLAR as aggregate of floor area contained within a retail tenancy including the thickness of external walls for single tenant buildings and half internal wall thickness for multiple tenancy buildings.

Included in GLAR are window mullions and frames, structural column, engaged perimeter columns or piers, fire services and additional facilities for tenants if they are within the area of lease.

Excluded from GLAR are areas set aside as public spaces, thoroughfares, accessways, fire and service passages, loading docks, toilets, stairs, utilities, lift shafts, plant rooms, etc where they are not used for the exclusive use of any one tenant.

GLAR excludes balconies, awnings, terraces and other outdoor areas and internal areas where the ceiling height is below 1.5m.

REPORT TO WAVERLEY TRAFFIC COMMITTEE

Tasman Street, Bondi – Temporary Road Closure (DA 301/2012/B)

Report dated 25 January 2013 from the Divisional Manager, Technical Services about an application from the Nine Network Australia for a temporary road closure of Tasman Street, Bondi for filming of 'The Block'.

Council's Proposal: That Council approves the temporary road closure of Tasman Street, Bondi as per the transport management plan attached to this report, subject to the following conditions:

1. Closures are to take place during the following times:

▪ Saturday, 2 March 2013	7.00am	–	5.00pm
▪ Sunday, 3 March 2013	7.00am	–	5.00pm
▪ Tuesday, 19 March 2013	12.00pm	–	8.00pm
 2. Closures on Saturday, 2 March, Sunday, 3 March and Tuesday, 19 March 2013 to only allow resident vehicles to enter or leave Tasman Street at Philip Street. The applicant is to update the Traffic Management Plan in accordance with this condition to the satisfaction of Council's Divisional Manager, Technical Services.
 3. The applicant to undertake a letterbox drop of residents and businesses advising of the road closures. The letter and distribution list are to be approved by Council's Divisional Manager, Technical Services.
 4. The applicant to approach the NSW Police Service to determine the cost of providing Police with the full cost to be borne by applicant.
 5. The applicant to provide evidence of medical / First Aid personnel being provided on Saturday, 2 March and Sunday, 3 March 2013.
 6. Approval of the Section 96 application for filming within the heritage listed properties at 6 - 12 Tasman Street, Bondi.
-

Purpose of Report

Council has received an application from the Nine Network Australia requesting consideration be given to approving the temporary road closure of Tasman Street, Bondi to undertake filming of 'The Block'. Council will need to exercise its delegated functions to implement the proposal.

Introduction

The Nine Network Australia has requested approval for the temporary road closure of Tasman Street, Bondi. The proposed closures will take place during the following times:

1. Saturday, 2 March 2013 7.00am – 5.00pm
Inspection by community – 'Open House'.
2. Sunday, 3 March 2013 7.00am – 5.00pm
Inspection by community – 'Open House'.
3. Tuesday, 19 March 2013 12.00pm – 8.00pm
On site auction - registered bidders only.

REPORT TO WAVERLEY TRAFFIC COMMITTEE

Mr C Reece (Design and Audit Number 2253009747) from Solution Traffic Plans has prepared a transport management plan (TMP), which is attached to this report, on behalf of the Nine Network Australia. The TMP proposes the closure of Tasman Street at the intersections of Birrell Street and Philip Street.

Technical Analysis

The TMP attached to this report proposes that the closures be undertaken in the manner detailed in the TMP and in accordance with Table 1 below.

Table 1
Notes for TMP

1. Scope of Works
Nine Network Australia will be filming 'The Block' at 6-12 Tasman Street, Bondi.
2. Traffic Management Logistics
Works require Tasman Street to be closed between Birrell Street and Philip Street, Bondi.
3. Traffic Controllers
2 x Traffic Controllers will be on site to:
 - a) Ensure no vehicles enter the road closure
 - b) To allow local residents access on Tuesday 19 March 2013.
4. Pedestrians
Pedestrians will be advised to watch their step.
5. Schedule of Works
Saturday 2 March / Sunday 3 March 2013 7.00am – 5.00pm
Tuesday 19 March 2013 12.00pm – 8.00pm
6. Compliance
When installed as per the plan, signage will be in accordance with Australian Standard AS1742.3, 2009, and the Traffic Control at Worksites Manual Version 4 from the NSW RTA.

Rather than resident vehicles only having access to Tasman Street on Tuesday, 19 March 2013 as proposed in the TMP above, Council, in consultation with the applicant and the Police, now propose that resident vehicles will be able to enter or leave Tasman Street on Saturday, 2 March and Sunday, 3 March 2013 from 7.00am – 5.00pm and on Tuesday, 19 March 2013 from 12.00pm – 8.00pm at Philip Street. There will be no vehicular access at Birrell Street on any of the road closure days. It is noted that on Saturday, 2 March and Sunday, 3 March 2013 the applicant intends to cordon off the southern end of Tasman Street for a Street Fair. Council also considers that there be no vehicle access at Birrell Street on Tuesday, 19 March to ensure pedestrian safety in the event that the number of people attending the auction are much greater than anticipated.

The closure of Tasman Street will increase traffic volumes in the surrounding streets such as Jackaman, Philip, Tamarama and Birrell Streets. However the increase is considered acceptable. Also, Police will monitor traffic flow and implement changes if necessary.

The 'Open House' will be advertised on the Nine Network Australia, and the producer has estimated that 5,000 persons per day will attend. However, the day of the auction will not be advertised other than by real estate agents, and 200 persons (mainly registered bidders) are estimated to attend.

REPORT TO WAVERLEY TRAFFIC COMMITTEE

Contact was made with the filming section at the RMS TMC and they have advised that they have no objection to the closures.

The NSW Police Service has advised that they reviewed the proposal and the projected number of persons attending. They have determined that they require 10 Police Officers and 2 Police cars for 2 and 3 March 2013 – 4 Officers on the road closures, 4 on crowd control and 2 in cars monitoring traffic flows. Police and Council will monitor the situation on 19 March 2013. Also, the Service has requested the applicant provide medical/first aid personnel for the 2 days of the 'Open House'.

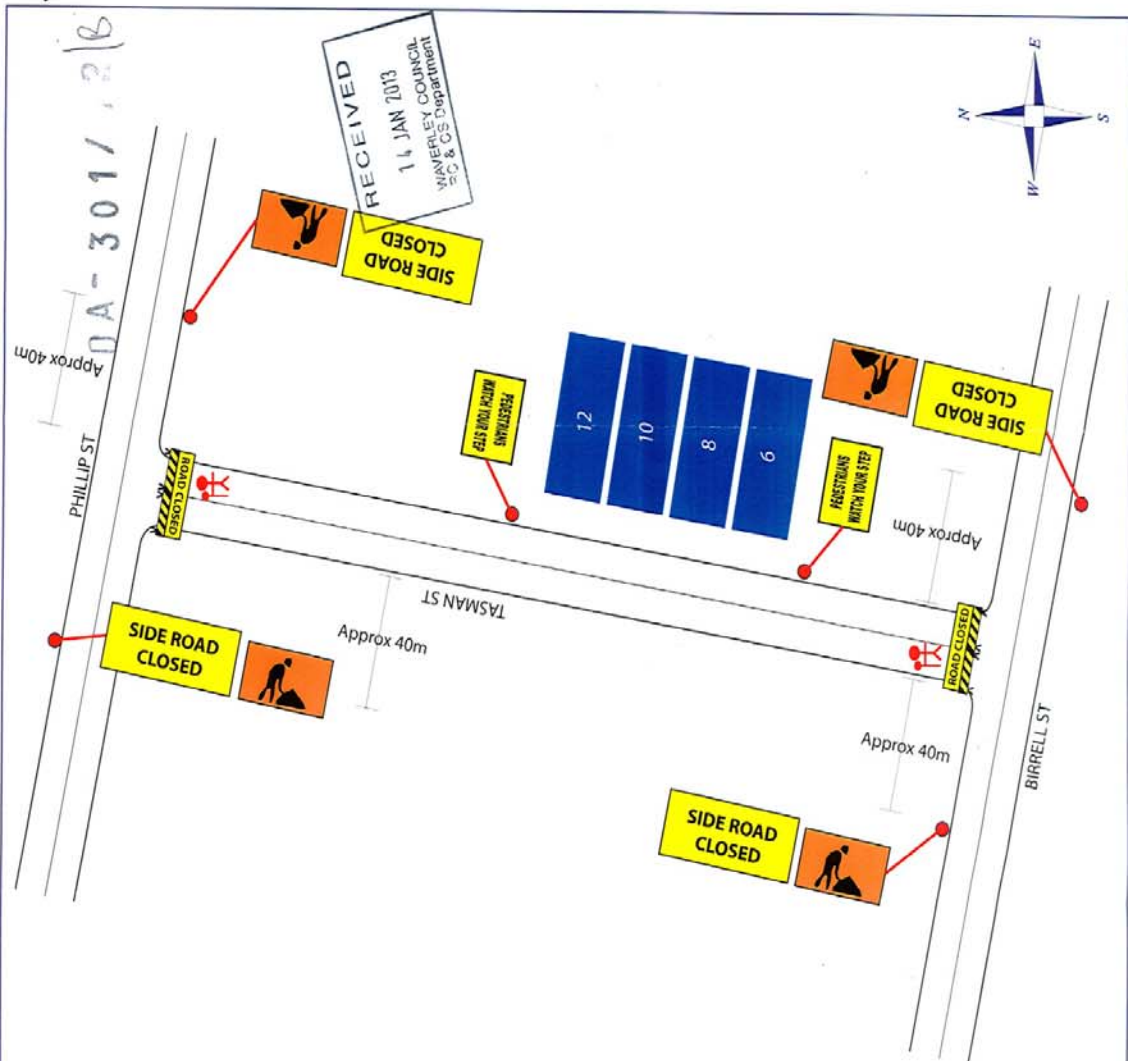
Council's Proposal: That Council approves the temporary road closure of Tasman Street, Bondi as per the transport management plan attached to this report, subject to the following conditions:

1. Closures are to take place during the following times:

▪ Saturday, 2 March 2013	7.00am	–	5.00pm
▪ Sunday, 3 March 2013	7.00am	–	5.00pm
▪ Tuesday, 19 March 2013	12.00pm	–	8.00pm
2. Closures on Saturday, 2 March, Sunday, 3 March and Tuesday, 19 March 2013 to only allow resident vehicles to enter or leave Tasman Street at Philip Street. The applicant is to update the Traffic Management Plan in accordance with this condition to the satisfaction of Council's Divisional Manager, Technical Services.
3. The applicant to undertake a letterbox drop of residents and businesses advising of the road closures. The letter and distribution list are to be approved by Council's Divisional Manager, Technical Services.
4. The applicant to approach the NSW Police Service to determine the cost of providing Police with the full cost to be borne by applicant.
5. The applicant to provide evidence of medical / First Aid personnel being provided on Saturday, 2 March and Sunday, 3 March 2013.
6. Approval of the Section 96 application for filming within the heritage listed properties at 6 - 12 Tasman Street, Bondi.

Dan Joannides
Divisional Manager, Technical Services

REPORT TO WAVERLEY TRAFFIC COMMITTEE



SOLUTION 1 TRAFFIC PLANS		Phone: 0499 282 598
Position: 6-12 Tasman St Bondi	Sydney: 68 P10	
Company: Nine Network Australia	Scale: NTS	
Municipality: Waverley	Revision: 1.0	
TMP Author: Chris Reece	Prepared: 11/1/13	
Signed:	Design & Audit #: 2253009747	Expires: 2/8/13
Filename: NNA-Tasman St (Bondi)-Closure-R1-0.pdf		

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TRAFFIC CONTROLLER

NOTES:

1. Scope of Works
Nine Network Australia will be filming 'The Block' at 6 - 12 Tasman St Bondi.
2. Traffic Management Logistics
Works require Tasman St to be closed between Birrell St and Phillip St Bondi.
3. Traffic Controllers
2 x Traffic Controllers will be onsite to:
a) Ensure no vehicles enter the road closure.
b) To allow local residents access Tues 19th March.
4. Pedestrians
Pedestrians will be advised to watch their step.
5. Schedule of Works
Sat 2nd March/Sunday 3rd March (7am-5pm) & Tues 19th March (12pm-8pm).
6. Compliance
When installed as per the plan, signage will be in accordance with Australian Standard AS1742.3, 2009, and the Traffic Control at Worksites Manual Version 4 from the NSW RTA.

REPORT TO COUNCIL

Code of Conduct and Procedures (A03/0385-02)

Report dated 23 January 2013 from the Acting Director, Corporate and Technical Services about the development of a new Code of Conduct for the Council and the procedures detailing its operation and implementation.

Recommendation: That Council:

1. Adopt the new Code of Conduct, the Code of Conduct Procedure for Councillors & General Manager and the Code of Conduct Procedure for Staff, Delegates & Volunteers to be operational from 1 March 2013.
2. Appoint the Divisional Manager, Governance and Integrated Planning as its complaints coordinator and the Divisional Manager, Human Resources & Organisational Development the alternate complaints coordinator.
3. Inform the Southern Sydney Regional Organisation of Councils (SSROC) that it wishes to continue with the utilisation of a panel of conduct reviewers as provided by the organisation.
4. Request SSROC to commence the recruitment process for a new panel of conduct reviewers so that it can be in place by 30 September 2013 as required by the Division of Local Government.

Purpose of Report

This report details the development of a new Code of Conduct by the Council and its associated procedures as required by the release of a new Model Code of Conduct by the Division of Local Government as set out in DLG Circular 12-45.

Background / Introduction

On December 19 2012 the Division of Local Government released a new Model Code of Conduct for Local Councils and Procedures for the Administration of the Model Code. The Division notes that these documents introduce a number of new features in respect of the operation of local councils' codes of conduct consisting of:

- Greater flexibility to resolve non-serious complaints, minimising costs to councils
- Improved complaints management, with complaints about councillors and the general manager managed from start to finish by qualified and independent conduct reviewers
- Greater fairness and rigour in the investigation process through clearer procedures
- Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing councils to get on with the business of serving their communities

The Division requires all councils to review their current Code of Conduct and to either adopt the Model Code or a new code which takes into account the revised provisions of the Model

REPORT TO COUNCIL

Code and Procedures. The Division's Circular (12-45) notes that all councils must undertake the following actions:

- Adopt the new Code and Procedures by 1 March 2013
- Appoint members of staff other than the General Manager to act as a Complaints Coordinator and Alternate Complaints Coordinator before 1 March 2013
- Ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.

The development of the new Model Code of Conduct has taken a significantly different path to previous reviews. Previously there have been various amendments made to the Model Code which mostly have added new provisions. This tended to make the Code quite large and containing a mixture of policy (guiding principles) and procedure.

This time the Division has decided to separate guiding principles from procedure and to set these out in two separate publications. This was done principally as it was felt that the Model Code was becoming too bulky and very difficult to understand and administer. Accordingly the Division developed a much slimmed down *Model Code of Conduct* which sets out the principles on:

- General Conduct Obligations
- Conflict of Interests
- Political Donations and Loss of Quorum
- Personal Benefit
- The Relationship between Council Officials
- Access to Information
- Use of Council Resources and
- Maintaining the Integrity of the Code

Supporting this Model Code is the *Procedures for the Administration of the Model Code*. This publication sets out the administrative framework for the Code as well as the specifics on how code of conduct complaints are to be managed. In effect the Procedure has become the operational manual for explaining how the broader principles outlined in the Model Code will be implemented.

Section 440 (3) of the Local Government Act states that:

A council must adopt a code of conduct that incorporates the provisions of a model code. The adopted code may include provisions that supplement the model code.

Waverley Council has traditionally followed this approach by having in place two Codes of Conduct consisting of:

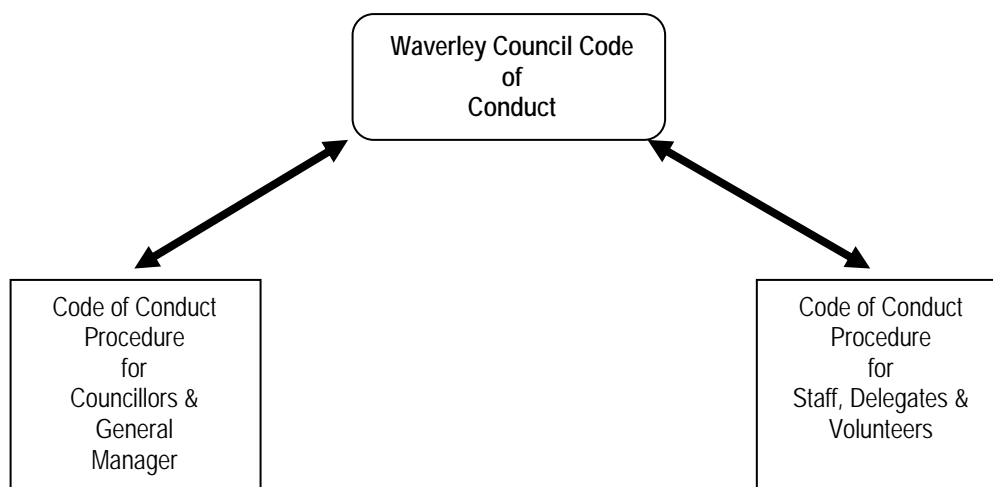
- A Code of Conduct for Councillors, and
- A Code of Conduct for Staff, Delegates and Volunteers

REPORT TO COUNCIL

Both these documents were a mixture of policy (guiding principles) and procedure. Under the provisions of the new structure this approach is no longer suitable. Accordingly, it is recommended that Council too, needs to separate out the principles from procedure. To do this it is recommended that Council put in place a new single Code of Conduct, but that it be informed by two Procedures consisting of:

- Code of Conduct Procedure for Councillors and the General Manager, and
- Code of conduct Procedure for the Staff, Delegates and Volunteers

The model below illustrates how Waverley Council's new Code of Conduct will operate.



The reason for this approach is that the process of dealing with code of conduct complaints relating to Councillors (including the Mayor) and the General Manager are required to be handled differently to those for staff members, delegates and volunteers.

The two procedures proposed for Waverley are based upon the Model Procedures developed by the Division of Local Government but also complemented with the relevant industrial instruments pertaining to the administration of staff behaviour within Waverley Council. Also, there are some additions to our existing Codes which we believe are still relevant and need to be carried over into the new Code and Procedures. These enhancements are highlighted in RED text within the attached Code and Procedures so that councillors can see what enhancements to the Model code Waverley Council is proposing.

The Model Code introduces a new procedure for the management of code of conduct complaints consisting of:

1. The requirement to appoint a complaints coordinator as well as an alternate complaints coordinator.
2. This new position of complaints coordinator will be to coordinate the management of code of conduct complaints as well as liaising with and providing administrative support to conduct reviewers and liaising with the Division of Local Government.
3. The requirement to either appoint a panel of conduct reviewers or to enter into an arrangement with one or more councils to share a panel of conduct reviewers.

REPORT TO COUNCIL

In respect of Point 3, Waverley Council already has in place an arrangement with SSROC to provide a panel of conduct reviewers which it and the other member councils can draw upon to undertake their code of conduct complaint reviews. Council wishes to see this arrangement continue.

Under the provisions of the new Model Code such arrangements are permitted. However, the new Model Code and Procedure requires that if such arrangements are to be utilised by councils they need to undergo a new publicly advertised selection process and to have their new panels in place by 30 September 2013. Accordingly Council needs to request SSROC to commence the advertising and recruitment process as soon as possible so it can have the new panel in place by 30 September 2013.

Analysis

- **Financial:** There will be some financial cost associated with the implementation of the new Code of Conduct consisting of staff time for training and the printing costs of hard copies of the new code and procedures which will need to be distributed to all staff to make them aware of the new Code. Also, once the new code and procedures are in place there will likely be additional costs associated with the implementation of the new system as there will be a greater likelihood of code of conduct complaints being referred to external reviewers. Council will need to consider the budgetary impact of accommodating this.
- **Delivery/Operational Plan:** This activity is in line with **Direction G1** of Council's Delivery Program 2010-2013, which states that *'Council's decision making processes are open, transparent and corruption resistant and based on sound integrated planning'* and Council's Operational Plan 2011-2012 Strategies **G1a** *'Develop and maintain a framework of plans and policies that ensures open and transparent Council operations'* and **G1b** *'Embed corruption prevention practices in Council operations'*.
- **Consultation:** The Division of Local Government undertook extensive consultation with councils over 2011-12. It circulated a Discussion Paper and a Position Paper seeking comment on a range of questions relating to the operation of the Model Code of Conduct as well as holding a number of public forums throughout the state and then followed this up with the release of Consultation Drafts in May 2012 with submissions on these closing on 26 June 2012. A Workshop was held with councillors in early February 2013 to familiarise them with the new provisions.

Timeframe

The Act requires that the new Code of Conduct be operational as of 1 March 2013.

Recommendations: That Council:

Adopt the new Code of Conduct, the Code of Conduct Procedure for Councillors & General Manager and the Code of Conduct Procedure for Staff, Delegates & Volunteers to be operational from 1 March 2013.

1. Appoint the Divisional Manager Governance and Integrated Planning as its complaints coordinator and the Divisional Manager Human Resources & Organisational Development the alternate complaints coordinator.

REPORT TO COUNCIL

2. Inform the Southern Sydney Regional Organisation of Councils (SSROC) that it wishes to continue with the utilisation of a panel of conduct reviewers as provided by the organisation.
3. Request SSROC to commence the recruitment process for a new panel of conduct reviewers so that it can be in place by 30 September 2013 as required by the Division of Local Government.

Paul Spyve

Acting Director, Corporate & Technical Services

Author: Paul Spyve, Divisional Manager Governance & Integrated Planning

Attachments:

Attachment 1: Code of Conduct

Attachment 2: Code of Conduct Procedure for Councillors & General Manager

Attachment 3: Code of Conduct Procedure for Staff, Delegates & Volunteers



Waverley Council Code of Conduct

LINKS TO COMMUNITY STRATEGIC PLAN & DELIVERY PROGRAM

Direction G1 – Council's decision making processes are open, transparent, corruption resistant and based on sound integrated planning

Strategy G1a – Develop and maintain a framework of plans and policies that ensures open and transparent Council operations

Strategy G1b – Embed corruption prevention practices in Council operations

AUTHOR: **Paul Spyve**

DEPARTMENT: **Governance & Integrated Planning**

DATE CREATED: **January 2013**

DATE REVISED: **February 2013**

DATE APPROVED BY EXECUTIVE TEAM:

DATE ADOPTED BY COUNCIL:

NEXT REVIEW DATE: **February 2015**

TRIM FILE REF: **A03/0385-02**

Contents

1.	Introduction & Purpose	3
2.	Definitions	5
3.	Standards of Conduct - Summary	7
4.	General Conduct Obligations	10
5.	Conflict of Interests	13
6.	Political Donations and Loss of Quorum	18
7.	Personal Benefit	20
8.	Relationship between Officials	24
9.	Access to Information	27
10.	Use of Council Resources	29
11.	Maintaining the Integrity of the Code	31
Appendix 1: Council Policies & Procedures relating to General Conduct Obligations		33

History of Revisions

Date Revised	Summary of Revisions Made	Date Adopted by Council

1. Introduction & Purpose

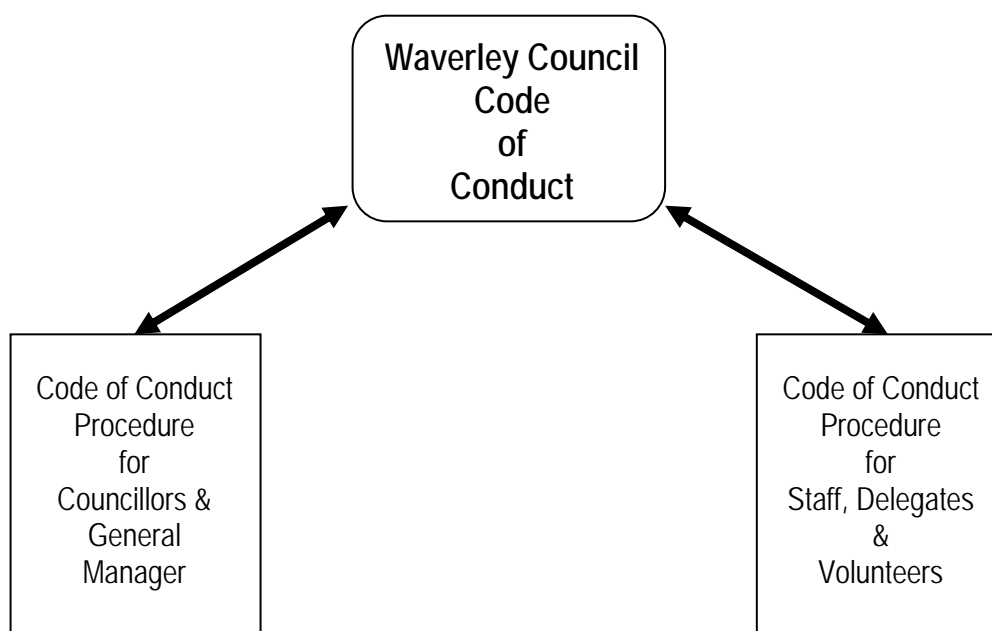
This Code of Conduct is based upon the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which was released by the Division of Local Government in December 2012 (DLG Circular 12-45 19 December 2012) and is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, this Code of Conduct comprises all parts of the Model Code.

Councillors, administrators, members of staff of Council, independent conduct reviewers, members of Council committees including the conduct review committee, delegates of the Council and volunteers must comply with the applicable provisions of Council's Code of Conduct in carrying out their functions as Council officials.

It is the personal responsibility of Council officials to comply with the standards in this Code and regularly review their personal circumstances with this in mind. Failure by a Councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act.

The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office. Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

Waverley Council has developed a *Code of Conduct Procedure for Councillors & General Manager* and a *Code of Conduct Procedure for Staff, Delegates and Volunteers* to assist with the operation of its Code of Conduct.



Purpose of the Code of Conduct

This Code of Conduct sets the minimum requirements of conduct for Council officials in carrying out their functions and it is prescribed by regulation. This Code of Conduct has been developed to assist Council officials to:

- Understand the standards of conduct that are expected of them.
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439).
- Act in a way that enhances public confidence in the integrity of local government.
- Reinforce Council officials' commitment to Waverley's Organisational Values which underpin our organisation-wide behaviours and our commitment to best practice customer service for the Waverley community.

2. Definitions

In this Code of Conduct the following definitions apply:

<i>the Act</i>	the <i>Local Government Act 1993</i>
<i>act of disorder</i>	see the definition in clause 256 of the Local Government (General) Regulation 2005
<i>administrator</i>	an administrator of a council appointed under the Act other than an administrator appointed under section 66
<i>Chief Executive</i>	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
<i>committee</i>	a Council committee
<i>conduct reviewer</i>	a person independent of Council who is solely selected from those appointed by Council to investigate and review allegations of breaches of the Code by Councillors or the General Manager in accordance with the <i>Code of Conduct Procedure for Councillors</i>
<i>conflict of interests</i>	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
<i>council committee</i>	a committee established by resolution of Council
<i>council committee member</i>	a person other than a Councillor or member of staff of a council who is a member of a council committee
<i>council official</i>	includes Councillors, members of staff of council, administrators, Council committee members, conduct reviewers, delegates of Council and volunteers
<i>councillor</i>	a person elected or appointed to civic office and includes a Mayor
<i>delegates of council</i>	a person (other than a Councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the Council is delegated. Delegates of Council include contractors and consultants engaged by Council from time to time
<i>designated person</i>	see the definition in section 441 of the Act
<i>election campaign</i>	includes Council, State and Federal election campaigns
<i>personal information</i>	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

record Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. (*AS ISO 15489 Part 1*, Clause 3.15). A Record is any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process (eg. e-mail), or in any other manner or by any other means. (*State Records Act 1998 [NSW]*)

the Regulation the Local Government (General) Regulation 2005

volunteer a person who carries out work for Council but does not receive remuneration or token remuneration from Council, including members of the public appointed by Council to a Council committee or other group, but not including Precinct Committee members

The term “**you**” used in this Code of Conduct refers to Council officials.

The phrase “**this code**” used in this Code of Conduct refers also to the Procedures for the administration of this Code of Conduct prescribed under the Local Government (General) Regulation 2005.

3. Standards of Conduct - Summary

Council officials* play a vital role in serving local communities. To do this effectively you will want to uphold the highest standards of behaviour to ensure the public has trust and confidence in local government.

What are the expected standards of behaviour?

3.1 The following standards of behaviour are expected of Council officials. You must:

- Not conduct yourself in a manner that is likely to bring the Council into disrepute
- Act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions
- Treat others with respect at all times
- Consider issues consistently, promptly and fairly
- Not harass, discriminate against, or support others who do so
- Ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly
- Not participate in *binding* caucus votes except for nominations
- Disclose and appropriately manage any conflict of interests, including from reportable political donations
- Not accept money or gifts of value and avoid situations that give rise to the appearance of securing favourable treatment
- In the case of Councillors, not direct Council staff or influence staff in the exercise of their role
- In the case of staff, ensure efficient and effective operation of the Council's organisation and implementation of the decisions of the Council without delay
- Use and secure information appropriately and do not disclose confidential information
- Use Council resources ethically, effectively, efficiently and carefully in the course of official duties
- Not make complaints improperly, take detrimental action in response to complaints about standards of behaviour or disclose information about code of conduct matters.

- 3.2 These standards are described in detail in the *Waverley Council Code of Conduct* which are based upon the *Model Code of Conduct for Local Councils in NSW*. This Code is a legal document that all officials are obliged to understand and follow as the Model Code forms the basis of each council's own code of conduct.

What happens if the standards are not met?

- 3.3 Where Council officials fail to follow this Code, this will be dealt with in accordance with the procedure for administration of the Model Code which forms the basis of Waverley Council's

- *Code of Conduct Procedure for Councillors and*
- *Code of Conduct Procedure for Staff, Delegates and Volunteers*

- 3.4 Complaints about a breach of these standards by anyone other than the General Manager are to be made at first instance to the General Manager. Complaints about the General Manager are to be made to the Mayor. Where the complaint is serious and cannot be resolved informally, a complaint may be formally investigated by an independent conduct reviewer.

- 3.5 Breaches of these standards by delegates or Council committee members may result in the following action:

- Censure
- Requirement of apology
- Prosecution
- Removal or restriction of delegation.

- 3.6 Breaches by Council staff may result in disciplinary action, termination or, in the case of non-senior staff, such other penalty permitted under the relevant industrial award.

- 3.7 Breaches by the General Manager may result in the following action:

- Requirement for training
- Counselling
- Requirement for apology
- Findings of inappropriate conduct made public
- Action under the General Manager's contract.

- 3.8 Breaches by Councillors may result in the following action:

- Requirement for training
- Counselling
- Requirement for apology

- Findings of inappropriate conduct made public
- Censure
- Referral to the Division of Local Government for disciplinary action including but not limited to suspension for up to 3 months
- Referral by the Division to the Pecuniary Interest and Disciplinary Tribunal for suspension of up to 6 months or disqualification from holding civic office.

* **Council officials** include Councillors, members of staff of Council, administrators, members of Council committees, conduct reviewers, delegates of Council and volunteers.

4. General Conduct Obligations

General Conduct

- 4.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- Contravenes the Act, associated regulations, Council's relevant administrative requirements and policies (See **Appendix 1** for list of relevant policies and administrative procedures which apply)
 - Is detrimental to the pursuit of the charter of a council
 - Is improper or unethical
 - Is an abuse of power or otherwise amounts to misconduct
 - Causes, comprises or involves intimidation, harassment or verbal abuse
 - Causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - Causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 4.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 4.3 You must treat others with respect at all times.

Fairness and equity

- 4.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 4.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 4.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 4.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 4.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 4.9 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.
- 4.10 For the purposes of clause 4.9, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.
- 4.11 Clause 4.9 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or committee meeting or from voluntarily holding a shared view with other Councillors on the merits of a matter.
- 4.12 Clause 4.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a Council committee.

Waverley Council Values

- 4.13 Waverley Council has in place the following values which underpin our organisational behaviours and complement the general conduct obligations as set out above. These organisational values are:

Good Leadership

Good leadership is having the courage to make difficult decisions when they are for the benefit of the whole community and having the skills to engage our teams in providing quality service.

Great customer service

Great Customer Service is the willingness and ability to give priority to customers, delivering high quality services which meet their needs.

Respect for all

Respect for all is treating each other and all member of the community in a friendly, fair and equitable way.

Working ethically

Ethical behaviour is acting in ways that are consistent with the expectations of the organisation to be corruption free and transparent.

Working together

Working together is when everyone works in partnership with other staff and with the community to achieve common or shared goals.

Getting the job done safely and on time

'Getting the job done' means providing a service efficiently, effectively and in the safest possible manner within agreed timeframes and with due regard for the environment

Media Comment

- 4.14 Council has in place a Media Policy which sets out designated media spokespersons who have been given authority to speak on behalf of the organisation. Comment should not be made to the media which gives the impression that you are speaking on behalf of Council, unless you have been designated to do so.
- 4.15 All media enquiries must be referred to Council's Communications Unit which will coordinate an official response.

5. Conflict of Interests

- 5.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 5.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 5.3 Any conflict of interests must be managed to uphold the probity of Council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 5.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 5.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(section 442)*
- 5.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. *(section 443 LG Act)*
- 5.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - (a) Councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
 - (b) Councillors and members of Council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
 - (c) Designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*
- 5.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the General Manager and other senior staff of the Council.
- 5.9 Where you are a member of staff of Council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the General Manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

5.10 Non-pecuniary interests are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

5.11 The political views of a Councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

5.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

5.13 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 5.12.

5.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

5.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- (c) An affiliation between the Council official and an organisation, sporting body, club, corporation or association that is particularly strong.

5.16 If you are a Council official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- (a) Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official
- (b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

5.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

- 5.18 If you are a member of staff of Council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 5.19 Despite clause 5.16(b), a Councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate Council's decision-making role to Council staff through the General Manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 5.16(b) above.

Other business or employment

- 5.20 If you are a member of staff of Council considering outside employment or contract work that relates to the business of the Council or that might conflict with your Council duties, you must notify and seek the approval of the General Manager in writing. *(Section 353)*
- 5.21 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- Conflict with your official duties
 - Involve using confidential information or Council resources obtained through your work with the Council
 - Require you to work while on Council duty
 - Discredit or disadvantage the Council.

Personal dealings with Council

- 5.22 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

Club/organisation membership

- 5.23 If you are a member of a club or other organisation, for example, a sporting, religious or community group, you should consider whether your membership creates a conflict of interests in Council matters that may affect the club or organisation. The more you are involved with the club or organisation, the greater the risk of a real or perceived conflict of interests.

Sponsorships

- 5.24 Sponsorships should not limit Council's ability to carry out its range of functions fully and impartially or influence a Council decision. You must never ask for or receive any personal benefits from a sponsorship arrangement.

Lobbying

5.25 As a general rule, any individual should be able to lobby Council or a councillor. It is part of the democratic system. A wide range of people, including individuals, organisations, companies and developers, may lobby you. You may need to consider evidence and arguments put by a wide range of organisations and individuals in order to perform your duties effectively. However, you should not give any undertakings in response to lobbying because you must follow the normal Council evaluation process. You need to be especially careful when you are dealing with statutory powers such as planning. As soon as a tender has been announced, and through the whole of the tender process, any lobbying is improper and should disqualify the tenderer.

5.26 Councillors should not respond to verbal requests for concessions and require written application to be made to the General Manager so that Council staff can evaluate the situation. There should then be a report to Council of all the consequences of granting the request.

5.27 The following additional information is taken from ICAC, *Lobbying local government councillors*, August 2006:

“Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways Councillors can help ensure transparency whilst being lobbied. These include:

- Documenting meetings with proponents
- Generally conducting meetings in official locations such as Council premises
- Having other people present during meetings
- Inviting applicants who have approached them for a meeting to discuss a significant development to write to Council seeking a meeting with all councillors and relevant staff
- Providing copies of information presented during lobbying meetings to Council officers for consideration and assessment (if required), distribution to other Councillors and filing as part of Council’s records
- Asking people who have requested a meeting to put their arguments in writing
- Making a declaration at a Council meeting about lobbying activities they have been engaged in that are not part of Council’s formal processes.”

5.28 Councillors can consider these options in situations where it would be beneficial to have some form of record about what transpired between themselves and a proponent. Examples include matters where complaints of preferential treatment have already been made, or in matters involving individuals who have been the subject of complaints of preferential treatment in the past. Councillors are encouraged to read the ICAC publication in full, including discussion of development matters and tendering.

Former Council officials

5.29 You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to privileged information. Former Council officials must not use or take advantage of confidential information obtained in the course of their official duties that may lead to gain or profit. At the end of your involvement with Council, you must:

- Return all Council property, documents or items (keys, mobile phones etc)
- Not make public or otherwise use any confidential information gained as a consequence of your involvement with Council.

6. Political Donations & Loss of Quorum

- 6.1 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 6.2 Where a Councillor has received or knowingly benefitted from a reportable political donation:
- (a) Made by a major political donor in the previous four years, and
 - (b) Where the major political donor has a matter before Council, then the Councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 5.16(b).
- 6.3 For the purposes of this Part:
- A “reportable political donation” is a “reportable political donation” for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - a “major political donor” is a “major political donor” for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 6.4 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 6.5 If a Councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 5.21, that Councillor is not prevented from participating in a decision to delegate Council’s decision-making role to Council staff through the General Manager or appointing another person or body to make the decision in accordance with the law (see clause 5.19 above).

Loss of quorum as a result of compliance with this Part

- 6.6 Where a majority of Councillors are precluded under this Part from consideration of a matter the Council or committee must resolve to delegate consideration of the matter in question to another person.
- 6.7 Where a majority of Councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the Councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 6.8 The Chief Executive will only exempt a Councillor from complying with a requirement under this Part where:
- (a) Compliance by Councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and

- (b) The matter relates to the exercise of a function of the Council that may not be delegated under section 377 of the Act.
- 6.9 Where the Chief Executive exempts a Councillor from complying with a requirement under this Part, the Councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 6.10 A Councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- (a) The matter is a proposal relating to
 - i. the making of a principal environmental planning instrument applying to the whole or a significant part of the Council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the Council's area, and
 - (c) The Councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

7. Personal Benefit

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 7.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the Council.
- 7.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 7.3 Generally speaking, token gifts and benefits include:
- (a) Free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of official business
 - ii. Council work related events such as training, education sessions, workshops
 - iii. conferences
 - iv. Council functions or events
 - v. social functions organised by groups, such as Council committees and community organisations
 - (b) Invitations to and attendance at local social, cultural or sporting events
 - (c) Gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - (d) Ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - (e) Prizes of token value.

Gifts and benefits of value

- 7.4 Notwithstanding clause 7.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

7.5 You must not:

- (a) Seek or accept a bribe or other improper inducement
- (b) Seek gifts or benefits of any kind
- (c) Accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- (d) Accept any gift or benefit of more than token value
- (e) Accept an offer of cash or a cash-like gift, regardless of the amount.

7.6 For the purposes of clause 7.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

7.7 Where a gift or benefit falls outside what is acceptable under this part, the gift or benefit should be declined immediately or returned as soon as possible. However, this may not always be practicable and you may accept the gift or benefit in those situations, such as:

- Where refusal or return could cause insult for cultural or protocol reasons;
- Where given at a public function and refusal would significantly embarrass the giver or Council;
- where left for a Council official anonymously or without a return address.

(Adapted from ICAC, 'Managing Gifts and Benefits in the Public Sector' Toolkit', June 2006, p 22)

7.8 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in Council's Gift Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

7.9 Waverley Council's requirements in respect of the management of gifts and benefits depends upon the gift or benefit received:

- If a gift is a lottery, raffle or other ticket that may result in a cash prize or a prize over \$50 in value, you can accept it if it is registered within council's Gift Register and you donate it to Council's Charitable Trust.
- If you have won a cash prize or a prize worth over \$50 in value in a raffle or contest as part of your Council duties (such as while attending a conference), you can accept it if it is registered and
 - (If cash prize) if you donate it to Councils' Charitable Trust, or

- (If non-cash) if you deliver it to the Director, Corporate and Technical Services, who may decide to donate it to Council's Charitable Trust or deploy it to assist some or all of Council's staff to carry out their duties.
- If the same person or organisation gives you more than one small gift or benefit, you must register the gifts or benefits once the cumulative value reaches or exceeds \$25 within a 12 month period.
- If a gift or benefit is valued between \$25 and \$50, you can accept it if it is registered within Council's Gift Register.
- If a gift or benefit is valued between \$50 and \$200, you can accept it if it is registered in Council's Gift Register and you donate it to Council's Charitable Trust.
- If a gift or benefit is nonreturnable, you can accept it if it is registered in Council's Gift Register and you donate it to Council's Charitable Trust.
- If a gift or benefit is valued at over \$200, you cannot accept it, or once the cumulative total value of gifts or benefits reaches \$200 within a 12 month period, you cannot accept further gifts or benefits.

A summary of the requirements in respect of Waverley Council's management of gifts and benefits are set out in the table below:

The Gift or Benefit	Accept?	Register?	Donate to Council's Charitable Trust?
Under \$25	Yes	Not required	Not required
Value \$25 - \$50	Yes	Yes	Not required
Value \$50 - \$200	Yes	Yes	Yes
Ticket with Prize >\$50	Yes	Yes	Yes
Prize >\$50	Yes	Yes	Yes
Non-returnable	Yes	Yes	Yes
Value >\$200	No		
Cash or 'Cash Like' Gifts			
Disapproved by General Manager			

Waverley Council's Gift Register

7.10 Waverley Council has in place a series of gift registers which are held by each department. Each Council Department and the General Manager's Unit maintain these separate gift register. The General Manager is responsible for the maintenance of the Councillors' gift register.

7.11 You must register any gift or benefit that needs to be recorded in the relevant departmental gift register within five (5) days of receiving it.

7.12 If you are donating a received gift to Council's Charitable Trust, you must contact the Director, Corporate and Technical Services, who is responsible for managing and storing donations to Council's Charitable Trust.

7.13 You should inform the giver of the gift or benefit about what will be done with the gift or benefit.

7.14 Council's Annual Report will contain a summary of gifts or benefits received.

Improper and undue influence

7.15 You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the appropriate exercise of their representative functions.

7.16 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.

7.17 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from Council.

7.18 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, partners, children and siblings.

7.19 Council will also view gifts or benefits to an associated person in the same way even if that person is outside your immediate family.

8. Relationship between Council Officials

Obligations of Councillors and administrators

- 8.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 8.2 Councillors or administrators must not:
- (a) Direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - (b) In any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (Schedule 6A of the Act)
 - (c) Contact a member of the staff of the Council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
 - (d) Contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to Council's external auditors or the Chair of Council's Audit Committee who may be provided with any information by individual Councillors reasonably necessary for the external auditor or Audit Committee to effectively perform their functions.

Obligations of staff

- 8.3 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.
- 8.4 Members of staff of Council must:
- (a) Give their attention to the business of Council while on duty
 - (b) Ensure that their work is carried out efficiently, economically and effectively
 - (c) Carry out lawful directions given by any person having authority to give such directions
 - (d) Give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them

- (e) Ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties. If you participate in political activities you must ensure that you do not have a conflict with your primary duty to serve the Council of the day in a politically neutral manner. This is important because Council needs to maintain public confidence in Council staff, especially their impartial approach in taking action and providing advice.

Obligations during meetings

- 8.5 You must act in accordance with Waverley Council's Code of Meeting Practice and the Local Government (General) Regulation 2005 during Council and committee meetings.
- 8.6 You must show respect to the chair, other Council officials and any members of the public present during Council and committee meetings or other formal proceedings of the Council.

Appropriate Interactions

- 8.7 Council expects all staff to be courteous to Councillors at all times.
- 8.8 Councillors and staff may often mix in the same social circles, or have associations through sporting, business or family interests. General social interaction and conversation in these situations is perfectly acceptable. However, Councillors are restricted in who they can contact about Council business.
- 8.9 The General Manager determines the staff members whom Councillors can contact. Council's Governance & Integrated Planning Division maintains the 'Authorised Officers whom Councillors may contact' list and regularly updates this list for distribution to Councillors.

Inappropriate interactions

- 8.10 You must not engage in any of the following inappropriate interactions:
 - (a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - (b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - (c) Council staff refusing to give information that is available to other Councillors to a particular Councillor.
 - (d) Councillors and administrators who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.
 - (e) Councillors and administrators being overbearing or threatening to Council staff.
 - (f) Councillors and administrators making personal attacks on Council staff in a public forum.

- (g) Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- (h) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- (i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- (j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

9. Access to Information

Councillor and administrator access to information

- 9.1 The General Manager and Public Officer are responsible for ensuring that members of the public, Councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 9.2 The General Manager must provide Councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 9.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.
- 9.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 9.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 9.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with Council's charter.

Refusal of access to documents

- 9.7 Where the General Manager and Public Officer determine to refuse access to a document sought by a Councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor or administrator to perform their civic duty (see clause 9.2). The General Manager or Public Officer must state the reasons for the decision if access is refused.

Use of certain Council information

- 9.8 In regard to information obtained in your capacity as a Council official, you must:
 - (a) Only access Council information needed for Council business
 - (b) Not use that Council information for private purposes
 - (c) Not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council
 - (d) Only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Maintenance of Council Records

9.9 Council officials have an obligation when making a record to take steps to make sure it becomes part of Council's official records system and is able to be tracked, including:

- routinely capturing business records onto an official registered file,
- saving a copy of all outgoing correspondence on the appropriate file in the Council's electronic records management system (TRIM) or within Pathway for Pathway users,
- saving e-mails, file notes in TRIM,
- updating file locations in TRIM when passing files to other officers,
- practising careful handling and safe custody of records, documents and files,
- quoting an appropriate file number on all outgoing correspondence

Use and security of confidential information

9.10 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

9.11 In addition to your general obligations relating to the use of Council information, you must:

- (a) Protect confidential information
- (b) Only release confidential information if you have authority to do so
- (c) Only use confidential information for the purpose it is intended to be used
- (d) Not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- (e) Not use confidential information with the intention to cause harm or detriment to your Council or any other person or body
- (f) Not disclose any information discussed during a confidential session of a Council meeting.

Personal information

9.12 When dealing with personal information you must comply with:

- (a) *The Privacy and Personal Information Protection Act 1998*
- (b) *The Health Records and Information Privacy Act 2002*
- (c) The Information Protection Principles and Health Privacy Principles
- (d) **Waverley Council's Privacy Management Plan**
- (e) The Privacy Code of Practice for Local Government

10. Use of Council Resources

- 10.1 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 10.2 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- (a) The representation of members with respect to disciplinary matters
 - (b) The representation of employees with respect to grievances and disputes
 - (c) Functions associated with the role of the local consultative committee.
- 10.3 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 10.4 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 10.5 You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 10.6 You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:
- (a) The purpose of assisting your election campaign or the election campaign of others, or
 - (b) For other non-official purposes.
- 10.7 You must not convert any property of the Council to your own use unless properly authorised.
- 10.8 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 10.9 Councillors and administrators are entitled to have access to the Council chamber, committee rooms, Mayor's office (subject to availability), Councillors' room, and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager. **The required General Manager authority is**

provided at Waverley through the provision of electronic access cards to the Councillors.

- 10.10 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.
- 10.11 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

11. Maintaining the Integrity of the Code

- 11.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 11.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 11.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- (a) To intimidate or harass another Council official
 - (b) To damage another council official's reputation
 - (c) To obtain a political advantage
 - (d) To influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - (e) To influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - (f) To avoid disciplinary action under this code
 - (g) To take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
 - (h) To take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
 - (i) To prevent or disrupt the effective administration of this code.

Detrimental action

- 11.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 11.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 11.6 For the purposes of clauses 11.4 and 11.5 detrimental action is an action causing, comprising or involving any of the following:
- (a) Injury, damage or loss
 - (b) Intimidation or harassment

- (c) Discrimination, disadvantage or adverse treatment in relation to employment
 - (d) Dismissal from, or prejudice in, employment
 - (e) Disciplinary proceedings
- 11.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 11.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 11.9 You must comply with a practice ruling made by the Division of Local Government.
- 11.10 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 11.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 11.12 You must not make allegations of suspected breaches of this code at Council meetings or in other public forums.
- 11.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 11.14 Complaints alleging a breach of this Part (Part 11) by a Councillor, the General Manager or an administrator are to be made to the Division of Local Government.
- 11.15 Complaints alleging a breach of this Part by other Council officials are to be made to the General Manager.

Appendix 1: Council Policies and Procedures relating to General Conduct Obligations

The following listing is indicative only, as from time to time Council will develop policies, procedures and guidelines which relate to general conduct obligations of Councillors and staff. When new policies, procedures and guidelines are developed Councillors and staff are made aware of these and given information on how to view or obtain copies of these from Council's website or intranet.

Council Policies and Procedures

- Code of Meeting Practice
- Complaints Management Policy
- Media Policy
- Complaints Management Procedure
- Customer Service Charter
- Document Access Policy
- Internal Reporting and Investigation Process Policy
- Privacy Management Plan
- Records Management Policy
- Statement of Business Ethics
- Delegations Policy
- Councillor Expenses and Facilities Policy
- Good Governance Strategy
- Mayor, Councillor, General Manager Protocol
- Instrument of Authority – the Mayor
- Instrument of Delegation – the General Manager

Workplace Behaviour Policies and Procedures

- Sick Leave and Carers Guidelines
- Annual Leave and Long Service Leave Guidelines
- Probation Guidelines
- Flexible Work Guidelines
- Drug and Alcohol Guidelines
- Harassment and Bullying Prevention Policy
- Computer Usage Guidelines
- Workplace Surveillance
- Loss of Drivers License Guidelines
- WHS Policy (Form No. OHS 2)
- Injury Management Policy (Form No. OHS 3)

Code of Conduct Procedure for Councillors & General Manager

LINKS TO COMMUNITY STRATEGIC PLAN & DELIVERY PROGRAM

Direction G1 – Council's decision making processes are open, transparent, corruption resistant and based on sound integrated planning

Strategy G1a – Develop and maintain a framework of plans and policies that ensures open and transparent Council operations

Strategy G1b – Embed corruption prevention practices in Council operations

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Contents

1.	Introduction	3
2.	Definitions	4
3.	Administrative Framework	6
4.	How may Code of Conduct Complaints be made?	8
5.	How are Code of Conduct complaints to be managed?	10
6.	Preliminary Assessment	15
7.	Operations of Conduct Review Committees	19
8.	Investigations	21
9.	Rights of Review	29
10.	Procedural Irregularities	31
11.	Practice Directions	32
12.	Reporting on Complaints Statistics	33
13.	Confidentiality	34
	Appendix 1 Time line for processing complaints	35
	Appendix 2 Model Code Procedure Flowchart	36

History of Revisions

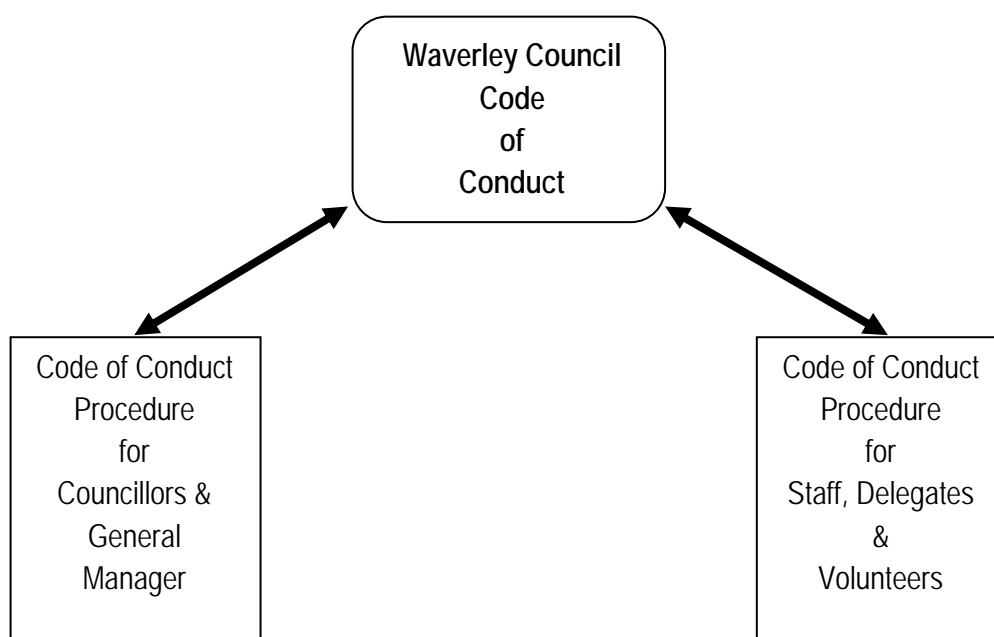
Date Revised	Summary of Revisions Made	Date Adopted by Council

1. Introduction

These procedures are based upon the Model Code Procedures as released by the Division of Local Government in December 2012 (DLG Circular 12-45 19 December 2012) and are prescribed for the purposes of the administration of Waverley Council's Code of Conduct. Council's *Code of Conduct* and *Code of Conduct Procedures* conform to the provisions of the Model Code and Procedure developed by the Division of Local Government which were made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a Code of Conduct and Procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively. The Division of Local Government notes that in adopting procedures for the administration of their adopted codes of conduct, "*councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.*"

Waverley Council has developed a *Code of Conduct Procedure for Councillors & General Manager* and a *Code of Conduct Procedure for Staff, Delegates and Volunteers* to assist with the operation of its Code of Conduct.



2. Definitions

For the purposes of the Procedure, the following definitions apply:

<i>the Act</i>	the <i>Local Government Act 1993</i>
<i>administrator</i>	an administrator of a council appointed under the Act other than an administrator appointed under section 66
<i>code of conduct</i>	a code of conduct adopted under section 440 of the Act
<i>code of conduct complaint</i>	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct
<i>complainant</i>	a person who makes a code of conduct complaint
<i>complainant councillor</i>	a councillor who makes a code of conduct complaint
<i>complaints coordinator</i>	a person appointed by the general manager under these procedures as a complaints coordinator
<i>conduct reviewer</i>	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
<i>council committee</i>	a committee established by resolution of council
<i>council committee member</i>	a person other than a councillor or member of staff of a council who is a member of a council committee
<i>councillor</i>	a person elected or appointed to civic office and includes a Mayor
<i>council official</i>	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
<i>delegate of council</i>	a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated
<i>the Division</i>	the Division of Local Government, Department of Premier and Cabinet
<i>investigator</i>	a conduct reviewer or conduct review committee
<i>the Regulation</i>	the <i>Local Government (General) Regulation 2005</i>

<i>subject person</i>	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures
<i>volunteer</i>	A person who carries out work for council but does not receive remuneration or token remuneration from Council, including members of the public appointed by Council to a Council committee or other group, but not including Precinct Committee members

3. Administrative Framework

The establishment of a panel of conduct reviewers

- 3.1 The Council must by resolution establish a panel of conduct reviewers.
- 3.2 The Council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers. Waverley Council utilises the services of the Southern Sydney Regional Organisation of Councils (SSROC) to provide a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- (a) an understanding of local government, and
 - (b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - (c) knowledge and experience of one or more of the following:
 - i. investigations, or
 - ii. law, or
 - iii. public administration, or
 - iv. public sector ethics, or
 - v. alternative dispute resolution, and \
 - (d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are:
- (a) a councillor, or
 - (b) a nominee for election as a councillor, or
 - (c) an administrator, or
 - (d) an employee of a council, or

- (e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - (f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - (g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council.

The appointment of complaints coordinators

- 3.12 The General Manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The General Manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 3.14 The General Manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.16 The role of the complaints coordinator is to:
- (a) coordinate the management of complaints made under the Council's code of conduct,
 - (b) liaise with and provide administrative support to a conduct reviewer or conduct review committee,
 - (c) liaise with the Division of Local Government, and
 - (d) arrange the annual reporting of code of conduct complaints statistics.

4. How may Code of Conduct Complaints be made

What is a “code of conduct complaint”?

- 4.1 For the purpose of these procedures, a code of conduct complaint is ***a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council’s code of conduct.***
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a “code of conduct complaint” are to be dealt with under council’s routine complaints management processes.

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct. (See **Appendix 1** setting out the timeline for processing complaints)
- 4.4 A complaint made after 3 months may only be accepted if the General Manager, or, in the case of a complaint about the General Manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.5 All code of conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.8 The General Manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the General Manager becomes aware of a possible breach of the council’s code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the General Manager be made?

- 4.10 Code of conduct complaints about the General Manager are to be made to the Mayor in writing.

- 4.11 Where a code of conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.12 In making a code of conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the Council's code of conduct by the General Manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

5. How are Code of Conduct Complaints to be managed?

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.1 Code of Conduct complaints against staff, delegates and volunteers will be managed through the procedures as outlined in Waverley Council's *Code of Conduct Procedure for Staff, Delegates & Volunteers*

How are code of conduct complaints about delegates of council and council committee members to be dealt with?

- 5.2 The General Manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.
- 5.3 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the General Manager must give the complainant reasons in writing for their decision.
- 5.4 Without limiting clause 5.3, the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.5 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- (a) censure,
 - (b) requiring the person to apologise to any person or organisation adversely affected by the breach,
 - (c) prosecution for any breach of the law,
 - (d) removing or restricting the person's delegation, or
 - (e) removing the person from membership of the relevant council committee.
- 5.6 Prior to imposing a sanction against a delegate of Council or a Council committee member under clause 5.5, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
- (a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
 - (b) the person must be given an opportunity to respond to the allegation, and
 - (c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.5.

How are code of conduct complaints about conduct reviewers to be dealt with?

- 5.7 The General Manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.8 The General Manager must notify the complainant of the referral of their complaint in writing.
- 5.9 The General Manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

How are code of conduct complaints about administrators to be dealt with?

- 5.10 The General Manager must refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.11 The General Manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.12 The General Manager must refer the following code of conduct complaints about Councillors to the Division:
 - (a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - (b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
 - (c) complaints alleging a breach of Part 11 of the code of conduct relating to the maintenance of the integrity of the code, and
 - (d) complaints the subject of a special complaints management arrangement with the Division under clause 5.36.
- 5.13 Where the General Manager refers a complaint to the Division under clause 5.12, the General Manager must notify the complainant of the referral in writing.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.12, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.16. **If the General Manager seeks to resolve code of conduct complaints by alternative means this must be undertaken within 14 days of receipt of the complaint.**
- 5.15 Where the General Manager resolves a code of conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 The General Manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.12 or resolved under clause 5.14 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.17 The Mayor must refer the following code of conduct complaints about the General Manager to the Division:
- (a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - (b) complaints alleging a breach of Part 11 of the code of conduct relating to the maintenance of the integrity of the code, and
 - (c) complaints the subject of a special complaints management arrangement with the Division under clause 5.36.
- 5.18 Where the Mayor refers a complaint to the Division under clause 5.17, the Mayor must notify the complainant of the referral in writing.
- 5.19 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.17, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.21.
- 5.20 Where the Mayor resolves a code of conduct complaint under clause 5.19 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.21 The Mayor must refer all code of conduct complaints about the General Manager other than those referred to the Division under clause 5.17 or resolved under clause 5.19 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

- 5.22 The General Manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.23 Where the General Manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.22, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.24 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.25 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- (a) the complainant consents in writing to the disclosure, or

- (b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - (c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - (d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - (e) it is otherwise in the public interest to do so.
- 5.26 Clause 5.25 does not apply to code of conduct complaints made by Councillors about other Councillors or the General Manager.
- 5.29 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.30 A request made by a complainant Councillor under clause 5.29 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.31 The General Manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.29 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.32 Where a complainant councillor makes a request under clause 5.29, the General Manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.33 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.34 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.35 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.36 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 5.35, the General Manager or the Mayor must refer

the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.37 The General Manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.38 Where the Division receives a request under clause 5.37, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- (a) Imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - (b) Impeded or disrupted the effective administration by the council of its code of conduct, or
 - (c) Impeded or disrupted the effective functioning of the council.
- 5.39 A special complaints management arrangement must be in writing and must specify the following:
- (a) The code of conduct complaints the arrangement relates to, and
 - (b) The period that the arrangement will be in force.
- 5.40 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.41 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.42 below.
- 5.42 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.43 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.44 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.43.

6. Preliminary Assessment

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about Councillors or the General Manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the General Manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- (a) A panel of conduct reviewers established by the council, or
 - (b) A panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- (a) They have a conflict of interests in relation to the matter referred to them, or
 - (b) A reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - (c) They or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
 - (d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- (a) To take no action, or
 - (b) To resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - (c) To refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
 - (d) To refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
 - (e) To investigate the matter, or
 - (f) To recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.12 and 5.17.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.

- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- (a) That the complaint is a “code of conduct complaint” for the purposes of these procedures, and
 - (b) That the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
 - (c) That the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

- 6.22 Where the conduct reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.23 The conduct reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under clause 6.22.
- 6.24 The General Manager or Mayor may decline to accept the conduct reviewer’s recommendation. Where the General Manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.22, the General Manager or, in the case of a complaint about the General Manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer’s recommendation.
- 6.26 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.22, the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer’s recommendation once these steps have been completed.

Complaints assessment criteria

6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:

- (a) Whether the complaint is a “code of conduct complaint”,
- (b) Whether the complaint is trivial, frivolous, vexatious or not made in good faith,
- (c) Whether the complaint discloses prima facie evidence of a breach of the code,
- (d) Whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
- (e) Whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- (f) Whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
- (g) Whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- (h) Whether the conduct complained of forms part of a pattern of conduct,
- (i) Whether there were mitigating circumstances giving rise to the conduct complained of,
- (j) The seriousness of the alleged conduct,
- (k) The significance of the conduct or the impact of the conduct for the council,
- (l) How much time has passed since the alleged conduct occurred, or
- (m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

7. Operations of Conduct Review Committee

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:
- (a) A panel of conduct reviewers established by the council, or
 - (b) A panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- (a) The qualifications and experience of members of the panel of conduct reviewers, and
 - (b) Any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- (a) Provide procedural advice where required,
 - (b) Ensure adequate resources are provided including secretarial support,
 - (c) Attend meetings of the conduct review committee in an advisory capacity, and
 - (d) Provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

8. Investigations

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the Mayor.
- 8.3 The General Manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
 - (a) Disclose the substance of the allegations against the subject person, and
 - (b) Advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - (c) Advise of the process to be followed in investigating the matter, and
 - (d) Invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - (e) Provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.

- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the Mayor. The notice must:
- (a) Advise them of the matter the investigator is investigating, and
 - (b) In the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- (a) Resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - (b) Refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - (c) Refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.
- 8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

- 8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.
- 8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 8.34 The investigator's final report must:
- (a) Make findings of fact in relation to the matter investigated, and,
 - (b) Make a determination that the conduct investigated either,
 - i. Constitutes a breach of the code of conduct, or
 - ii. Does not constitute a breach of the code of conduct, and
 - (c) Provide reasons for the determination.
- 8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- (a) That the council revise any of its policies or procedures,
 - (b) That the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
 - (c) That the subject person be counselled for their conduct,
 - (d) That the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
 - (e) That findings of inappropriate conduct be made public,
 - (f) In the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach,
 - (g) In the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the Act,
 - (h) In the case of a breach by a Councillor, that the Council resolves as follows:
 - i. That the Councillor be formally censured for the breach under section 440G of the Act, and
 - ii. That the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- (a) That the Council revise any of its policies or procedures,
 - (b) That a person or persons undertake any training or other education.
- 8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:
- (a) The seriousness of the breach,
 - (b) Whether the breach can be easily remedied or rectified,
 - (c) Whether the subject person has remedied or rectified their conduct,
 - (d) Whether the subject person has expressed contrition,
 - (e) Whether there were any mitigating circumstances,
 - (f) The age, physical or mental health or special infirmity of the subject person,
 - (g) Whether the breach is technical or trivial only,
 - (h) Any previous breaches,
 - (i) Whether the breach forms part of a pattern of conduct,
 - (j) The degree of reckless intention or negligence of the subject person,
 - (k) The extent to which the breach has affected other parties or the council as a whole,
 - (l) The harm or potential harm to the reputation of the council or local government arising from the conduct,
 - (m) Whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
 - (n) Whether an educative approach would be more appropriate than a punitive one,
 - (o) The relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
 - (p) What action or remedy would be in the public interest.
- 8.38 At a minimum, the investigator's final report must contain the following information:
- (a) A description of the allegations against the subject person,
 - (b) The relevant provisions of the code of conduct that apply to the alleged conduct investigated,
 - (c) A statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,

- (d) A statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
 - (e) Where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
 - (f) A description of any attempts made to resolve the matter by use of alternative means,
 - (g) The steps taken to investigate the matter,
 - (h) The facts of the matter,
 - (i) The investigator's findings in relation to the facts of the matter and the reasons for those findings,
 - (j) The investigator's determination and the reasons for that determination,
 - (k) Any recommendations.
- 8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.
- 8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the General Manager. Where the general manager agrees with the recommendation/s, the General Manager is responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a Councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the Council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The Council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.
- 8.47 Prior to imposing a sanction, the Council must provide the subject person with an opportunity to make an oral submission to the Council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.
- 8.49 The Council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the Council may by resolution:
- (a) Request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - (b) Seek an opinion by the Division in relation to the report.
- 8.51 The Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the Council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The Council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A Council may by resolution impose one or more of the following sanctions on a subject person:
- (a) That the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,

- (b) That findings of inappropriate conduct be made public,
 - (c) In the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach,
 - (d) In the case of a breach by a Councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - (e) In the case of a breach by a Councillor:
 - i. That the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. That the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 8.57 The Council is not obliged to adopt the investigator's recommendation/s. Where the Council does not adopt the investigator's recommendation/s, the Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The Council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.
- 8.59 Where the Council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the Council's decision and the reasons for it.

9. Rights of Review

Failure to comply with a requirement under these procedures

- 9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

- 9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).
- 9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 9.4 Where the Division makes a practice ruling, all parties are to comply with it.
- 9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.
- 9.7 A review under clause 9.6 may be sought on the following grounds:
- (a) That the investigator has failed to comply with a requirement under these procedures, or
 - (b) That the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - (c) That the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information

that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.

- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the General Manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- (a) The complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
 - (b) The General Manager or Mayor must review any action taken by them to implement the sanction, and
 - (c) The General Manager or Mayor must consider the Division's recommendation in doing so.
- 9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:
- (a) The complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - (b) The council must:
 - i. Review its decision to impose the sanction, and
 - ii. Consider the Division's recommendation in doing so, and
 - iii. Resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

10. Procedural Irregularities

- 10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.
- 10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- (a) The non-compliance is isolated and/or minor in nature, or
 - (b) Reasonable steps are taken to correct the non-compliance, or
 - (c) Reasonable steps are taken to address the consequences of the non-compliance.

11. Practice Directions

- 11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.
- 11.2 The Division will issue practice directions in writing, by circular to all councils.
- 11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

12. Reporting on Complaints Statistics

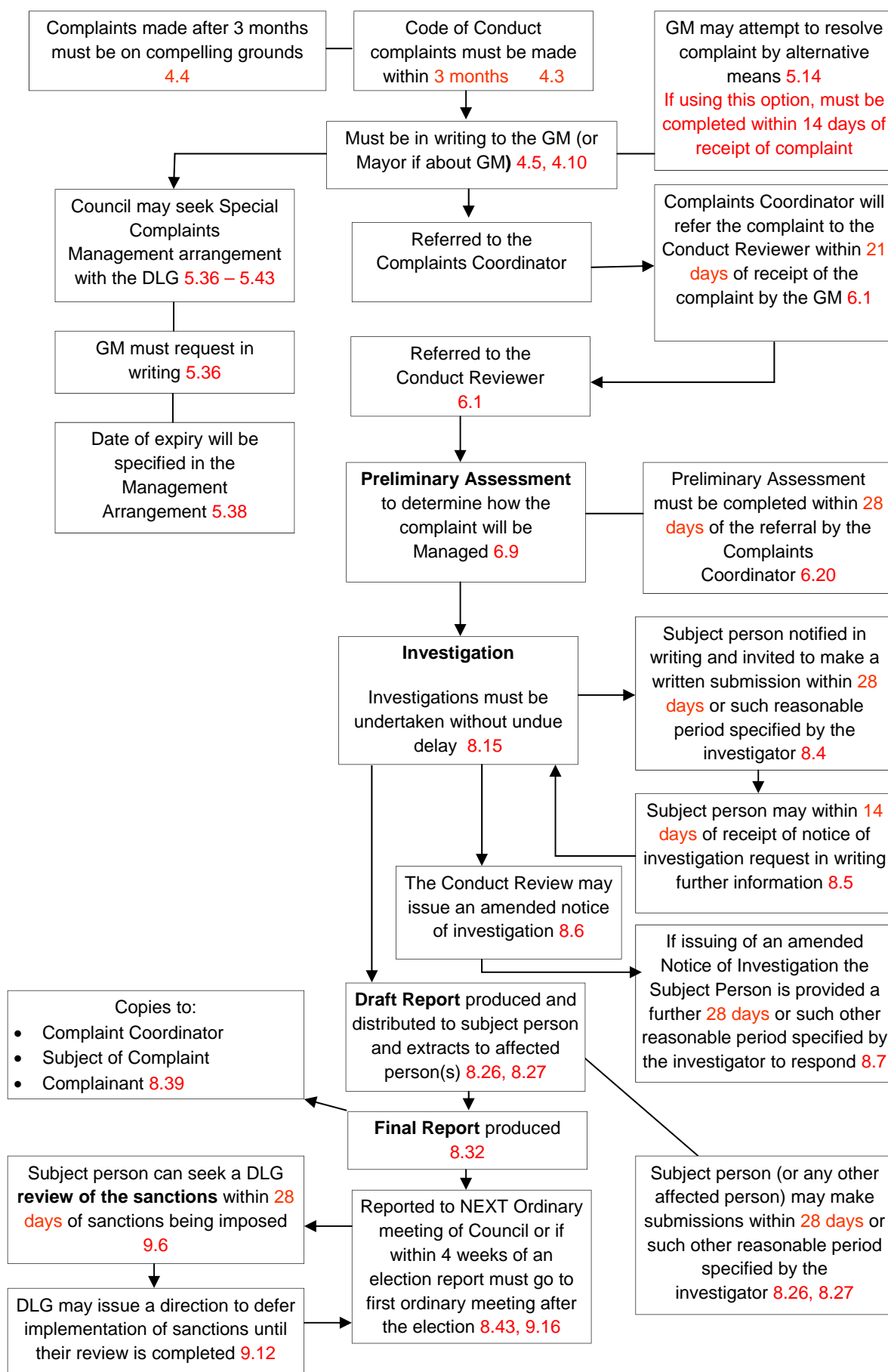
- 12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- (a) The total number of code of conduct complaints made about councillors and the General Manager under the code of conduct in the year to September,
 - (b) The number of code of conduct complaints referred to a conduct reviewer,
 - (c) The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
 - (d) The number of code of conduct complaints investigated by a conduct reviewer,
 - (e) The number of code of conduct complaints investigated by a conduct review committee,
 - (f) Without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
 - (g) The number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
 - (h) The total cost of dealing with code of conduct complaints made about councillors and the General Manager in the year to September, including staff costs.
- 12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

13. Confidentiality

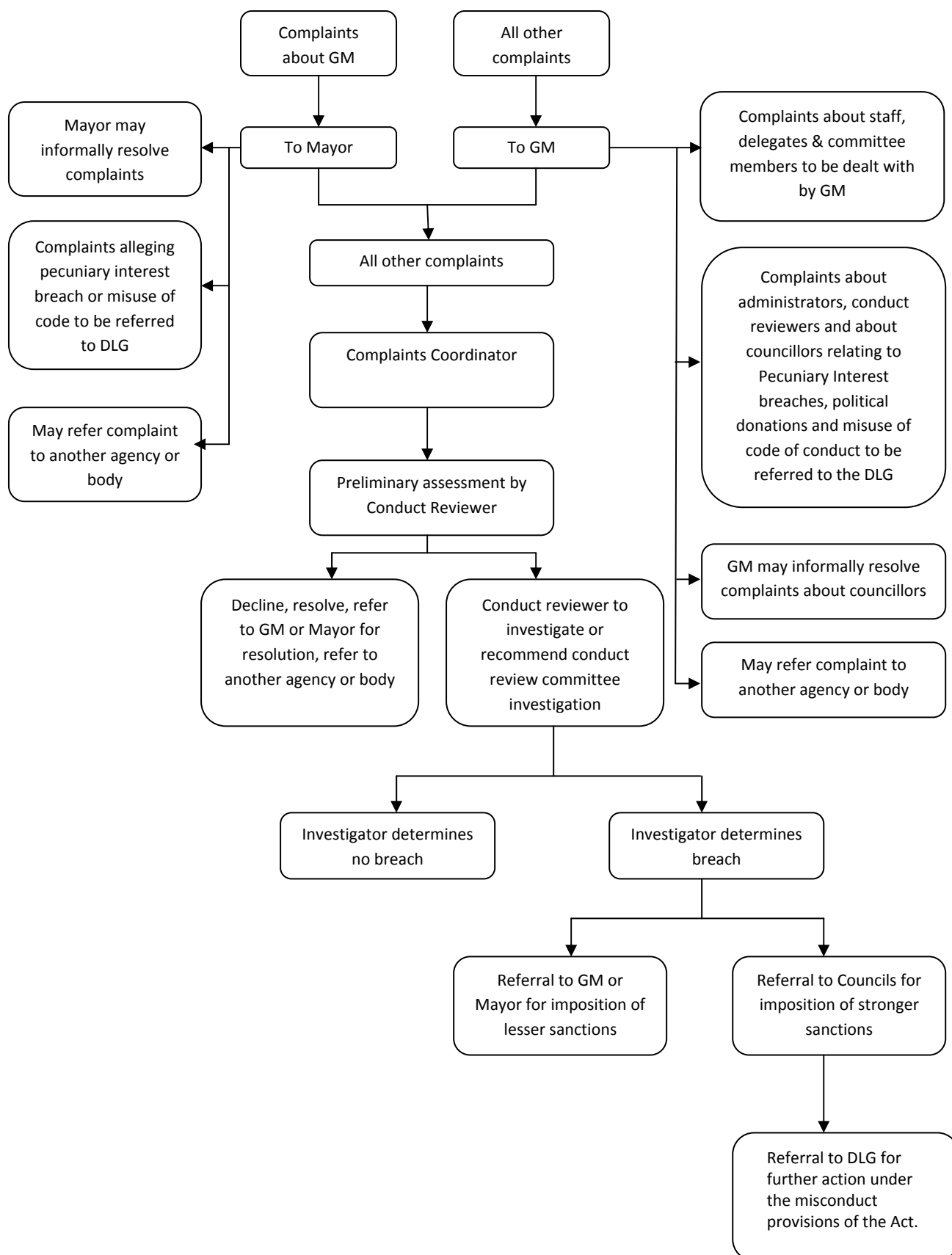
- 13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

APPENDIX 1 Time line for the processing of Code of Conduct Complaints

(The time requirements and relevant sections of this Procedure are highlighted in RED [eg 4.3])



Appendix 2 Model Code Procedure Flowchart



Code of Conduct Procedure for Staff, Delegates & Volunteers

LINKS TO COMMUNITY STRATEGIC PLAN & DELIVERY PROGRAM

Direction G1 – Council's decision making processes are open, transparent, corruption resistant and based on sound integrated planning

Strategy G1a – Develop and maintain a framework of plans and policies that ensures open and transparent Council operations

Strategy G1b – Embed corruption prevention practices in Council operations

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Contents

1.	Introduction	3
2.	Definitions	4
3.	Standards of Conduct	6
4.	How may Code of Conduct Complaints be made?	10
5.	How are Code of Conduct complaints about staff, delegates and volunteers to be managed?	11
6.	Complaints Assessment	15
7.	Staff Misconduct	17
8.	Disciplinary actions and staff rights	19
9.	Reporting on complaints statistics	21
10.	Confidentiality	22
11.	Code of Conduct Procedure Flowchart	23

History of Revisions

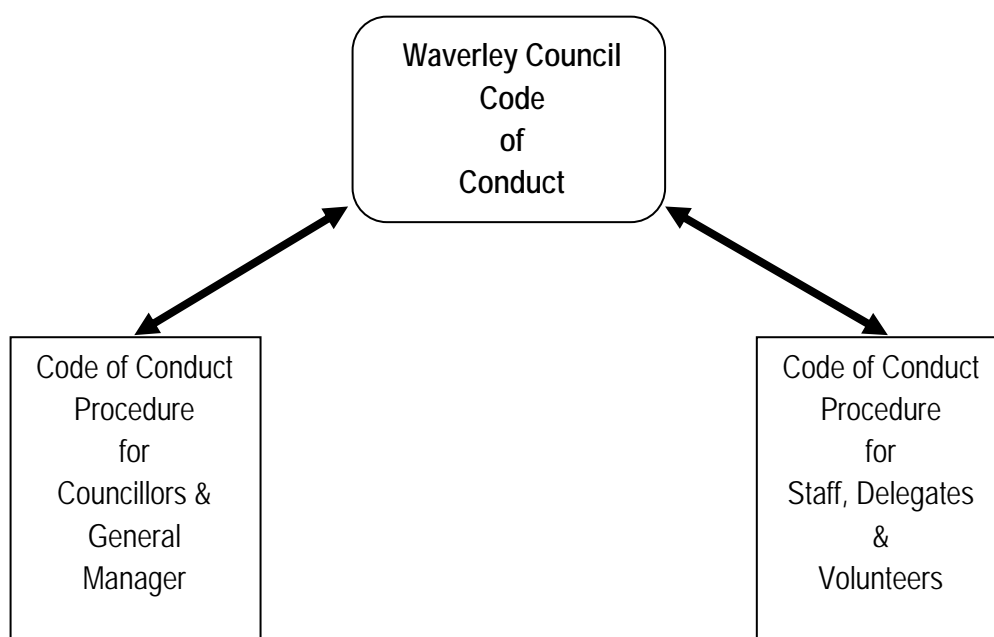
Date Revised	Summary of Revisions Made	Date Adopted by Council

1. Introduction

These procedures are based upon the Model Code Procedures as released by the Division of Local Government in December 2012 (DLG Circular 12-45 19 December 2012) and are prescribed for the purposes of the administration of Waverley Council's Code of Conduct. Council's *Code of Conduct* and *Code of Conduct Procedures* conform to the provisions of the Model Code and Procedure developed by the Division of Local Government which were made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a Code of Conduct and Procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively. The Division of Local Government notes that in adopting procedures for the administration of their adopted codes of conduct, "*councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.*"

Waverley Council has developed a *Code of Conduct Procedure for Councillors & General Manager* and a *Code of Conduct Procedure for Staff, Delegates and Volunteers* to assist with the operation of its Code of Conduct.



This Procedure sets out the process Waverley Council will employ to deal with code of conduct complaints relating to staff (other than the General Manager), delegates and volunteers.

2. Definitions

For the purposes of the Procedure, the following definitions apply:

<i>the Act</i>	the <i>Local Government Act 1993</i>
<i>administrator</i>	an administrator of a council appointed under the Act other than an administrator appointed under section 66
<i>code of conduct</i>	a code of conduct adopted under section 440 of the Act
<i>code of conduct complaint</i>	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct
<i>complainant</i>	a person who makes a code of conduct complaint
<i>complainant councillor</i>	a councillor who makes a code of conduct complaint
<i>complaints coordinator</i>	a person appointed by the general manager under these procedures as a complaints coordinator
<i>conduct reviewer</i>	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
<i>council committee</i>	a committee established by resolution of council
<i>council committee member</i>	a person other than a councillor or member of staff of a council who is a member of a council committee
<i>councillor</i>	a person elected or appointed to civic office and includes a Mayor
<i>council official</i>	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers, delegates of council and volunteers
<i>delegate of council</i>	a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated
<i>the Division</i>	the Division of Local Government, Department of Premier and Cabinet
<i>investigator</i>	a conduct reviewer or conduct review committee
<i>the Regulation</i>	the <i>Local Government (General) Regulation 2005</i>

<i>subject person</i>	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures
<i>volunteer</i>	A person who carries out work for council but does not receive remuneration or token remuneration from Council, including members of the public appointed by Council to a Council committee or other group, but not including Precinct Committee members

3. Standards of Conduct

Council officials* play a vital role in serving local communities. To do this effectively you will want to uphold the highest standards of behaviour to ensure the public has trust and confidence in local government.

What are the expected standards of behaviour?

The following standards of behaviour are expected of council officials. You must:

- Not conduct yourself in a manner that is likely to bring the council into disrepute
- Act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions
- Treat others with respect at all times
- Consider issues consistently, promptly and fairly
- Not harass, discriminate against, or support others who do so
- Ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly
- Not participate in *binding* caucus votes except for nominations
- Disclose and appropriately manage any conflict of interests, including from reportable political donations
- Not accept money or gifts of value and avoid situations that give rise to the appearance of securing favourable treatment
- In the case of councillors, not direct council staff or influence staff in the exercise of their role
- In the case of staff, ensure efficient and effective operation of the council's organisation and implementation of the decisions of the council without delay
- Use and secure information appropriately and do not disclose confidential information
- Use council resources ethically, effectively, efficiently and carefully in the course of official duties
- Not make complaints improperly, take detrimental action in response to complaints about standards of behaviour or disclose information about code of conduct matters.

These standards are outlined in detail in the *Waverley Council Code of Conduct* which is based upon the *Model Code of Conduct for Local Councils in NSW*. This Code is a legal document that all officials are obliged to understand and follow as the Model Code forms the basis of each council's own code of conduct.

What happens if the standards are not met?

Where council officials fail to follow this Code, this will be dealt with in accordance with the procedure for administration of the Model Code which forms the basis of Waverley Council's

- *Code of Conduct Procedure for Councillors and*
- *Code of Conduct Procedure for Staff, Delegates and Volunteers*

Complaints about a breach of these standards by anyone other than the General Manager are to be made at first instance to the General Manager. Complaints about the General Manager are to be made to the Mayor. Where the complaint is serious and cannot be resolved informally, a complaint may be formally investigated by an independent conduct reviewer.

Breaches of these standards by delegates, volunteers or council committee members may result in the following action:

- Censure
- Requirement of apology
- Prosecution
- Removal or restriction of delegation.

Breaches by council staff may result in disciplinary action, termination or, in the case of non-senior staff, such other penalty permitted under the relevant industrial award.

Breaches by the General Manager may result in the following action:

- Requirement for training
- Counselling
- Requirement for apology
- Findings of inappropriate conduct made public
- Action under the general manager's contract.

Breaches by councillors may result in the following action:

- Requirement for training
- Counselling
- Requirement for apology
- Findings of inappropriate conduct made public

- Censure
- Referral to the Division of Local Government for disciplinary action including but not limited to suspension for up to 3 months
- Referral by the Division to the Pecuniary Interest and Disciplinary Tribunal for suspension of up to 6 months or disqualification from holding civic office.

Requirements for Volunteers

Waverley Council recognises that members of the community contribute a great deal to the work of Council as volunteers. Many volunteers assist in Council activities, or by serving as a member of the public appointed to a Council committee or other group.

If you are a volunteer involved in Council activities it is important that you understand that the same requirements in respect of behaviour which apply to Waverley Council staff also apply to you. In particular, while working with Council you should familiarise yourself with the relevant parts of Council's Code of Conduct relating to:

- Standards of Conduct (Part 3)
- General Conduct Obligations (Part 4)
- Conflict of Interests (Part 5)
- Personal Benefit (Part 7)
- Relationship between Council Officials (Part 8)
- Access to Information (Part 9)
- Use of Council Resources (Part 10)
- Maintaining the Integrity of the Code (Part 11)

As a volunteer, you represent Council, and therefore you should follow the same high ethical standards we require of all staff. If you breach this Code, Council may remove you, or ask you to resign, from your volunteer work with Council.

Council thanks you for volunteering and greatly values the contribution you make. With your help, we are able to increase the range and quality of services we can provide to our community.

Workplace Safety

In accordance with the WHS Act 2011, workers and others operating within a workplace are responsible for taking reasonable care of their own health and safety and ensuring their conduct does not adversely affect the health and safety of other people, they must comply with training and any reasonable instruction and must comply with all notified policies and procedures.

As detailed in the Work Health and Safety (WHS) Policy, Waverley Council is committed to ensuring the health and safety of its employees and the community. Appropriate consultation is necessary: to ensure hazards are identified and any potential risks are assessed; when making decisions about ways to eliminate or minimise those risks; when proposing changes that may affect worker health and safety; and when making decisions about procedures for resolving health and safety issues.

Workplace Safety Officers and Health and Safety Committee Representatives have been established across all Departments, ensuring safety is a priority and continuously communicated within our teams to achieve our goal of zero harm. Their details including important contacts, useful information and resources can be found on notice boards at all council sites. Council's online Safety Management System and its detailed information including policies and procedure can be accessed in [Controlled Docs > WH&S](#)

* **Council officials** include councillors, members of staff of council, administrators, members of council committees, conduct reviewers and delegates of council.

4. How may Code of Conduct Complaints be made?

What is a “code of conduct complaint”?

- 4.1 For the purpose of these procedures, a code of conduct complaint is ***a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.***
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a “code of conduct complaint” are to be dealt with under council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the General Manager, or, in the case of a complaint about the General Manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the General Manager be made?

- 4.5 All code of conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.8 The General Manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the General Manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

5. How are Code of Conduct Complaints about Staff, Delegates and Volunteers to be managed?

How are code of conduct complaints about staff (other than the General Manager) to be dealt with?

- 5.1 The General Manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.
- 5.2 Where the General Manager decides not to make enquiries into a code of conduct complaint about a member of staff, the General Manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, volunteers and council committee members to be dealt with?

- 5.6 The General Manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council, volunteers and council committee members and for determining the outcome of such complaints.
- 5.7 Where the General Manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the General Manager must give the complainant reasons in writing for their decision.
- 5.8 Without limiting clause 5.7, the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council, volunteers and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
 - (a) censure,
 - (b) requiring the person to apologise to any person or organisation adversely affected by the breach,
 - (c) prosecution for any breach of the law,

- (d) removing or restricting the person's delegation, or
 - (e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council, volunteer or a council committee member under clause 5.9, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
- (a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
 - (b) the person must be given an opportunity to respond to the allegation, and
 - (c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

Referral of code of conduct complaints to external agencies

- 5.11 The General Manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.12 Where the General Manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.11, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.13 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.14 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- (a) the complainant consents in writing to the disclosure, or
 - (b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - (c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - (d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - (e) it is otherwise in the public interest to do so.
- 5.15 Clause 5.14 does not apply to code of conduct complaints made by councillors about other councillors or the General Manager.

- 5.15 Where a councillor makes a code of conduct complaint about another councillor or the General Manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.16 A request made by a complainant councillor under clause 5.15 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.17 The General Manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.15 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.18 Where a complainant councillor makes a request under clause 5.15, the General Manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.19 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.20 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.21 Where a councillor makes a code of conduct complaint about another councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.22 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.21, the General Manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.23 The General Manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.24 Where the Division receives a request under clause 5.23, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
 - (a) Imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or

- (b) Impeded or disrupted the effective administration by the council of its code of conduct, or
 - (c) Impeded or disrupted the effective functioning of the council.
- 5.25 A special complaints management arrangement must be in writing and must specify the following:
 - (a) The code of conduct complaints the arrangement relates to, and
 - (b) The period that the arrangement will be in force.
- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.26 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.27 below.
- 5.27 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.28 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.29 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.28.

6. Complaints Assessment

Complaints assessment criteria

6.27 In undertaking the preliminary assessment of a complaint about staff, delegates or volunteers, the General Manager may have regard to the following considerations:

- (a) Whether the complaint is a “code of conduct complaint”,
- (b) Whether the complaint is trivial, frivolous, vexatious or not made in good faith,
- (c) Whether the complaint discloses prima facie evidence of a breach of the code,
- (d) Whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
- (e) Whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- (f) Whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
- (g) Whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- (h) Whether the conduct complained of forms part of a pattern of conduct,
- (i) Whether there were mitigating circumstances giving rise to the conduct complained of,
- (j) The seriousness of the alleged conduct,
- (k) The significance of the conduct or the impact of the conduct for the council,
- (l) How much time has passed since the alleged conduct occurred, or
- (m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Procedural Fairness

In conducting enquiries into complaints about staff, delegates or volunteers the General Manager or person engaged to undertake the enquiry will follow the rules of procedural fairness and must:

- Provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
- Provide the person the subject of the complaint with an opportunity to place before the General Manager or person undertaking the enquiry any information the person considers relevant to the enquiry
- Provide the person the subject of the complaint with an opportunity to address the General Manager or person undertaking the enquiry, in person

- Hear all parties to a matter and consider submissions before deciding the substance of any complaint
- Make reasonable enquiries before making any recommendations
- Act fairly and without prejudice or bias
- Ensure that no person decides a case in which they have a conflict of interests
- Conduct the enquiries without undue delay.

Refer to NSW Ombudsman, *Investigating complaints, A manual for investigators*, June 2004.

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the General Manager or person undertaking the enquiry should proceed to finalise the matter.

7. Staff Misconduct

In addition to complaint handling procedures, Council also has procedures to deal with staff misconduct.

7.1 General misconduct includes, but is not limited to:

- absence without permission
- persistent lateness
- unsafe work practices
- refusing to follow instructions without a proper reason
- harassment and bullying
- bringing Council into disrepute
- victimising a person who makes a complaint
- making false, vexatious or frivolous complaints or accusations
- breach of this Code or other Council policies.

7.2 Council may follow a progressive system, that is, a series of progressive responses to disciplinary problems, before taking disciplinary action. A progressive system may take place in this order:

- informal warning
- 1st written warning
- 2nd written warning
- 3rd and final written warning.

However, Council may take disciplinary action at or after any stage.

7.3 Council may request that staff attend counselling meetings with supervisors or senior management in between any of these stages.

7.4 Council can take any disciplinary actions in its discretion, such as immediate suspension or dismissal without using a progressive system. Normally this will be if Council believes that the misconduct is serious and wilful. Some of these situations are:

- stealing Council property
- intentionally damaging Council property
- assaulting a member of staff or customer or instigating an assault
- refusing to follow instructions without a lawful reason
- violating safety rules
- possessing weapons at work
- possessing illegal drugs
- conducting illegal activities at work
- harassing or bullying staff or customers

- intentionally releasing confidential information.
- 7.5 In conducting enquiries, the decision maker should follow the rules of procedural fairness as outlined in Part 6 of this Procedure.
- The decision should also be made considering:
- the nature and seriousness of the misconduct
 - the relevance of the misconduct to the staff member's duties and the reputation of Council
 - the circumstances of the misconduct
 - mitigating or extenuating circumstances
 - the staff member's employment history and prior general conduct
- 7.6 Where Council requires investigation of the alleged misconduct, the staff member may be suspended with or without pay until a decision is made. If the staff member is suspended without pay, and no disciplinary action is decided which involves suspension without pay or dismissal, Council will adjust the staff member's next pay for the full amount of the period of suspension.
- 7.7 Staff members should not expect Council to release information or documents that Council believes are privileged or confidential.
- 7.8 Council expects staff members to cooperate fully with the decision maker and investigators, participate in investigations as requested, and respond truthfully to any enquiries made.
- 7.9 The General Manager may decide at any time not to proceed with disciplinary action.
- 7.10 Council may take the actions set out under 'Disciplinary actions and staff rights' below.
- 7.11 All staff members will be treated fairly where there is alleged misconduct.

8. Disciplinary actions and staff rights

Disciplinary Actions

8.1 Disciplinary actions may include one or more of:

- reprimand or caution
- counselling
- demotion to a lower paid position
- suspension without pay
- termination.

8.2 One or more of the following disciplinary actions may be imposed instead of, or as well as, the disciplinary actions above:

- transfer
- change of duties
- withholding opportunities to work overtime
- issuing a performance improvement notice
- loss of privileges
- deferment of pay increments
- fines
- compensation for Council's loss.

8.3 Senior staff, including the general manager and directors, will be subject to the terms of their contracts of employment.

8.4 If there is corrupt, criminal or otherwise illegal conduct, Council may:

- refer the complaint and or related information to an appropriate investigative body (for example, the Division of Local Government, the Independent Commission Against Corruption, or the NSW Ombudsman)
- refer the complaint and or related information to the Police
- commence civil prosecution for breaching the law.

Staff Rights

8.5 Members of staff are entitled:

- to access their personal files, take notes and or obtain copies of the contents of their files
- to sight, note and or respond to any information placed on their personal files, which may be regarded as adverse
- to apply to delete or amend any disciplinary or other record mentioned in their personal files which they believe is incorrect, out of date, incomplete or misleading
- to request the presence of a union representative or support person and or the involvement of their union at any stage
- to apply for accrued leave for the whole or any part of any suspension during an investigation.

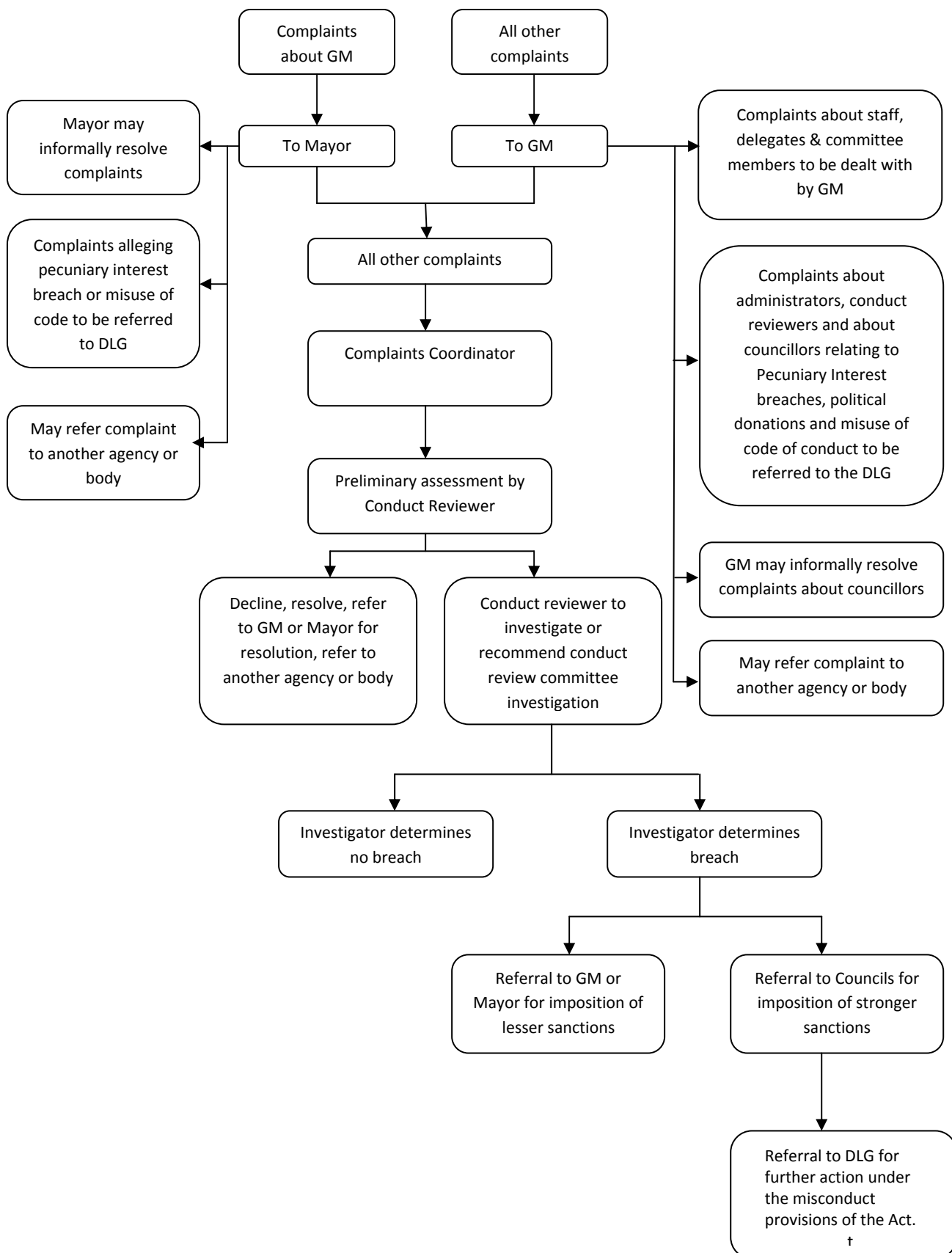
9. Reporting on Complaints Statistics

- 9.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- (a) The total number of code of conduct complaints made about councillors and the General Manager under the code of conduct in the year to September,
 - (b) The number of code of conduct complaints referred to a conduct reviewer,
 - (c) The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
 - (d) The number of code of conduct complaints investigated by a conduct reviewer,
 - (e) The number of code of conduct complaints investigated by a conduct review committee,
 - (f) Without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
 - (g) The number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
 - (h) The total cost of dealing with code of conduct complaints made about councillors and the General Manager in the year to September, including staff costs.
- 9.2 The Council is to provide the Division with a report containing the statistics referred to in clause 9.1 within 3 months of the end of September of each year.

10. Confidentiality

- 10.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under Council's procedures.

Code of Conduct Procedure Flowchart



REPORT TO COUNCIL

Budget Review (A03/0346)

Report dated 8 February 2013 from the Director, Corporate & Technical Services on Council's 2nd Quarter Budget Review for financial year 2012/13.

Recommendation: That Council

1. Note this report on the 2nd quarter budget review for 2012/13.
2. Note and receive the Quarterly Budget Review Statement (QBRS) for the 2nd quarter 2012/13.
3. Vary the allocations to the recurrent and capital works budget in accordance with the review documents.

1. Purpose of Report

The purpose of this report is to notify Council in accordance with the Local Government (Financial Management) Regulation 1999 (Part 2 Clause 7) that Council is to review its annual budgets on a quarterly basis. This review has been conducted and is presented for Council's consideration.

2. Background/Introduction

Council's Executive Team (ET) met on 4 February 2013 to undertake the budget review for the 2nd quarter 2012/13.

3. Budget Analysis

Council commenced the 2012/13 financial year with a forecast net budget deficit of \$11,971.

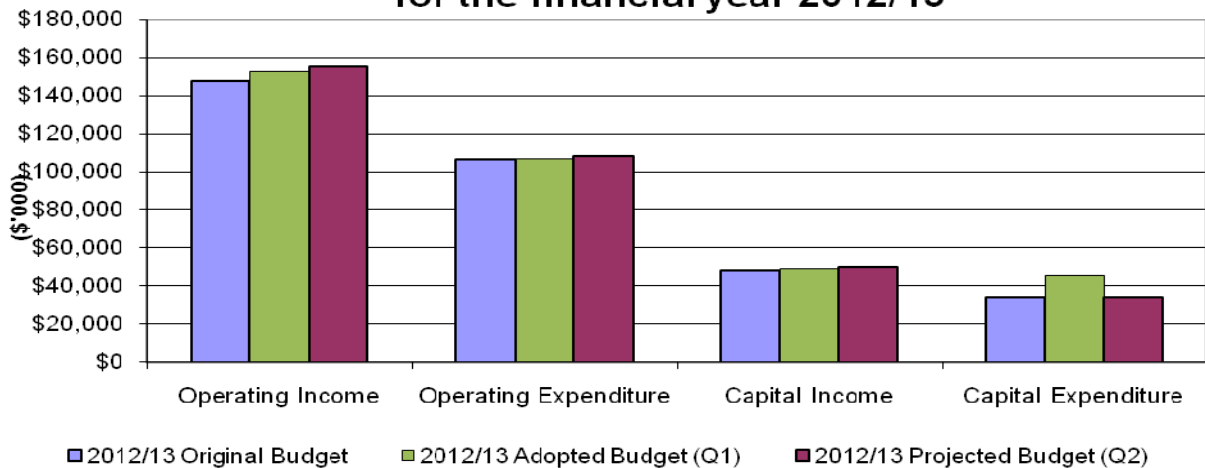
The 1st quarter budget review resulted in the full year forecast being adjusted to reflect a surplus of \$2,454.

The 2nd quarter budget review is now forecasting a net budget surplus of \$43,761. An improvement to the Q1 budget position of \$41,307.

The graph and table below provide a comparison of Council's forecast position between the Original Budget, Adopted Budget (Q1) and the Projected Budget (Q2).

REPORT TO COUNCIL

2nd Quarter Budget Summary for the financial year 2012/13



Waverley Council 2012/13 Budget Forecast

Estimated Operating Result	2012/13 Original Budget	2012/13 Adopted Budget (Q1)	2012/13 Projected Budget (Q2)	Q2 - Q1 Variance
<u>Operating Income:</u>				
Rates and Annual Charges	47,189,235	47,160,295	47,141,285	(19,010)
Investment Revenues	2,375,000	2,375,000	2,175,000	(200,000)
User Charges & Fees	29,671,970	29,752,270	28,839,466	(912,804)
Other Revenue	15,194,155	15,947,781	16,911,529	963,748
Grants, subsidies and contributions	5,241,304	8,462,181	10,395,008	1,932,827
<u>Capital Income</u>				0
Capital Grants & Contributions	1,700,000	1,977,965	2,968,645	990,680
Proceeds from Asset disposal	46,306,110	46,821,552	46,830,552	9,000
Total Income	147,677,774	152,497,044	155,261,485	2,764,441
<u>Operating Expenditure:</u>				
Employee Costs	53,524,902	53,293,200	52,361,523	(931,677)
Materials & Contracts	19,039,720	19,757,686	22,112,888	2,355,202
Borrowing Costs	224,938	225,938	225,938	0
Depreciation & Amortisation	15,166,824	15,166,824	15,166,824	0
Other Expenses	18,397,529	18,379,137	18,528,557	149,420
Total Operating Expenditure:	106,353,913	106,822,785	108,395,730	1,572,945
Operating Result Before Capital - Surplus/(Deficit)	41,323,861	45,674,259	46,865,755	1,191,496
<u>Capital Expenditure</u>				
Capital Equipment - Plant	782,233	4,104,479	4,163,479	59,000
Other Capital Equipment	912,764	944,759	944,759	0
Capital Works Program	32,225,431	40,132,534	28,479,057	(11,653,477)
Total Capital Expenditure:	33,920,428	45,181,772	33,587,295	(11,594,477)

REPORT TO COUNCIL

Net Budget Result Before Funding - Surplus/(Deficit)	7,403,433	492,487	13,278,460	12,785,973
Funding Sources				
New Borrowings	(3,166,255)	(3,166,255)	(2,816,255)	350,000
Loan Repayments	1,371,842	1,371,842	1,371,842	0
Transfers from Reserve	(28,051,503)	(38,561,524)	(27,457,538)	11,103,986
Transfers to Reserve	52,428,144	56,012,794	57,303,474	1,290,680
Total Funding	22,582,228	15,656,857	28,401,523	12,744,666
Budget Result included Depreciation & Amortisation - Surplus/(Deficit)	(15,178,795)	(15,164,370)	(15,123,063)	41,307
Contra: Depreciation & Amortisation	(15,166,824)	(15,166,824)	(15,166,824)	0
Net Budget Result - Surplus/(Deficit)	(11,971)	2,454	43,761	41,307

In summary

- total income (operating plus capital) is expected to be higher than the Q1 forecast by \$2.76 million – see below from explanation of major variance items.
- total operating expenditure is expected to be higher than the Q1 forecast by \$1.57 million – see below for explanation of major variance items.
- capital expenditure is forecast to be lower than the Q1 forecast by \$11.59 million following a detailed review of expected delivery across all capital works projects, with the majority of this amount transferred into the 2013/14 financial year, and the addition of two plant items related to the motor vehicle fleet for domestic waste.

4. Income

Income, forecast in the original budget to be \$147.67 million, is forecast to increase by \$4.82 million to \$152.49 million as part of the Q1 budget review process.

As part of the Q2 budget review process the forecast revenue is to be increased by a further \$2.77 million to \$155.26 million with the main contributors to this adjustment included below,

Increased Revenue

Other Revenue increased parking fine income (\$913k).

Grants & Subsidies – Operating increased child care benefit from additional activity in Family Day Care (\$70k). State Government Grants for Water for Life (\$25k), Housing Code (\$28k), Heritage (\$72k) and Complete Streets (\$110k). Previously unbudgeted revenue which recognises the contract with Ausgrid for Waverley Council to undertake road restoration works following the electricity upgrade across the municipality (\$1.42 million).

Capital Grants & Contributions increased developer contributions (Housing \$750k and Section 94 \$240k).

Decreased Revenue

Investment Revenue reflecting the lower interest rate environment (\$200k).

REPORT TO COUNCIL

User Charges & Fees due to the delay in opening the Mill Hill Early Learning Centre (\$740k) and expected lower parking meter revenue (\$200k).

A complete list of income adjustments is provided in **Attachment 2, 2nd Quarter Budget Review Proposed Amendments**.

5. Operating Expenditure

Operating expenditure was forecasted in the original budget to be \$106.35 million. This forecast was increased as part of the Q1 budget review process by \$468k to \$106.82 million.

As part of the Q2 budget review process expenditure is to be increased by a further \$1.57 million to \$108 million. The main contributors to this adjustment include

Increased Expenditure

Materials & Contracts higher costs associated with Ausgrid road restoration contract (\$1.37 million), web site upgrade (\$77k), Bang the Table software licence (\$25k), Complete Streets Consultants (\$110k), Heritage Grant Consultants (\$72k), Water for Like Contractors (\$52k), Energy Conservation Contractors (\$43k), Bronte House Maintenance (\$35k), Council Chambers Maintenance (\$30k), Parking meter Maintenance (\$100k), , Parking Meter Equipment (\$60k) and Temporary Staff (\$119k)..

Other Expenses Parking Fine Abandonment (\$55k) due to increase in parking fine revenue, Family Day Care Subsidy (\$50k) following increased activity in this service, waste disposal (\$24k) and general advertising (\$16k).

Decreased Expenditure

Employee Costs lower due to delays in opening of Mill Hill Early Learning Centre (\$487k), Maintenance & Construction (\$171k), Street Trees (\$60k), Waverley Oval (\$55k), Technical Services (\$65k), Community Engagement (\$39k), Customer Service (\$30k) and Financial Service (\$30k).

A complete list of expenditure adjustments is provided in **Attachment 2, 2nd Quarter Budget Review Proposed Amendments**.

6. Capital Expenditure

Capital Equipment - Plant

The following table provides a breakdown of plant and equipment budget position following the \$3.3n million carryover of unspent budget allocations from 2011/12 (principally 7 domestic waste garbage trucks) and proposed Q2 adjustments.

REPORT TO COUNCIL

Summary Plant Replacements for 2012/13								
Plant Category	Total		Original budget		Carry Over		Q2 Adjustment	
	Qty	Budget	Qty	Budget	Qty	Budget	Qty	Budget
Passenger Vehicle	21	\$708,629	17	\$572,335	2	\$77,294	2	\$59,000
Small Plant	11	\$81,953	4	\$20,638	7	\$61,315		
Light Commercial Vehicle	-	-	-	-	-	-		
Light Omnibus	-	-	-	-	-	-		
Truck Fleet	2	\$150,557	-	-	2	\$150,557		
Major Fleet	8	\$2,760,000	-	-	8	\$2,760,000		
Specialised Equipment	4	\$523,700	2	\$250,620	2	\$273,080		
	46	\$4,224,839	23	\$843,593	21	\$3,322,246	2	\$59,000

Source of Funding 2012/13

Funding Source	Total	Original budget	Carry Over	Q2 Adjustment
General Plant Reserve	\$1,210,478	\$682,782	\$527,696	-
Domestic Waste Plant Reserve	\$2,392,451	\$63,343	\$2,279,108	\$50,000
Proceed from disposal of Plant	\$560,551	\$36,109	\$515,442	\$9,000
General Funds	-	-	-	-
	\$4,163,479	\$782,233	\$3,322,246	\$59,000

Note: There were no adjustments to the plant replacement schedule in the Q1 budget review

As at 31 December 2012 the total expenditure (including commitments) had been \$2,956,442 or 71% of the \$4,163,479 budget per Table 3 below

Table 3 – Plant Replacement Budget v Actual			
	Proposed Budget	Actual Expenditure & Commitments	Balance
Plant Type			
Passenger Fleet	\$647,269	\$357,015	\$290,254
Small Plant	\$81,953	\$28,528	\$53,425
Truck Fleet	\$150,557	\$0	\$150,557
Major Fleet	\$2,760,000	\$2,443,185	\$316,815
Specialised Equipment	\$523,700	\$127,714	\$395,986
Total	\$4,163,479	\$2,956,442	\$1,207,037

Property Acquisitions/Disposals

During the 2nd quarter of 2012/13 Council paid a 10% deposit of \$950,000 towards the purchase of 67A Bourke Road, Alexandria for the new Council depot.

Pending property transactions include:

- sale of the Council Zetland works depot,
- sale of Grafton Lane,
- sale of redundant drainage reserve 31 Blenheim/22 Isabella Street, Queens Park
- compulsory acquisition of land on Illawong Avenue, and
- balance of purchase of 67A Bourke Road, Alexandria for new Council depot.

REPORT TO COUNCIL

Capital Works Program

Council's original 2012/13 Capital Works Budget, as per the Operational Plan, was \$32.22 million - which included \$16 million expenditure on a new Council depot and \$5.9 million on conversion of surplus car parking space at Eastgate to commercial space.

Following completion of the 2011/12 financial year, \$7.46 million was carried forward to the 2012/13 budget for funding of incomplete projects, effectively taking the total 2012/13 budget for capital works at the beginning of 2012/13 to \$39.92 million.

During the Q1 budget review, the 2012/13 program was increased by \$440k to a total of \$40.13 million. This included bringing forward \$375k from 2013/14 for supporting reconstruction works at North Bondi Surf Club.

Q2 Budget Review – Proposed Adjustments

Following meetings between Council officers from asset management, financial services and each of the project sponsors some \$11.74 million of project expenditure, due to take place in 2012/13, has been delayed to 2013/14 and is included in this Q2 budget review. As detailed in the table below, individual project budgets for 2012/13 were only adjusted if project sponsors were certain that funds would not be expended or required until future financial years.

Table 4 below summarises the adjustments made to the 2012/13 Capital Works Program following the 2nd quarter budget review.

Table 4 – Proposed Q2 Budget Adjustments 2012/13 Capital Works Program

Project Code	Project Description	Budget Adjustment
New projects included in program		
Invest Strategy 14	Zetland Depot Sale	\$102,000
Lifeguard Tower	Install portable lifeguard towers	\$53,622
	Sub Total	\$155,622
Additional funding required		
EAP - Energy	Energy & water saving retrofit projects	\$15,000
Invest Strategy 02	Waverley Park Pavilion	\$6,065
Open Spc/Rec 06	Upgrade playgrounds	\$5,014
	Sub Total	\$26,079
Transfer funds to other projects within the program		
Open Spc/Rec 17	Playground upgrades	(\$5,014)
Roads 11/12	Roads Construction & Upgrades	(\$83,000)
Roads 12/13	Roads Construction & Upgrades	\$92,187
	Sub Total	\$4,173
Defer funds to future years		
Bondi Pk 05	Investigate QED tunnel for fire safety	(\$124,382)
Bronte Pk 01	Undertake works arising from PoM Bronte Park	(\$80,000)
Invest Strategy 05	Alternative sites for Council depot	(\$4,000,000)
Invest Strategy 11	Feasibility for conversion of parking spaces in Eastgate to offices	(\$5,857,137)
Misc Buildings 03	Undertake maintenance works to School of Arts	(\$82,111)
Misc Buildings 09	Architectural plans, scope & cost estimates for Tamarama SLSC	(\$682,116)
Misc Buildings 16	Waverley Pavilion Amenities Block	(\$350,000)
Misc Buildings 17	Public Toilet upgrade – Bronte Community Centre, Bronte surf, Bondi Beach north & south	(\$300,000)

REPORT TO COUNCIL

Project Code	Project Description	Budget Adjustment
PAMP01	Implement Stage 1 of works arising from Bondi Junction PAMP	(\$50,000)
Parking 04	Replace current permit parking system	(\$100,000)
Risk 06	Campbell Pde retaining wall adjacent to Park Drive	(\$114,183)
	Sub Total	(\$11,739,929)
Surplus funds from completed projects		
Invest Strategy 04	Waverley Park Precinct Master Plan	(\$9,422)
Misc Buildings 15	Replacement of Library Chiller	(\$90,000)
	Sub Total	(\$99,422)
	Total	(\$11,653,477)

Additional funding required for new projects or other:

- Invest Strategy 14 – expenditure required for the sale of the Depot will be offset by income from the sale.
- Lifeguard Tower – project covered by funds from general revenue.
- EAP – energy & water saving retrofit projects – funded from surplus funds of completed project Misc Buildings 15.
- Invest Strategy 02 – savings from Invest Strategy 04.
- Open Spc/Rec 06 – over expenditure funded from other playground upgrade projects Open Spc/Rec 17.

The changes to the 2012/13 Capital Works Program during Q2 are summarised in **Table 5** below:

Table 5 Summary of Changes to 2012/13 Capital Works Program Budget

Capital Works Program 2012/13 as adopted in Operational Plan	\$32,225,431
Carry forward of incomplete projects from 2011/12	\$7,467,103
Revised 2012/13 Capital Works Program Budget	\$39,692,534
1st Quarter Budget Review adjustments to 2012/13 Program	\$440,000
Revised 2012/13 Capital Works Program Budget as per Q1 review	\$40,132,534
Proposed 2nd Quarter Budget Review adjustments to 2012/13 Program	(\$11,653,477)
Proposed adjusted 2012/13 Capital Works Program budget as at Q2 review	\$28,479,057

At 31 December 2012 actual expenditure on Council's Capital Works Program for 2012/13 totalled \$5.13 million which represents 18% of the proposed Q2 revised 2012/13 Capital Works Program budget of \$28.47 million.

Completed Capital Works Projects during Q2

Invest Strategy 04 – Prepare Waverley Park Precinct Master Plan
Invest Strategy 07 – Construction of Mill Hill Early Education Centre
Lifeguard Tower – Install portable towers at Bronte & Bondi Beaches
Open Spc/ Rec 06 – Upgrade Playgrounds – Bronte Park playground

Update on Major Capital Works Projects

Kerb 01

It is proposed to include a new project in this program – Waverley Crescent kerb & gutter – Paul Street to Bondi Road (\$35k). This project has been identified as high

REPORT TO COUNCIL

priority. Funds to be diverted from Kerb 01 - Bronte Road west side Macpherson St to Pacific Ave.

Roads 11/12

Due to development of the previous Hakoah Club site at the corner of O'Brien St and Hall St, works (\$83k) in Roscoe Street (Glenayr Ave to O'Brien St) are being delayed and will be completed in a later year once development and works by service authorities are completed.

It is proposed to transfer these funds to complete works at the intersection of Bronte Road and Birrell Street where service authorities have recently completed major works (\$125k).

Roads 12/13

It is proposed to include a new project into the program, to upgrade Hegarty Lane & Rowe Lane (Leswell St to Newland St - \$48k).

Works to be partially funded through a damage deposit retained by Council from a developer (\$9,187) and savings from other projects in the program at

- Chesterfield Lane – savings of \$10k,
- Justus Street – savings of \$14k and
- Diamond Bay Road – savings of \$15k.

A section of the Diamond Bay Road works (parking area - \$42k) is proposed to be deleted from the program, with funding to be added to the project to complete works at the intersection of Bronte Road and Birrell Street (see Roads 11/12 above).

Attachment 3 shows the Capital Works Program Budget for 2012/13 together with a Q2 project progress commentary.

Table 6 below summarises the changes to the 2012/13 Capital Works budget.

Table 6 – Movements in 2012/13 Capital Works Budget

	2012/13
Adopted Operational Plan	\$32,225,431
Adopted 2011/12 carry forward	\$7,467,103
Revised 2012/13 Program	\$39,692,534
Adopted Q1 Review adjustment	\$440,000
Revised 2012/13 Program	\$40,132,534
Proposed Q2 budget adjustment	(\$11,653,477)
Program after adoption of Q2 review	\$28,479,057

7. Summary

The 2012/13 Q2 budget review has resulted in,

- a revised year end budget surplus of \$43,761 compared to the original budget deficit of \$11,971 and the Q1 estimate of a \$2,454 surplus.
- adjustments in capital expenditure resulting in a reduction to the 2012/13 capital works program of \$11,653,477 to \$28,469,870.
- Year to date capital works expenditure of \$5,138,295 or 18% of the forecast full year expenditure of \$28,479,057.

REPORT TO COUNCIL

- Year to date expenditure and purchase commitments on capital equipment - plant of \$2.95 million or 71% of the forecast full year expenditure of \$4,163,479.

8. Timeframe

Council is required under the Local Government (Financial Management) Regulations, 1993, Part 2, Clause 9, not later than 2 months after the end of each quarter, to prepare and submit a reviewed budget statement showing, by reference to the estimate of income and expenditure which is set out in the delivery program, a revised estimate of the income and expenditure.

Recommendation: That Council

1. Note this report on the 2nd quarter budget review for 2012/13.
2. Note and receive the Quarterly Budget Review Statement (QBRS) for the 2nd quarter 2012/13.
3. Vary the allocations to the recurrent and capital works budget in accordance with the review documents.

Bronwyn Kelly
Director Corporate and Technical Services
Authors: Ian Mead and Kate McCabe

Attachment 1	<i>2nd Quarter Budget Review Statement (QBRS)</i>
Attachment 2	<i>2nd Quarter Budget Review Proposed Amendments</i>
Attachment 3	<i>2nd Quarter 2012/13 Capital Works Budget Review</i>

Waverley Council

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Waverley Council for the quarter ended 31/12/12 indicates that Council's projected financial position at 30/6/13 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____



date: _____

11/2/13

Vanessa Canepa
Responsible Accounting Officer

Waverley Council

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Table of Contents	page
1. Responsible Accounting Officer's Statement	1
2. Income & Expenses Budget Review Statement - by Type	2
3. Capital Budget Review Statement - Council Consolidated	4
4. Cash & Investments Budget Review Statement - Council Consolidated	6
6. Contracts & Other Expenses Budget Review Statement	8

Waverley Council

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Waverley Council for the quarter ended 31/12/12 indicates that Council's projected financial position at 30/6/13 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____

date:

Vanessa Canepa
Responsible Accounting Officer

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/12 to 31/12/12

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2012

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2012/13	Approved Changes			Revised Budget 2012/13	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs					
Income									
Rates and Annual Charges	47,189			(29)	47,160	(19)		47,141	47,184
User Charges and Fees	29,672			80	29,752	(913)	1	28,839	14,573
Interest and Investment Revenues	2,375				2,375	(200)	2	2,175	1,337
Other Revenues	15,194			754	15,948	964	3	16,912	9,433
Grants & Contributions - Operating	5,241	194		3,027	8,462	1,933	4	10,395	5,713
Grants & Contributions - Capital	1,700	278			1,978	990	5	2,968	1,464
Net gain from disposal of assets	46,306	515			46,821	9		46,830	17
Share of Interests in Joint Ventures					-			-	
Total Income from Continuing Operations	147,677	987	-	3,832	152,496	2,764		155,261	79,721
Expenses									
Employee Costs	53,525			(232)	53,293	(932)	6	52,361	26,297
Borrowing Costs	225			1	226	1		227	101
Materials & Contracts	17,004	106		421	17,531	2,140	7	19,671	7,148
Depreciation	15,167				15,167			15,167	-
Legal Costs	1,070				1,070	9		1,079	423
Consultants	966			191	1,157	206	8	1,363	483
Other Expenses	18,397	10		(29)	18,378	149	9	18,527	7,870
Interest & Investment Losses					-			-	
Net Loss from disposal of assets					-			-	
Share of interests in Joint Ventures					-			-	
Total Expenses from Continuing Operations	106,354	116	-	352	106,822	1,573		108,396	42,322
Net Operating Result - Continuing Operations	41,323	871	-	3,480	45,674	1,191		46,865	37,399
Discontinued Operations - Surplus/(Deficit)					-			-	
Net Operating Result from All Operations	41,323	871	-	3,480	45,674	1,191		46,865	37,399
Net Operating Result before Capital Items	39,623	593	-	3,480	43,696	201		43,897	35,935

229

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/12 to 31/12/12

Income & Expenses Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

1. Bringing to account lower than expected revenue from Child Care Services due to the delay in the opening of the Mill Hill Early Learning Centre (\$740k) and lower Parking Meter revenue (\$200k).

2. Bring to account lower than expected Interest Revenue reflecting the lower interest rate environment (\$200k) .

- 3 Bringing to account further increase in Parking Fines revenue for the second quarter (\$913k).

- 4 Operating Grants and Contributions have increased by \$1.933 million. This was due largely to unbudgeted revenue from the contract with Ausgrid for road restoration works (\$1.42 million). Additional increased child care benefit resulting from additional activity in Family Day Care (\$70k). State Government Grants for Water for Life (\$25k), Housing Code (\$28k), Heritage (\$72k) and Complete Streets (\$110k) also contributed favourably to the positive adjustments.

- 5 Bringing to account higher than expected Developer Housing Contributions (\$750k) and Section 94A Contributions (\$240k).

- 6 Bringing to account lower Employee costs from Child Care Services due to delays in opening of Mill Hill Early Learning Centre (\$487k). Savings from the deferral of work from Maintenance & Construction (\$171k), Street Trees (\$60k), Waverley Oval (\$55k), Technical Services (\$65k), Community Engagement (\$39k), Customer Service (\$30k) and Financial Service (\$30k).

- 7 Materials & Contracts expenditure was anticipated to increase by \$2.14 million. This was mainly attributed to the Ausgrid road restoration contract (\$1.37 million) which was not budgeted (see note 4). Additional costs include Web site upgrade (\$77k), Bang the Table software licence (\$25k), Bronte House Maintenance (\$35k), Council Chambers Maintenance (\$30k), Parking meter Maintenance (\$100k), Parking Meter Equipment (\$60k) and Temporary Staff (\$119k).

- 8 Consultant fees have increased by \$191k, this was mainly attributed by additional expenses relating to Complete Streets (\$110k), Heritage Grant (\$72k), Water for Life (\$52k) and Energy Conservation projects (\$43k).

- 9 Bringing to account higher costs associated with increase in Parking Fine Abandonment (\$55k) relating to increase in Parking Fines revenue and Family Day Care Subsidy (\$50k) following increased activity in this service (see note 3). Also contributing to the variance is higher costs anticipated for Waste Disposal (\$24k) and General Advertising (\$16k).

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/12 to 31/12/12

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2012

Capital Budget - Council Consolidated

(\$000's)	Approved Changes				Revised Budget 2012/13	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
	Original Budget 2012/13	Carry Forwards	Mar QBRS	Dec QBRS					
Capital Expenditure									
New Assets									
- Plant & Equipment	511	77			588	59	1	4,163	379
- Land & Buildings	21,963		-		21,963	(9,695)	2	12,268	2,068
- Roads, Bridges, Footpaths		1,290			1,290	-		1,290	-
- Storm Water Drainage		157	70		227	-		227	120
- Other	935	70	10		1,015	10	3	976	392
Renewal Assets (Replacement)									
- Plant & Equipment	843	3,245	15		4,103	-		587	124
- Land & Buildings	3,096	1,408	375		4,879	(1,504)	4	3,374	1,177
- Roads, Bridges, Footpaths	4,410	1,611	65		6,086	(41)	5	6,045	926
- Storm Water Drainage	1,094	652	(70)		1,676	-		1,677	148
Loan Repayments (Principal)									
Other Expenditure	1,068	2,296	(10)		3,354	-		-	-
Total Capital Expenditure	33,920	10,806	455		45,181	(11,594)	6	33,587	5,665
Capital Funding									
Rates & Other Untied Funding	2,636	830	15		3,481	(1,204)		2,278	1,106
Capital Grants & Contributions	324	880			1,204	-		1,204	292
Reserves:									
- External Restrictions/Reserves	5,102	2,802	65		7,969	(286)		7,683	2,897
- Internal Restrictions/Reserves	23,322	5,779	375		29,476	(9,755)		19,721	1,353
New Loans	2,500				2,500	(350)		2,150	-
Receipts from Sale of Assets									
- Plant & Equipment	36	515			551			551	17
- Land & Buildings	-				-			-	
Other Funding...enter description here					-			-	
Other Funding...enter description here					-			-	
Total Capital Funding	33,920	10,806	455		45,181	(11,594)		33,587	5,665
Net Capital Funding - Surplus/(Deficit)	-	-	-		-	-		-	(0)

231

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/12 to 31/12/12

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/12 to 31/12/12

Capital Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1.	Purchase of new plant items for Domestic Waste Services.
2.	Work planned for a number of new Land and Building projects have been deferred to future years. The main contributors relating to the new depot site (\$4.0 million) and Eastgate carpark projects (\$5.857 million).
3.	Additional cost expected for the Energy & water saving retrofit project.
4.	Deferral several capital building work projects including the Tamarama Surf (\$0.682 million), Waverley Pavilion Amenities Block (\$0.350 million) and Public Toilet Upgrade - Bronte and Bondi Beach North & South (\$0.300 million). Project saving from Relacement of Library Chiller (\$0.090 million) also contributed to the possitive adjustment for the quarter.
5.	Deferral of work for Roscoe Street (Glenayr Ave to O'Brien St) upgrade due to Service Authority works on Traffic Islands, Pedestrian Refuge (Waverley St and Botany St) and pedestian Access projects. Part of the saving this year will be off-set by new work planned for York Rd Queens Park as part of the Federal Nation Building Blackspot Program (2012/13)
6.	Funds deferred to 2013/14 Investigate QED tunnels for fire safety (\$124k) and Upgrade Parking Meter project (\$100k). Other deferral in the capital work project also include minor repair on the Campbell Parade Retaining wall adjacent to Park Drive (114k).

Waverley Council

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 December 2012

Cash & Investments - Council Consolidated

(\$000's)	Original Budget 2012/13	Approved Changes				Revised Budget 2012/13	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs					
Externally Restricted ⁽¹⁾										
Developer Contributions	2,768	(436)		2,935	-	5,267	2,935	1	8,202	3,487
Specific Purpose Unexpended Grants	1,722	(513)		(25)		1,184	(25)	2	1,159	1,661
Domestic Waste Management	3,946	(2,279)		2		1,669	2		1,671	6,949
Environmental Levy	133	(87)		-		46	-		46	122
Other Contributions	-	-		-		-	-		-	-
Total Externally Restricted	8,569	(3,315)	-	2,912	-	8,166	2,912		11,078	12,219
(1) Funds that must be spent for a specific purpose										
Internally Restricted ⁽²⁾										
Plant & Vehicle Replacement	1,319	(528)				791			791	1,534
Employee Leave Entitlements	3,980	-				3,980			3,980	4,541
Carry Over Works	265	(29)				236			236	265
Deposits, Retentions & Bonds	6,638	-				6,638			6,638	6,638
IT & Office Equipment	850	-				850			850	809
Sale of Properties		-				-			-	-
Insurance Claims	200	-				200			200	200
Parking Meters	3,209	-		584		3,793	584	3	4,377	2,647
Parking - Off-Street	1,055	(827)				228			228	1,062
Street Tree (Sewer) Aerial Bundling	253	-				253			253	252
Affordable Housing	1,165	-				1,165			1,165	1,047
Social Housing	190	-				190			190	166
Future Capital Works	6,070	(3,388)		61		2,743	61	4	2,804	4,379
Unexpended Loans	763	-				763			763	188
Cemetery Funds	1,257	(673)		(1)		583	(1)		582	1,530
Investment Strategy	23,597	(1,175)				22,422			22,422	480
Looking Good	-	-		359		359	359	5	718	359
Election Reserve	59	-		-		59	-		59	283
Other	250	-		-		250	-		250	250
Total Internally Restricted	51,120	(6,620)	-	1,003	-	45,503	1,003		46,506	26,630
(2) Funds that Council has earmarked for a specific purpose										
Unrestricted (ie. available after the above Restrictions)	59	-	-	-	-	-	-		-	15,217
Total Cash & Investments	59,748	(9,935)	-	3,915	-	53,669	3,915		57,584	54,066

233

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/12 to 31/12/12

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Council's Cash & Investments position for 2012-13 at the end of this quarter is projected at \$66.063 million, \$12.394 million higher than the adopted budgeted position in last quarter. Main contributors to this favourable variance are the deferral of work anticipated for Eastgate carpark and the purchase of the new depot projects.

Investments

Investments have been placed in accordance with Council's Investment Policy.

Cash

The Cash figure included in the Cash & Investment Statement totals \$54.066 million

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 21/01/13

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)		2,107
Cash on Hand (Floats/ Petty Cash)		52,242
Investments on Hand		57
less: Unpresented Cheques	(Timing Difference)	(343)
add: Undeposited Funds	(Timing Difference)	56
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	(73)
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	36
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	(16)
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	
Reconciled Cash & Investments		54,066
Balance as per Review Statement:		54,066
Difference:		0

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

- | | |
|---|--|
| 1 | Transfer to Reserve higher than expected S94 Contributions (\$0.991 million) and State grant (\$0.100 million). |
| 2 | Fund required to purchase addition plant items for the Domestic Waste Operation. |
| 3 | New fund required to upgrade web site for Communication and Public Engagement unit. |
| 4 | Additional transfer to Parking Reserve reflecting higher than expected Parking Meter revenue. |
| 5 | Deferral of Off-Street Parking meters upgrade project. |
| 6 | Funds transferred to future years due to the deferral of several capital work projects. |
| 7 | Fund transferred to future years due to the deferral of Eastgate Car park and the new depot projects. |
- | | |
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Waverley Council

Quarterly Budget Review Statement
for the period 01/10/12 to 31/12/12

Contracts Budget Review Statement

Budget review for the quarter ended 31 December 2012

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

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Knock Out Pest Control	Pest Control Services for Councils Propertors	Est \$50,000	22/11/12	3 Years	Y	
Green Options Pty Ltd	Maintenance of Sporting Fields	126,000	14/12/12	3 Years	Y	
Downer EDI	Road Re-Sheeting Program Works	670,540	21/12/12	6 Months	Y	
D&M Excavations	Road Re-Sheeting Program Works	176,945	21/12/12	6 Months	Y	
Access Control Equipment	Parking Access Equipment for Carparks	617,262	21/12/13	6 Months	Y	

Notes:

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

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/12 to 31/12/12

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview ((Including Capital Items)

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	828,366	Y
Legal Fees	478,186	Y

Definition of a consultant:

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

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Expense	Approved Budget (Actual Budget)	Q2 Projected Budget (Actual Budget)	YTD Expenditure (Actual Dollars)	Included in Approved Budget (Y/N)
<u>Consultancies</u>				
1010. General Managers Office	15,000	15,000	15,133	N
1014. Internal Audit	6,800	6,800	1,125	Y
1018. Communications, Community Engagement & Public Relations	-	-	9	N
1036. Citizenship Expenses	500	500	-	Y
1050. Bondi Junction Place Manager	-	-	-	N
1100. Place Management Administration	14,000	14,000	-	Y
1139. Xmas & New Years Eve Festival	31,500	31,500	11,378	Y
1150. Bondi Summer Campaign	-	-	-	N
1151. Sober Santa	2,000	2,000	-	Y
1153. New Years - Dudley Page Reserve	-	-	-	N
1313. Bondi Beach Life Guards	2,000	2,000	-	Y
1487. Waverley Bushcare	1,750	1,630	-	Y
1488. Bronte Gully Bushcare	300	300	-	Y
1608. Waverley Pavilion Amenities Block	75,000	22,500	-	Y
1623. Spring/Ebley Street Master Plan	-	-	9,380	N
1651. Burge Street Retaining Wall	50,000	50,000	-	Y
1684. Tamarama Surf Club - Building Improvements	300,000	-	-	N
1707. Light Rail Investigation	100,000	100,000	-	Y
1713. Bondi Park Sustainable Water Project	-	-	-	N
1714. Tamarama Life Guard & Kiosk	-	-	14,585	N
1751. Waverley Park Pavilion	-	2,750	-	Y
1753. Bondi Park POM	-	-	52,386	N
1774. Parking Permit System	-	-	1,894	N
1783. Active Recreation	-	-	3,000	N
1797. ELCC Feasibility Works	-	-	-	N
1810. Depot Alternative Site Investigation	-	-	133,535	N
1812. ELCC Construction	-	-	125,996	N
1845. Eastgate Car Park - Commercial Space Development	5,904,000	100,000	-	Y
1867. Waverley Pavilion Interpretive Historical Art	5,000	5,000	5,000	N
1895. Bondi Junction Bike Plan	-	-	-	N
1958. Zetland Depot Sale	-	102,000	-	Y
2130. Community Safety	2,500	2,500	-	Y
2223. Waverley Early Education Centre	-	-	1,200	N
2250. Intergrated Planning	17,000	17,000	16,105	Y
2253. Youth Services	-	500	500	N
2256. Civic Pride	7,000	7,000	3,340	Y

Expense	Approved Budget (Actual Budget)	Q2 Projected Budget (Actual Budget)	YTD Expenditure (Actual Dollars)	Included in Approved Budget (Y/N)
2257. Multi Cultural Worker	2,000	2,000	-	Y
2274. Community Living Program	2,000	2,000	-	Y
2277. Access Committee	200	200	-	Y
2400. Affordable Housing Administration	15,000	15,000	-	Y
3305. Traffic Counts & Designs	-	-	3,000	N
3332. Footpath Concrete Repairs	-	-	-	N
4110. Planning & Environment Director	-	5,000	-	Y
4120. Planning & Environment Admin.	10,000	5,000	-	Y
4210. Building Services	2,000	2,000	889	Y
4316. Sustainability Strategy	-	-	-	N
4321. Waste Education	17,000	17,000	18,129	N
4323. Transport Behaviour Change	15,000	10,000	-	Y
4330. Sustainable Schools Program	19,000	15,000	-	Y
4340. Environmental Program Management	-	675	675	N
4354. Water Conservation	25,000	20,000	-	Y
4355. Energy Conservation	85,443	85,443	-	Y
4360. Community Education	15,127	15,127	3,134	Y
4361. Environmental Action Plan	92,000	92,000	52,000	Y
4550. Town Planning - Strategic	81,000	153,000	100,616	Y
4551. Town Planning - Assessment	173,000	200,000	144,601	Y
4552. Town Planning - IHAP	27,000	27,000	7,625	Y
4555. Legal Services	8,000	8,000	-	Y
4556. Town Planning Projects	110,000	110,000	18,741	Y
4557. Complete Streets Project	-	110,000	-	Y
4600. Public Works Administration	10,000	10,000	-	Y
4601. Economic Development for Villages	30,000	30,000	-	Y
4605. Construction Administration	5,000	15,000	6,326	Y
4615. Fleet Safe Programme	1,000	1,000	-	Y
4619. Fleet Operation	7,000	7,000	-	Y
4720. Waste Services Administration	20,000	20,000	13,091	Y
4723. Recycling Services	10,000	10,000	-	Y
5121. Library Administration	10,000	10,000	5,765	Y
5137. Literary Award	10,000	10,000	15,580	N
5220. Customer Service Centre	14,100	14,100	450	Y
6221. Corporate & Technical Services	-	-	-	N
6250. Waverley Together	25,000	25,000	-	Y
6421. Computer Services	20,000	20,000	-	Y
6521. Human Resources	25,700	25,700	2,447	Y
6522. Organisational Development	30,000	30,000	4,360	Y
6523. Risk Management	31,000	31,000	2,029	Y
6721. Financial Services	15,000	15,000	5,050	Y
6723. Rates Collection	1,500	1,500	-	Y
6775. Technical Services	20,000	20,000	500	Y
6780. Parking Meters	35,000	35,000	21,932	Y
6785. Bronte Beach Car Park	-	-	-	N
6821. Property	3,500	3,500	-	Y
6834. 91-93 O'Brien Street	-	-	2,035	N
6861. Library Building	-	-	935	N
6879. 65 Ebley Street Common Area	-	-	1,680	N
6893. Eastgate Car Park	5,000	5,000	309	Y
6901. Council Chambers	-	-	300	N
6911. Waverley Cemetery	28,800	28,800	1,600	Y
Total - Consultancies	7,590,720	1,745,025	828,366	

Expense	Approved Budget (Actual Budget)	Q2 Projected Budget (Actual Budget)	YTD Expenditure (Actual Dollars)	Included in Approved Budget (Y/N)
<u>Legal Fees</u>				
1010. General Managers Office	-	3,450	3,425	N
1014. Internal Audit	4,000	4,000	-	Y
1020. Councillors Expenses	4,000	4,000	-	Y
1050. Bondi Junction Place Manager	-	-	-	N
1100. Place Management Administration	20,000	20,000	-	Y
1121. Cultural Activities Admin.	-	-	-	N
1150. Bondi Summer Campaign	-	-	-	N
1652. 10A Illawong Avenue Acquisition	59,000	59,000	19,968	Y
1810. Depot Alternative Site Investigation	-	-	26,921	N
1958. Zetland Depot Sale	-	-	8,630	N
2250. Intergrated Planning	-	-	-	N
2257. Multi Cultural Worker	-	230	232	N
2400. Affordable Housing Administration	20,000	20,000	10,142	Y
4323. Transport Behaviour Change	-	-	-	N
4450. Health - 19 Boonara Ave	25,000	65,000	26,447	N
4522. Regulatory Control	160,000	170,000	92,459	Y
4550. Town Planning - Strategic	-	-	-	N
4551. Town Planning - Assessment	550,000	550,000	243,722	Y
4552. Town Planning - IHAP	-	-	-	N
4555. Legal Services	-	-	544	N
4720. Waste Services Administration	8,000	8,000	-	Y
4770. Commercial Waste Service	750	750	510	Y
6221. Corporate & Technical Services	151,450	100,960	-	Y
6225. Insurance/Indemnity	50,000	50,000	16,348	Y
6521. Human Resources	-	-	-	N
6621. Governance & Integrated Planning	-	-	-	N
6723. Rates Collection	38,700	38,700	16,433	Y
6780. Parking Meters	-	-	-	N
6821. Property	2,540	8,820	10,089	N
6822. Tamamara Park Land Acquisition	25,000	25,000	-	Y
6823. Councillor Catering	-	-	-	N
6851. 14-26 Ebley Street	2,320	2,320	2,316	Y
6892. Hollywood Ave Car Park	5,000	5,000	-	Y
6911. Waverley Cemetery	3,000	3,000	-	Y
Total - Legal	1,128,760	1,138,230	478,186	

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
1010-208	General Managers Office	Sundry Income	(600)				(600)
1010-211	General Managers Office	Telephone Reimbursement			(100)		(100)
1010-301	General Managers Office	Wages & Salaries		(7,900)			(7,900)
1010-302	General Managers Office	Wages & Salaries Casuals		7,900			7,900
1010-527	General Managers Office	Computer Software Licence & Mtce			760		760
1010-528	General Managers Office	Computer Lan/Network Data Charges			140		140
1010-589	General Managers Office	Legal Costs			3,450		3,450
1010-627	General Managers Office	Printing External			120		120
1010-670	General Managers Office	Telephone Mobiles			(250)		(250)
1010-671	General Managers Office	Telephone Charges			940		940
1018-259	Communications, Community Engagement & Public Relations	Transfer from Computer Reserve	(77,300)				(77,300)
1018-301	Communications, Community Engagement & Public Relations	Wages & Salaries		(39,770)			(39,770)
1018-526	Communications, Community Engagement & Public Relations	Computer Upgrade			77,300		77,300
1018-527	Communications, Community Engagement & Public Relations	Computer Software Licence & Mtce			25,000		25,000
1018-571	Communications, Community Engagement & Public Relations	General Expenses			120		120
1018-611	Communications, Community Engagement & Public Relations	Minor Equipment Purchases			8,240		8,240
1018-671	Communications, Community Engagement & Public Relations	Telephone Charges			300		300
1018-677	Communications, Community Engagement & Public Relations	Car Allowance		6,410			6,410
1020-208	Councillors Expenses	Sundry Income	(160)				(160)
1020-528	Councillors Expenses	Computer Lan/Network Data Charges			180		180
1020-670	Councillors Expenses	Telephone Mobiles			(150)		(150)
1020-671	Councillors Expenses	Telephone Charges			150		150
1030-567	Civic Celebration	Fringe Benefits Tax			130		130
1030-571	Civic Celebration	General Expenses			(130)		(130)
1034-511	Elected Member - Cancian	Councillors Fees			(1,200)		(1,200)
1034-528	Elected Member - Cancian	Computer Lan/Network Data Charges			(90)		(90)
1034-611	Elected Member - Cancian	Minor Equipment Purchases			(100)		(100)
1034-649	Elected Member - Cancian	Stationery & Office Supplies			(75)		(75)
1034-670	Elected Member - Cancian	Telephone Mobiles			(50)		(50)
1034-671	Elected Member - Cancian	Telephone Charges			(150)		(150)
1034-678	Elected Member - Cancian	Travelling/Taxis Expenses			(125)		(125)
1036-547	Citizenship Expenses	Digitising Expense			300		300
1036-567	Citizenship Expenses	Fringe Benefits Tax			(300)		(300)
1036-621	Citizenship Expenses	Postage/Courier Charges			100		100
1036-627	Citizenship Expenses	Printing External			(100)		(100)
1037-511	Elected Member - Jackson	Councillors Fees			(1,200)		(1,200)

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
1037-528	Elected Member - Jackson	Computer Lan/Network Data Charges			(140)		(140)
1037-611	Elected Member - Jackson	Minor Equipment Purchases			(100)		(100)
1037-649	Elected Member - Jackson	Stationery & Office Supplies			(75)		(75)
1037-670	Elected Member - Jackson	Telephone Mobiles			(50)		(50)
1037-671	Elected Member - Jackson	Telephone Charges			(150)		(150)
1037-678	Elected Member - Jackson	Travelling/Taxis Expenses			(125)		(125)
1040-509	Elected Member - Wakefield	Mayoral Fees			(29,775)		(29,775)
1043-509	Elected Member - Betts	Mayoral Fees			30,385		30,385
1043-627	Elected Member - Betts	Printing External			100		100
1043-678	Elected Member - Betts	Travelling/Taxis Expenses			300		300
1045-509	Elected Member - Kay	Mayoral Fees			2,275		2,275
1045-528	Elected Member - Kay	Computer Lan/Network Data Charges			445		445
1045-627	Elected Member - Kay	Printing External			100		100
1045-649	Elected Member - Kay	Stationery & Office Supplies			210		210
1045-670	Elected Member - Kay	Telephone Mobiles			400		400
1045-671	Elected Member - Kay	Telephone Charges			400		400
1045-678	Elected Member - Kay	Travelling/Taxis Expenses			300		300
1046-509	Elected Member - Sloan	Mayoral Fees			610		610
1046-511	Elected Member - Sloan	Councillors Fees			(1,200)		(1,200)
1046-528	Elected Member - Sloan	Computer Lan/Network Data Charges			40		40
1046-670	Elected Member - Sloan	Telephone Mobiles			100		100
1046-678	Elected Member - Sloan	Travelling/Taxis Expenses			120		120
1048-511	Elected Member - Main	Councillors Fees			(1,200)		(1,200)
1048-528	Elected Member - Main	Computer Lan/Network Data Charges			(50)		(50)
6521-301	Human Resources	Wages & Salaries		(17,000)			(17,000)
6525-231	Training	Apprenticeship Subsidy	(2,500)				(2,500)
6526-335	Pay Office	Temporary Staff			17,000		17,000
General Manager			(80,560)	(50,360)	133,130	-	2,210
1050-301	Bondi Junction Place Manager	Wages & Salaries		105,390			105,390
1050-305	Bondi Junction Place Manager	Wages & Salaries Overtime		730			730
1006-301	Place Management Administration	Wages & Salaries		(105,390)			(105,390)
1006-305	Place Management Administration	Wages & Salaries Overtime		(730)			(730)
1006-138	Xmas & New Years Eve Festival	Rent Ovals, Parks & Open Spaces	99,800				99,800
1231-138	City to Surf	Rent Ovals, Parks & Open Spaces	42,091				42,091

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
1482-435	Bushcare - Special Projects	Contractors			(1,962)		(1,962)
1483-301	Environmental Bushland	Wages & Salaries		4,000			4,000
1483-435	Environmental Bushland	Contractors			(4,000)		(4,000)
1487-305	Waverley Bushcare	Wages & Salaries Overtime		1,962			1,962
1487-535	Waverley Bushcare	Consultants & Technical Assistance			(120)		(120)
1492-651	Bushcare - Alligator Weed	Stores & Materials			120		120
2222-302	Gardiner Early Education Centre	Wages & Salaries Casuals		(10,000)			(10,000)
2222-335	Gardiner Early Education Centre	Temporary Staff			10,000		10,000
2222-524	Gardiner Early Education Centre	Computer/Laptop Purchases			3,000		3,000
2222-527	Gardiner Early Education Centre	Computer Software Licence & Mtce			(1,800)		(1,800)
2222-528	Gardiner Early Education Centre	Computer Lan/Network Data Charges			600		600
2222-616	Gardiner Early Education Centre	Computer Purchases			(1,700)		(1,700)
2223-524	Waverley Early Education Centre	Computer/Laptop Purchases			1,000		1,000
2223-571	Waverley Early Education Centre	General Expenses			(1,500)		(1,500)
2223-616	Waverley Early Education Centre	Computer Purchases			(1,000)		(1,000)
2223-649	Waverley Early Education Centre	Stationery & Office Supplies			1,500		1,500
2224-121	Bronte Early Education Centre	Child Care Fees	160,000				160,000
2224-235	Bronte Early Education Centre	Child Care Benefit	(160,000)				(160,000)
2224-571	Bronte Early Education Centre	General Expenses			(1,500)		(1,500)
2224-649	Bronte Early Education Centre	Stationery & Office Supplies			1,500		1,500
2226-301	Family Support Worker	Wages & Salaries		10,600			10,600
2228-208	Family Day Care	Sundry Income	(4,000)				(4,000)
2228-235	Family Day Care	Child Care Benefit	(50,000)				(50,000)
2228-240	Family Day Care	Child Care Levy/Membership	(20,000)				(20,000)
2228-659	Family Day Care	Subsidy Payment			50,000		50,000
2274-237	Community Living Program	Program Grant	(10,000)				(10,000)
2230-121	Mill Hill Early Education Centre	Child Care Fees	580,440				580,440
2230-235	Mill Hill Early Education Centre	Child Care Benefit	(40,000)				(40,000)
2230-236	Mill Hill Early Education Centre	Salary Grant	20,000				20,000
2230-301	Mill Hill Early Education Centre	Wages & Salaries	(367,268)				(367,268)
2230-302	Mill Hill Early Education Centre	Wages & Salaries Casuals	(120,000)				(120,000)
2230-335	Mill Hill Early Education Centre	Temporary Staff			(30,000)		(30,000)
2244-301	Meals on Wheels	Wages & Salaries		(30,000)			(30,000)
2244-302	Meals on Wheels	Wages & Salaries Casuals		30,000			30,000
2244-571	Meals on Wheels	General Expenses			1,000		1,000
2244-611	Meals on Wheels	Minor Equipment Purchases			(1,000)		(1,000)

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
2250-335	Integrated Planning	Temporary Staff			14,804		14,804
2250-415	Integrated Planning	Signs			4,000		4,000
2250-435	Integrated Planning	Contractors			(7,345)		(7,345)
2250-527	Integrated Planning	Computer Software Licence & Mtce			3,345		3,345
2250-571	Integrated Planning	General Expenses			(1,260)		(1,260)
2250-611	Integrated Planning	Minor Equipment Purchases			1,260		1,260
2250-619	Integrated Planning	Photography & Video			400		400
2250-624	Integrated Planning	Promotions & Publicity			(3,600)		(3,600)
2250-648	Integrated Planning	Sustenance Expenses			3,200		3,200
2251-302	Precincts	Wages & Salaries Casuals		2,000			2,000
2253-301	Youth Services	Wages & Salaries		5,000			5,000
2253-302	Youth Services	Wages & Salaries Casuals		(7,331)			(7,331)
2253-305	Youth Services	Wages & Salaries Overtime		600			600
2253-505	Youth Services	Advertising General			917		917
2253-535	Youth Services	Consultants & Technical Assistance			500		500
2255-302	Better Futures Project	Wages & Salaries Casuals		316			316
2256-301	Civic Pride	Wages & Salaries		(10,300)			(10,300)
2256-305	Civic Pride	Wages & Salaries Overtime		1,300			1,300
2256-335	Civic Pride	Temporary Staff			4,000		4,000
2257-301	Multi Cultural Worker	Wages & Salaries		8,000			8,000
2257-302	Multi Cultural Worker	Wages & Salaries Casuals		(20,036)			(20,036)
2257-589	Multi Cultural Worker	Legal Costs			230		230
2274-351	Community Living Program	Recharge			10,667		10,667
2301-137	Waverley Oval Sports Facilities	Hire of Halls & Rooms	9,000				9,000
2301-597	Waverley Oval Sports Facilities	Mtce General			(6,000)		(6,000)
2301-598	Waverley Oval Sports Facilities	Mtce - Mech/Elec			(1,000)		(1,000)
2301-599	Waverley Oval Sports Facilities	Mtce - Fire Services			(1,000)		(1,000)
2302-137	Waverley Oval Sports Hall	Hire of Halls & Rooms	(31,500)				(31,500)
2302-597	Waverley Oval Sports Hall	Mtce General			(8,000)		(8,000)
2302-598	Waverley Oval Sports Hall	Mtce - Mech/Elec			(1,000)		(1,000)
2302-599	Waverley Oval Sports Hall	Mtce - Fire Services			(1,000)		(1,000)
2303-137	Waverley Oval Community Room	Hire of Halls & Rooms	(15,000)				(15,000)
2303-597	Waverley Oval Community Room	Mtce General			(4,000)		(4,000)
2303-598	Waverley Oval Community Room	Mtce - Mech/Elec			(1,000)		(1,000)
2303-599	Waverley Oval Community Room	Mtce - Fire Services			(500)		(500)
2303-13	Waverley Oval Pavilion	Fees Courses & Activities	(13,000)				(13,000)

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
2304-208	Waverley Oval Pavilion	Sundry Income			4,000		4,000
2304-301	Waverley Oval Pavilion	Wages & Salaries		(55,000)			(55,000)
2304-302	Waverley Oval Pavilion	Wages & Salaries Casuals		55,000			55,000
2304-435	Waverley Oval Pavilion	Contractors			5,000		5,000
2304-597	Waverley Oval Pavilion	Mtce General			18,000		18,000
2304-598	Waverley Oval Pavilion	Mtce - Mech/Elec			3,000		3,000
2304-599	Waverley Oval Pavilion	Mtce - Fire Services			2,500		2,500
2304-611	Waverley Oval Pavilion	Minor Equipment Purchases			19,500		19,500
2304-641	Waverley Oval Pavilion	Security Property & Guarding			22,000		22,000
5220-301	Customer Service Centre	Wages & Salaries		(50,000)			(50,000)
5220-302	Customer Service Centre	Wages & Salaries Casuals		20,000			20,000
5220-335	Customer Service Centre	Temporary Staff			30,000		30,000
5220-611	Customer Service Centre	Minor Equipment Purchases			(1,500)		(1,500)
5220-649	Customer Service Centre	Stationery & Office Supplies			1,500		1,500
Recreation, Customer & Community			567,831	(531,157)	135,756	-	172,430
6221-589	Corporate & Technical Services	Legal Costs			(50,490)		(50,490)
6225-213	Insurance/Indemnity	Insurance Recovery	(56,500)				(56,500)
6721-111	Financial Services	Interest on Investments	200,000				200,000
6721-301	Financial Services	Wages & Salaries		(30,000)			(30,000)
6721-335	Financial Services	Temporary Staff			30,000		30,000
6723-101	Rates Collection	Business Rate	18,490				18,490
6723-102	Rates Collection	Business Bondi Junction Rate	250				250
6723-103	Rates Collection	Residential Rate	270				270
6723-106	Rates Collection	Extra Charges Rates	(15,000)				(15,000)
6723-164	Rates Collection	Certificates 603	(2,500)				(2,500)
6723-351	Rates Collection	Recharge			(10,667)		(10,667)
6723-533	Rates Collection	Conferences & Seminars			1,200		1,200
6723-553	Rates Collection	E- Commerce Charges			2,500		2,500
6723-559	Rates Collection	Filing & Search Fees	(500)				(500)
6723-649	Rates Collection	Stationery & Office Supplies			(2,500)		(2,500)
6723-679	Rates Collection	Valuation Fees			(160)		(160)
6723-132	Technical Services	Parking Permits	15,000				15,000
6723-188	Technical Services	Crane Permits	(20,000)				(20,000)
6723-19	Technical Services	Temporary Truck Zones Permit Fees	(50,000)				(50,000)

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
6775-198	Technical Services	Gutter Crossing Inspection Fees	(20,000)				(20,000)
6775-208	Technical Services	Sundry Income	40,000				40,000
6775-301	Technical Services	Wages & Salaries		(65,000)			(65,000)
6780-131	Parking Meters	Parking Fees	200,000				200,000
6780-132	Parking Meters	Parking Permits	(20,000)				(20,000)
6780-149	Parking Meters	Credit Card Surcharge	(11,675)				(11,675)
6780-168	Parking Meters	Fines & Costs	(906,335)				(906,335)
6780-302	Parking Meters	Wages & Salaries Casuals		44,000			44,000
6780-335	Parking Meters	Temporary Staff			10,000		10,000
6780-420	Parking Meters	Abandonment Fines by SDR			55,430		55,430
6780-521	Parking Meters	Cleaning			5,000		5,000
6780-597	Parking Meters	Mtce General			100,000		100,000
6780-611	Parking Meters	Minor Equipment Purchases			60,000		60,000
6780-641	Parking Meters	Security Property & Guarding			1,250	300,000	1,250
6780-703	Parking Meters	Transfer to Parking Meter Reserve					300,000
6785-301	Bronte Beach Car Park	Wages & Salaries		(10,000)			(10,000)
6785-302	Bronte Beach Car Park	Wages & Salaries Casuals		5,000			5,000
6785-305	Bronte Beach Car Park	Wages & Salaries Overtime		5,000			5,000
6785-639	Bronte Beach Car Park	Security Cash Transit			(2,000)		(2,000)
6785-641	Bronte Beach Car Park	Security Property & Guarding			2,000		2,000
6821-589	Property	Legal Costs			6,280		6,280
6865-597	Bronte House	Mtce General			35,000		35,000
6865-635	Bronte House	Rates Water			3,500		3,500
6876-597	55 Spring Street	Mtce General			(45,000)		(45,000)
6890-521	Syd Einfield Depot	Cleaning			1,820		1,820
6891-302	Bondi Beach Car Park	Wages & Salaries Casuals		2,000			2,000
6891-305	Bondi Beach Car Park	Wages & Salaries Overtime		1,000			1,000
6891-335	Bondi Beach Car Park	Temporary Staff			(3,000)		(3,000)
6891-524	Bondi Beach Car Park	Computer/Laptop Purchases			3,200		3,200
6891-597	Bondi Beach Car Park	Mtce General			(1,200)		(1,200)
6891-598	Bondi Beach Car Park	Mtce - Mech/Elec			(2,000)		(2,000)
6892-301	Hollywood Ave Car Park	Wages & Salaries		(12,000)			(12,000)
6892-305	Hollywood Ave Car Park	Wages & Salaries Overtime		3,000			3,000
6892-335	Hollywood Ave Car Park	Temporary Staff			9,000		9,000
6892-597	Hollywood Ave Car Park	Mtce General			5,000		5,000
6892-598	Hollywood Ave Car Park	Mtce - Mech/Elec			(5,000)		(5,000)

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
6893-302	Eastgate Car Park	Wages & Salaries Casuals		3,000			3,000
6893-305	Eastgate Car Park	Wages & Salaries Overtime		5,000			5,000
6893-335	Eastgate Car Park	Temporary Staff			(8,000)		(8,000)
6901-597	Council Chambers	Mtce General			30,000		30,000
6902-597	Mill Hill Centre Building	Mtce General			15,000		15,000
6911-597	Waverley Cemetery	Mtce General			(416)		(416)
6911-599	Waverley Cemetery	Mtce - Fire Services			416		416
6974-132	1 Spring Street	Parking Permits	(4,182)				(4,182)
6976-135	Ben Buckler Fishing Club	Rental Commercial	5,780				5,780
Corporate and Technical			(626,902)	(49,000)	246,163	300,000	(129,739)
4210-186	Building Services	Subdivision Fees					25,000
4210-301	Building Services	Wages & Salaries	25,000	(25,000)			(25,000)
4210-657	Building Services	Subscriptions			2,000		2,000
4214-305	Fire Safety	Wages & Salaries Overtime		(2,000)			(2,000)
4313-613	Environmental Services Officer	Motor Vehicle Running Expenses			(800)		(800)
4313-663	Environmental Services Officer	Sydney Coastal Councils	800				800
4316-505	Sustainability Strategy	Advertising General			988		988
4323-208	Transport Behaviour Change	Sundry Income		(6,133)			(6,133)
4323-435	Transport Behaviour Change	Contractors			(10,000)		(10,000)
4323-535	Transport Behaviour Change	Consultants & Technical Assistance			(5,000)		(5,000)
4323-549	Transport Behaviour Change	Educational Expenses			(2,000)		(2,000)
4323-627	Transport Behaviour Change	Printing External			(3,000)		(3,000)
4323-651	Transport Behaviour Change	Stores & Materials			(10,000)		(10,000)
4330-535	Sustainable Schools Program	Consultants & Technical Assistance			(4,000)		(4,000)
4330-573	Sustainable Schools Program	Grants & Donations			4,000		4,000
4340-435	Environmental Program Management	Contractors			4,510		4,510
4340-528	Environmental Program Management	Computer Lan/Network Data Charges			(2,000)		(2,000)
4340-535	Environmental Program Management	Consultants & Technical Assistance			675		675
4350-527	Environmental Operations	Computer Software Licence & Mtce			(2,000)		(2,000)
4354-535	Water Conservation	Consultants & Technical Assistance			(5,000)		(5,000)
4355-435	Energy Conservation	Contractors			43,900		43,900
4355-305	Community Education	Wages & Salaries Overtime		1,000			1,000
4355-435	Community Education	Contractors			(1,000)		(1,000)

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
4361-435	Environmental Action Plan	Contractors			7,127		7,127
4361-527	Environmental Action Plan	Computer Software Licence & Mtce			(50,000)		(50,000)
4363-257	Water for Life Partnership	Transfer from Reserve - Grants	(25,000)				(25,000)
4363-435	Water for Life Partnership	Contractors			52,933		52,933
4380-435	Bushcare Levy Projects	Contractors			10,000		10,000
4430-305	Health Services	Wages & Salaries Overtime		(1,500)			(1,500)
4430-677	Health Services	Car Allowance	1,500				1,500
4450-589	Health - 19 Boonara Ave	Legal Costs			40,000		40,000
4520-301	Animal Control	Wages & Salaries		(10,000)			(10,000)
4522-589	Regulatory Control	Legal Costs			10,000		10,000
4522-651	Regulatory Control	Stores & Materials			(1,500)		(1,500)
4522-675	Regulatory Control	Personal Protective Equipment and Uniforms			1,500		1,500
4550-248	Town Planning - Strategic	State Grants	(100,000)				(100,000)
4550-435	Town Planning - Strategic	Contractors			28,000		28,000
4550-505	Town Planning - Strategic	Advertising General			15,000		15,000
4550-535	Town Planning - Strategic	Consultants & Technical Assistance			72,000		72,000
4550-627	Town Planning - Strategic	Printing External			(4,000)		(4,000)
4550-648	Town Planning - Strategic	Sustenance Expenses			2,000		2,000
4550-649	Town Planning - Strategic	Stationery & Office Supplies			2,000		2,000
4551-161	Town Planning - Assessment	Advertising Fees			(35,000)		(35,000)
4551-168	Town Planning - Assessment	Fines & Costs	(6,500)				(6,500)
4551-184	Town Planning - Assessment	Tree Preservation Permit	(7,500)				(7,500)
4551-208	Town Planning - Assessment	Sundry Income		2,500			2,500
4551-211	Town Planning - Assessment	Telephone Reimbursement	(200)				(200)
4551-535	Town Planning - Assessment	Consultants & Technical Assistance			27,000		27,000
4554-260	Town Planning Developers Contributions	Section 94A Contributions	(240,680)				(240,680)
4554-270	Town Planning Developers Contributions	Housing Contributions			(750,000)		(750,000)
4554-688	Town Planning Developers Contributions	Transfer to Reserve - S94				990,680	990,680
4557-248	Complete Streets Project	State Grants	(110,000)				(110,000)
4557-535	Complete Streets Project	Consultants & Technical Assistance			110,000		110,000
Pending & Environmental Services			(462,580)	(41,133)	(451,667)	990,680	35,300
1313-305	Bondi Beach Life Guards	Wages & Salaries Overtime					(11,100)
1313-335	Bondi Beach Life Guards	Temporary Staff		(11,100)	10,000		10,000

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
1313-435	Bondi Beach Life Guards	Contractors			1,110		1,110
1319-301	Nth Bondi Beach Pool Mtce	Wages & Salaries		(7,000)			(7,000)
1319-435	Nth Bondi Beach Pool Mtce	Contractors			5,000		5,000
1329-477	Bronte Pool Cleaning/Mtce	Plant Hire External			2,000		2,000
1410-487	Parks & Reserves Maintenance	Waste Disposal			10,000		10,000
1472-301	Street Trees Private Claims	Wages & Salaries		(60,000)			(60,000)
1472-335	Street Trees Private Claims	Temporary Staff			10,000		10,000
1472-435	Street Trees Private Claims	Contractors			50,000		50,000
3310-264	Roads Asphalt Repairs	Contributions to Works	(3,000)				(3,000)
3310-301	Roads Asphalt Repairs	Wages & Salaries		(10,000)			(10,000)
3310-435	Roads Asphalt Repairs	Contractors			10,000		10,000
3330-435	Footpaths Asphalt Repairs	Contractors			5,000		5,000
3332-301	Footpath Concrete Repairs	Wages & Salaries		(65,000)			(65,000)
3332-423	Footpath Concrete Repairs	Concrete Purchases			(25,000)		(25,000)
3332-435	Footpath Concrete Repairs	Contractors			75,000		75,000
3333-301	Footpaths Block Paving	Wages & Salaries		(31,000)			(31,000)
3333-423	Footpaths Block Paving	Concrete Purchases			(4,000)		(4,000)
3333-435	Footpaths Block Paving	Contractors			10,000		10,000
3333-651	Footpaths Block Paving	Stores & Materials			35,000		35,000
3350-301	Drains Maintenance	Wages & Salaries		(10,000)			(10,000)
3350-435	Drains Maintenance	Contractors			10,000		10,000
3351-301	Drains Pit Cleaning	Wages & Salaries		(10,000)			(10,000)
3351-487	Drains Pit Cleaning	Waste Disposal			10,000		10,000
3390-301	Road Signs Maintenance	Wages & Salaries		(20,000)			(20,000)
3390-335	Road Signs Maintenance	Temporary Staff			5,000		5,000
3390-415	Road Signs Maintenance	Signs			10,000		10,000
3390-651	Road Signs Maintenance	Stores & Materials			5,000		5,000
3395-301	Fencing Dangerous Places	Wages & Salaries		(25,000)			(25,000)
3395-335	Fencing Dangerous Places	Temporary Staff			5,000		5,000
3395-435	Fencing Dangerous Places	Contractors			20,000		20,000
4602-133	Street Furniture Sponsorship	Sponsorship Fees	(2,170)				(2,170)
4602-301	Street Furniture Sponsorship	Wages & Salaries		1,110			1,110
4602-435	Street Furniture Sponsorship	Contractors			1,060		1,060
4603-211	Construction Administration	Telephone Reimbursement			(500)		(500)
4603-335	Construction Administration	Temporary Staff			(10,000)		(10,000)
4603-435	Construction Administration	Contractors			7,500		7,500

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
4605-535	Construction Administration	Consultants & Technical Assistance			10,000		10,000
4605-649	Construction Administration	Stationery & Office Supplies			(2,000)		(2,000)
4605-651	Construction Administration	Stores & Materials			(1,500)		(1,500)
4605-670	Construction Administration	Telephone Mobiles			(3,500)		(3,500)
4616-487	Depot Maintenance	Waste Disposal			5,000		5,000
4670-258	Plant - Passenger Vehicles	Transfer from Domestic Waste Reserve	(50,000)				(50,000)
4670-284	Plant - Passenger Vehicles	Proceeds from Asset Sales	(9,000)				(9,000)
4670-940	Plant - Passenger Vehicles	Purchases			59,000		59,000
4770-301	Commercial Waste Service	Wages & Salaries		(15,000)			(15,000)
4770-335	Commercial Waste Service	Temporary Staff			15,000		15,000
4770-487	Commercial Waste Service	Waste Disposal			(500)		(500)
4770-649	Commercial Waste Service	Stationery & Office Supplies			500		500
4901-264	Ebley Street Asphalt Restoration	Contributions to Works	(81,070)				(81,070)
4901-435	Ebley Street Asphalt Restoration	Contractors			80,000		80,000
4902-264	Ebley Street Concrete Restoration	Contributions to Works	(324,500)				(324,500)
4902-435	Ebley Street Concrete Restoration	Contractors			310,000		310,000
4903-264	Concrete General Restoration	Contributions to Works	(585,750)				(585,750)
4903-435	Concrete General Restoration	Contractors			565,000		565,000
4904-264	James Street Asphalt Restoration	Contributions to Works	(35,000)				(35,000)
4904-435	James Street Asphalt Restoration	Contractors			33,000		33,000
4905-264	Allens Parade General Restoration	Contributions to Works	(52,000)				(52,000)
4905-435	Allens Parade General Restoration	Contractors			50,000		50,000
4906-264	Anglesea Street General Restoration	Contributions to Works	(45,000)				(45,000)
4906-435	Anglesea Street General Restoration	Contractors			43,000		43,000
4907-264	Park Parade General Restoration	Contributions to Works	(43,000)				(43,000)
4907-435	Park Parade General Restoration	Contractors			41,000		41,000
4908-264	Wellington Street General Restoration	Contributions to Works	(150,000)				(150,000)
4908-435	Wellington Street General Restoration	Contractors			148,000		148,000
4909-264	Birrell Street General Restoration	Contributions to Works	(43,000)				(43,000)
4909-435	Birrell Street General Restoration	Contractors			41,000		41,000
4910-264	Asphalt General Restoration	Contributions to Works	(63,820)				(63,820)
4910-435	Asphalt General Restoration	Contractors			60,000		60,000
Public Works			(1,487,310)	(262,990)	1,710,170	-	(40,130)

160264 Road-Hegarty & Rowe Lanes, Leswell St to Newland St

Contributions to Works

(9,187)

(9,187)

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
1517-230	Road-Intersection of Birrells St & Bronte Rd	Transfer from Reserve	(83,000)				(83,000)
1588-230	Road Rosco Street	Transfer from Reserve	83,000				83,000
1502-435	Roads Chesterfield Lane	Contractors			(10,000)		(10,000)
1503-435	Roads Justus Street	Contractors			(14,000)		(14,000)
1507-435	Roads Diamond Bay Road	Contractors			(57,000)		(57,000)
1516-435	Road-Hegarty & Rowe Lanes,Leswell St to Newland St	Contractors			48,187		48,187
1517-435	Road-Intersection of Birrells St & Bronte Rd	Contractors			125,000		125,000
1588 - 435	Road Rosco Street	Contractors			(83,000)		(83,000)
1606-227	Public Toilet Upgrade	Transfer from S94 Contributions	150,000				150,000
1606-435	Public Toilet Upgrade	Contractors			(300,000)		(300,000)
1608-222	Waverley Pavilion Amenties Block	Loans	350,000				350,000
1608-435	Waverley Pavilion Amenties Block	Contractors			(297,500)		(297,500)
1608-535	Waverley Pavilion Amenties Block	Consultants & Technical Assistance			(52,500)		(52,500)
1653-435	Portable Lifeguard Towers	Contractors			53,622		53,622
1659-230	Library Air Conditioner Chiller	Transfer from Reserve	90,000				90,000
1659-435	Library Air Conditioner Chiller	Contractors			(90,000)		(90,000)
1675-230	Bondi School of Arts	Transfer from Reserve	82,111				82,111
1675-435	Bondi School of Arts	Contractors			(82,111)		(82,111)
1682-230	Pedestrian Access Mobility Plan -Stg 1	Transfer from Reserve	50,000				50,000
1682-435	Pedestrian Access Mobility Plan -Stg 1	Contractors			(50,000)		(50,000)
1684-227	Tamarama Surf Club - Building Improvements	Transfer from S94 Contributions	100,000				100,000
1684-230	Tamarama Surf Club - Building Improvements	Transfer from Reserve	582,116				582,116
1684-435	Tamarama Surf Club - Building Improvements	Contractors			(382,116)		(382,116)
1684-535	Tamarama Surf Club - Building Improvements	Consultants & Technical Assistance			(300,000)		(300,000)
1699-230	Campbell Parade Retaining Wall Repairs	Transfer from Reserve	114,183				114,183
1699-435	Campbell Parade Retaining Wall Repairs	Contractors			(114,183)		(114,183)
1703-435	Eastgate Car Park Energy Reduction	Contractors			15,000		15,000
1737-467	Bronte Playground Update	Tree & Turf Supplies			5,014		5,014
1743-230	Bronte Park Master Plan	Transfer from Reserve	80,000				80,000
1751-435	Bronte Park Master Plan	Contractors			(80,000)		(80,000)
1650-223	Waverley Park Precinct Master Plan	Transfer from Investment Strategy Reserve	9,422				9,422

**Waverley Council
Budget Review
Summary**
for the year 2012-2013 as at 31 December 2012

Proposed Budget Amendments

Ledger Number	Cost Account Description	Suffix Description	Revenue	Labour	Operating Expense	Transfer	Total
1750-435	Waverley Park Precinct Master Plan	Contractors			(9,422)		(9,422)
1751-223	Waverley Park Pavilion	Transfer from Investment Strategy Reserve	(2,750)				(2,750)
1751-535	Waverley Park Pavilion	Consultants & Technical Assistance			2,750		2,750
1760-230	QED Tunnels Fire Safety	Transfer from Reserve	124,382				124,382
1760-435	QED Tunnels Fire Safety	Contractors			(124,382)		(124,382)
1774-224	Parking Permit System	Transfer from Car Parking	100,000				100,000
1774-435	Parking Permit System	Contractors			(100,000)		(100,000)
1779-435	Playgrounds Upgrade	Contractors			(5,014)		(5,014)
1810-435	Depot Alternative Site Investigation	Contractors			(4,000,000)		(4,000,000)
1810-223	Depot Alternative Site Investigation	Transfer from Investment Strategy Reserve	4,000,000				4,000,000
1812-223	ELCC Construction	Transfer from Investment Strategy Reserve	(17,103)				(17,103)
1812-435	ELCC Construction	Contractors			17,103		17,103
1845-223	Eastgate Car Park - Commercial Space Development	Transfer from Investment Strategy Reserve	5,857,137				5,857,137
1845-435	Eastgate Car Park - Commercial Space Development	Contractors			(53,137)		(53,137)
1845-535	Eastgate Car Park - Commercial Space Development	Consultants & Technical Assistance			(5,804,000)		(5,804,000)
1866-435	Waverley Park Pavilion Construction	Contractors	(3,315)				(3,315)
1868-223	ELC Establishment	Transfer from Investment Strategy Reserve	17,103				17,103
1868-611	ELC Establishment	Minor purchases			(17,103)		(17,103)
1866-230	Waverley Park Pavilion Construction	Transfer from Reserve			3,315		3,315
1958-535	Zetland Depot Sale	Consultants & Technical Assistance			102,000		102,000
1958-223	Zetland Depot Sale	Transfer from Investment Strategy Reserve	(102,000)				(102,000)
Capital Works			11,572,099	-	(11,653,477)	-	(81,378)

9,482,578	(934,640)	(9,879,925)	1,290,680	(41,307)
Brought forward projected result:				
				(2,454)
				(43,761)

2012/13 Capital Works Program

2012/13 Capital Works Program																	
A) - Current Projects																	
Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 - Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary								
BJ14	1614	Dan Joannides	Rowe Street Pedestrian Corridor	0	65,000	0	65,000	Design complete. Awaiting approval by Interchange management committee.									
Bondi Pk 03	1753	Maree Girdler	Review and update Bondi Park PoM	100,000	109,518	0	109,518	Consultation for the PoM has been extended to include a second stage in April with review of masterplan options with the community. A peer review workshop will also be included. A brief for a consultant to review car park options and a access study has been released and these will be completed in Q3. This will delay the completion beyond Q4. The initial consultation report should be released in February. An update to Council will be provided.	Further funds may be required as a grant application for the access study was not successful. This will be advised after Q3								
Bondi Pk 05	1760	Robert Esdaille	Investigate QED tunnels for fire safety.	0	124,382	(124,382)	0	Awaiting availability of funds in 2014/15	Funds deferred to 2013/14 - no works during 2012/13								
Bronte Pk 01	1745	Maree Girdler	Undertake works arising from PoM Bronte Park	0	168,243	(80,000)	88,243	Playground is complete. Work to commence on repairs and improvement to stairs and path at the gully in Q3	Defer \$80,000 to 2013/14 - these funds will not be required this financial year								
Cemetery 05	1793	Greg Worner	Urgent repairs on a failing retaining wall in Waverley Cemetery	0	273,052	0	273,052	Works still not anticipated to be ready to commence until mid 2013.									
Cemetery 06	1651	Greg Worner	Urgent repairs to South Head Cemetery retaining wall in Burge Street, Vaucluse	0	400,000	0	400,000	Initial planting complete. Next stage is to remove some trees and then rebuild some of the wall.									
EAP - Residential Transport	1707	Emily Scott	Feasibility assessment into the development of a light rail system in Waverley LGA	50,000	100,000	0	100,000	AECOM engaged to undertake project. Works commenced in November 2012.									
EAP - Biodiversity Restoration	1731	Maree Girdler	Identify and implement remediation and restoration programs in Tamarama Gully including hydrological, contamination and geotechnical issues, weed management and native plantings	0	70,000	0	70,000	Project is progressing well with contracts and work commenced. Installation of a Gross Pollutant Trap (GPT) to be progressed in the next quarter.	No change								
EAP - Energy	1703	Emily Scott	Energy & Water Saving Retrofit projects	685,500	685,500	15,000	700,500	Project delayed due to problems at a few sites. Ecosave are currently finalising works in January.	Note - need to process request for additional \$15,000								
Enviro 03	1713	Emily Scott	Bondi Park Sustainable Water	0	157,138	0	157,138	All construction works complete. Signage installed and launch held in December 2012. Finalising education program to supplement project.									

Project Code	Cost Centre	Project Sponsor / Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 - Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
Enviro 04	1706	Emily Scott	Bondi Park / Marks Park top dressing irrigation efficiency improvements	70,000	40,677	0	40,677	Currently working with PWS to undertake improvement works on existing irrigation system and automatic controls. Currently working on EOI for data logging / sub-metering and automated controls.	
Footpath Construction Program 11/12	Footpath Construction Program 11/12	Dan Joannides	Footpath Construction & Upgrades	0	266,809	0	266,809	All carried forward footpath projects have been issued to PWS. Completed projects:- Bronte Road,(High St to Henrietta St). Denison Street (Birrell St to Queens Park Rd). Hewlett Street (Alfred St to Murray St). Murray Street (Birrell St to Hewlett St)	
Footpath Construction Program 12/13	Footpath Construction Program 12/13	Dan Joannides	Footpath Construction & Upgrades	975,279	975,279	0	975,279	Due to EA works Birrell Street (Dickson St to Park Pde) to be replaced with Onslow Street (Old South Head RD to Dead End). Due to EA works Cuthbert Street (Alt Lane to Newland St) to be replaced with Cuthbert Street (Manning St to Bourke St). All other footpath projects have been issued to PWS. Completed projects:- Ashton Street (Birrell St to York Rd), Council Street (Birrell St to Bondi Rd), Cuthbert Street (Blenhiem St to Bourke St), Cuthbert Street (Fitzgerald Lne to Fitzgerald St), Napier Street (Blaike St to Dover Rd), Ormond Street (Sir Thomas Mitchell Rd to Francis St), Rodney Street (Blake St to Dover Rd), Sir Thomas Mitchell Road (Lucius St to Dead End), The Avenue (Old South Head Rd to Dead End), Onslow Street (O.S.H Rd to Dead End), Bronte Road (Leichardt St to Lugal St), Cuthbert St (Fitzgerald St to Fitzgerald Lne), Henderson Street (Bondi Rd to Moore St), Lamrock Avenue (Chambers Ave to Sir Thomas Mitchell Rd).	

Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
Green Links	1852	George Bramis	Undertake selected Green Links Projects	100,000	107,157	0	107,157	Greenlinks 3 and 4 was completed as part of 2011/2012 Capital Works Program. The 2012/2013 program was originally budgeted for Greenlink 5 (Bronte to Tamarama). The Project Objective and Description should therefore be changed to Greenlinks (generic). A funding application is currently being prepared for the Metro Greenspace Program seeking \$ for \$ funding to upgrade Greenlink 1 and 2 (Regional Status). If this is not approved, the current funding will be used to implement Greenlinks and any carryover will be used for the Upgrade of Greenlinks next financial year.	
Invest Strategy 01	1611	Tony Reed	Investment Strategy Development	0	47,397	0	47,397	Draft report on property holdings received. Meeting of councillor/officer working group to be programmed for February.	
Invest Strategy 02	1751	Maree Girdler	Design for Waverley Park Pavilion	0	0	2,750	2,750	Project Complete	Adjustment of \$2750 required for commitment
Invest Strategy 02	1866	Maree Girdler	Waverley Park Pavilion Construction	0	53,950	3,315	57,265	As per Q1 variations and defects are still being finalised. Usage of the facility continues to increase with very high sports court usage and growing community room bookings.	Adjustment of \$3315 required for invoice payment
Invest Strategy 02	1867	Maree Girdler	Waverley Park Pavilion Interpretive Historical Arts	0	5,000	0	5,000	Project Complete	
Invest Strategy 04	1750	Maree Girdler	Prepare Waverley Park Precinct Master Plan	0	30,611	(9,422)	21,189	MasterPlan and PoM have been adopted. Project complete. Some landscaping elements have been transferred to PoM Action Plan	Transfer surplus funds to overspent Invest Strategy 02 \$6065 total, leaving surplus funds of \$3357
Invest Strategy 05	1810	Tony Reed	Investigate alternative sites for Council depot including seed funding for joint venture	16,000,000	16,000,000	(4,000,000)	12,000,000	Council is waiting on development approval. Council has exchanged contracts in respect to the purchase of the land.	Defer \$4,000,000 to next financial year
Invest Strategy 06	1623	Greg Worner	Provide funding for Spring St/Ebley St Master Plan	0	41,116	0	41,116	Consultant has submitted draft of Bondi Junction Property Asset Management Plan which is under consideration and should be finalised for briefing to new Council in March/April	Minor consultancy funding of \$25,000 likely.

Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 - Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
Invest Strategy 07	1797	Maree Girdler	Feasibility work for new child care facility on existing Family Day Care Centre site	0	0	0	0	Project complete	Budget to be finalised after construction and set up payments are complete.
Invest Strategy 07	1812	Maree Girdler	Child Care Centre construction	0	776,167	17,103	793,270	Payments still being finalised. Defects are being addressed. Final payments have been received from the Federal Government. The centre was officially opened in Q2 and is operational. Negotiations for top floor usage are progressing.	Adjustment of \$17,103 required for commitment
Invest Strategy 07	1868	Maree Girdler	Child Care Centre Establishment	0	170,717	(17,103)	153,614	Security being finalised with cameras to the building. Finalisation of set up of top floor and remaining elements of the project expected Q3.	Transfer to 1812 to fund overspent on construction stage
Invest Strategy 08	1052	Tony Reed	Develop Bondi Junction Town Square to create alternative economic and public space feature	0	29,746	0	29,746	Negotiations are continuing with adjoining land owners.	
Invest Strategy 10	1844	Tony Reed	Sub depot within LGA	0	183,567	0	183,567	Investigations continuing	
Invest Strategy 11	1845	Greg Worner	Feasibility work for conversion of surplus carparking at Eastgate to commercial space	5,904,000	5,957,137	(5,857,137)	100,000	Consultancy works progressing in 2012/13 - serious commencement of works likely in 2013/14	Only \$100,000 required during 2012/13 for consultants. Remaining funds not required until 2013/14
Invest Strategy 14	1958	Tony Reed	Zetland Depot Sale	0	0	102,000	102,000	Caffey Environment commissioned to undertake contamination survey of the site as part of the due diligence portfolio for the proposed sale.	Commitment for cost of contamination survey processed. Projection for marketing requirements payable in the third quarter is \$55,000.
Kerb 02	Kerb & Gutter 2	Dan Joannides	Kerb and Gutter Construction Grant (Urban Local Roads)	538,025	1,198,240	0	1,198,240	All kerb & gutter projects have been issued to PWS. Completed Projects:- Arnold Street south side (Manning St to Dead End), Castfield Street west side (Edward St to Miller St).	
Kerb 01	Kerb & Gutter 1	Dan Joannides	Kerb and Gutter Construction	154,768	154,768	0	154,768	All kerb & gutter projects have been issued to PWS. Completed Projects:- Macleay Street north side (Dead End to Hardy St), Chesterfield Lane both sides (between rear of 24 to 34 Chesterfield Pde), Stephen Street north side (Ocean St to Dead End).	
Land 02	1652	Greg Worner	10a Illawong Ave land Acquisition	59,000	59,000	0	59,000	Ongoing.	

Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
Lifeguard Tower	1653	Scott Field	Portable Lifeguard Towers	0	0	53,622	53,622	At the July Council Meeting 2012 Council resolved to install a portable lifeguard tower at Bronte and the northern part of Bondi Beach. The aim is to improve observation of our increasingly crowded beaches, provide excellent presence and accessibility for the public as well as providing a sun safe work station for our employees. Towers were installed in December and are proving successful.	Funds totalling \$53,622 required for the installation & operation of the towers.
Misc. Buildings 03	1675	Maree Girdler	Undertake internal refurbishment and major maintenance works to School of Arts	0	82,111	(82,111)	0	Project reviewed and some investigation carried out. Work is still required but further funds will be needed. Work includes improvements/restoration to front fence, path, entry way and delivery of accessible parking.	Defer \$82,111 until 2013/14. Current funds are insufficient to complete project
Misc. Buildings 05	1715	Greg Worner	Support refurbishment works at North Bondi Surf Club	0	750,000	0	750,000	Project is still underway.	
Misc. Buildings 09	1684	Greg Worner	Architectural plans, scope of works and cost estimates to improve the Tamarama Surf Life Saving Club clubhouse.	300,000	682,116	(682,116)	0	No change since last quarter.	Expenditure not planned until 2013/14
Misc. Buildings 13	1694	Greg Worner	Boot Factory investigation & repairs	0	28,823	0	28,823	Another inspection was completed and a further report has been provided by the engineer. We will be reporting to February Council for further instructions.	
Misc. Buildings 15	1659	Greg Worner	Replacement of Library Chiller	0	334,553	(90,000)	244,553	Complete	Project savings of \$90,000
Misc. Buildings 16	1608	Maree Girdler	Waverley Pavilion Amenities Block	500,000	500,000	(350,000)	150,000	Project commencing Q3	Defer \$350,000 for construction until 2013/14
Misc. Buildings 17	1606	Greg Worner	Public Toilet Upgrade - Bronte Community Centre, Bronte Surf, Bondi Beach North & South	330,000	330,000	(300,000)	30,000	Architect and consultant quotes have been sought and are due 22 January. Once architect is appointed another PCG meeting will be held to discuss way forward.	Most funding not required until 2013/14.
Open Spc/Rec 06	1737	Greg Holten	Upgrade Playgrounds	0	165,267	5,014	170,281	Bronte Park Playground completed December 2012	Possibly slightly over waiting final invoices Note in Finance 1 Cost centre is 1737 needs to be looked at

Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
Open Spc/Rec 10	1783	Maree Girdler	Provide active recreation facilities on Council land or through joint venture	200,000	358,259	0	358,259	Upgrade for fields 2 and 3 to be complete Qtr 3. Improvements to sports court equipment complete. New scoreboard has been installed and is operational with 50% contribution from cricket club.	No change
Open Spc/Rec 17	1779	Greg Holten	Playground Upgrades	200,000	150,000	(5,014)	144,986	Wairoa Reserve playground completed November 2012. Dudley Page fitness area Equipment purchased work to commence February 2013	Budget on target. \$5014 transferred to 1737 for slight overexpenditure on Bronte Park playground
Open Spc/Rec 19	1894	Maree Girdler	Dudley Page Children's Bicycle Track	0	24,443	0	24,443	Project Complete	
PAMP 01	1682	Dan Joannides	Implement stage 1 of works arising from Pedestrian Access and Mobility Plan	50,000	50,000	(50,000)	0	Works delayed pending the completion of the Bondi Junction Complete Streets Project.	Transfer funds to 2013/14. No works will be undertaken until Complete Streets Bondi Junction project is finalised.
Parking 04	1774	Greg Worner	Replace current permit parking system	0	139,940	(100,000)	39,940	Alternative technology of smart pay/information kiosks being investigated. Councillors to be briefed on alternatives at pre FESP workshop in April/May	Transfer \$100,000 to 2013/14
Parking 05	Parking 5	Greg Worner	Replace off street parking equipment at Eastgate carpark access and payment equipment	150,000	837,496	0	837,496	Installation is scheduled to be installed in March 2013 by TMA. TMA won the tender.	Funds will be required to complete project this financial year 2012/13.
Risk 05	1693	Dan Joannides	Emergency works - contingency only	0	9,765	0	9,765	Funding is available for emergency works if required.	
Risk 06	1699	Robert Esdaile	Campbell Parade Retaining wall adjacent to Park Drive	0	114,183	(114,183)	0	Quotations being sought for minor repairs to the wall and capping. Construction anticipated to commence in 2013/14.	Transfer funds to 2013/14.
Roads 10/11	Roads 10/11	Dan Joannides	Roads Construction & Upgrades	0	32,464	0	32,464	All Traffic Island projects have been issued to PWS. PWS are awaiting permission from Ausgrid to commence the projects.	
Roads 11/12	Roads 11/12	Dan Joannides	Roads Construction & Upgrades	0	131,000	(83,000)	48,000	Road Project:- Roscoe Street (Glenayr Ave to O'Brien St) is on hold due to Service Authority works. Traffic Islands:- All traffic island projects issued to PWS. Completed project:- Pedestrian Refuge (Waverley St and Botany St)	

Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 - Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
Roads 12/13	Roads 12/13	Dan Joannides	Roads Construction & Upgrades, included Federal Nation Building Blackspot Program (2012/13) - Road safety works in York Road , Queens Park comprise installation of a raised deflective median and high friction road surface west of Ashton Street and a high friction road surface east of Baronga Avenue.	1,262,956	1,375,921	92,187	1,468,108	All Road projects have been issued to PWS. Tenders for the resheeting of all road projects approved by Council in December. Works to commence during Q3.	
SAMP 06	1850	Dan Joannides	Stormwater water reuse Program Top Up	0	40,000	0	40,000	Further investigation required for future k&G projects to incorporate WSUD devices.	
SAMP#3 Cemetery	SAMP#3 Cemetery	Dan Joannides	SAMP3 Category 9 - Waverley Cemetery	560,185	560,185	0	560,185	Delayed pending the outcome of the Waverley Cemetery Business Planning Panel.	
SAMP#3 Footpath	SAMP#3 Footpath	Dan Joannides	SAMP3 Category 2 - Footpath construction	718,834	718,834	0	718,834	All footpath projects have been issued to PWS. Completed projects:- Grove Street (Watson St to Dead End), Cox Avenue (Lamrock Ave to Dead End), King Street (Bennett St to Ocean St), Fitzgerald Street (Birrell St to Cuthbert St), Curlew Street (Glenayr Ave to Gould St), Bangalla Road (beaumont St to Dover Rd), Church Street (Carrington Rd to Bronte Rd)	
SAMP#3 Other	SAMP#3 Other	Dan Joannides	SAMP3 Category 12 - Other: Bus seats, bus shelters, bins, street seats, signage	57,500	57,500	0	57,500	Program still to be determined.	
SAMP#3 Stormwater	SAMP#3 Stormwater	Dan Joannides	SAMP3 Category 4 - Stormwater Drainage construction	639,145	639,145	0	639,145	All projects have been issued to PWS. Completed projects:- Nil	
Stormwater 1	Stormwater 1	Dan Joannides	Stormwater drainage construction & upgrades	385,239	956,817	0	956,817	Stormwater pit amplification has been issued to PWS. Construction 70% completed.	
Streets 05	1849	Dan Joannides	Upgrade Rose Bay Village streetscape	75,000	75,000	0	75,000	Detailed design complete for construction in 2014/15. Discussions with shopkeepers will occur early 2014.	

Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 - Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
Streets 8	1832	Dan Joannides	Murrivier Road Shops	0	0	0	0	Discussions regarding design underway.	
Streets 10	1833	Dan Joannides	Undertake <i>Looking Good</i> - streetscape improvements works Bondi Road Stage 2 - south side, Avoca to Denham Streets: in 2014/15 north side Castelfield to Denham Streets	515,000	515,000	0	515,000	Design complete. Awaiting approval from RMS for Bondi/ Denham intersection changes & signal plan. Community consultation to take place during February.	
Streets 11	1834	Dan Joannides	Undertake <i>Looking Good</i> - streetscape improvements works Bondi Road Stage 3 - north side, Penkivil to Wellington Streets	0	10,000	0	10,000	Design completed for construction in 2013/14. Community consultation to take place during Feb 2013.	
T&T 05	1765	Dan Joannides	Undertake minor footpath adjustments to improve disability access	0	24,369	0	24,369	Liaise with Access Committee about priorities.	
T&T 14	1807	Emily Scott	Bicycle Parking	0	6,063	0	6,063	Continuing to implement bike parking strategy. Considered as part of Complete Streets Project.	
T&T 15	1895	Emily Scott	Review bike plan route/develop detailed design for integration of bike lanes through Bondi Junction commercial centre from Bondi Rd to York Rd	0	37,725	0	37,725	Project has been incorporated into the Bondi Junction Complete Streets project to ensure all transport modes are integrated within the plan. Due to go to Council in April 2013.	
T&T 16	1896	Emily Scott/Dan Joannides	Implement centra flow bike lane in spring street BJ with streetscape plantings/WSUD design element, and On-Street	0	100,000	0	100,000	This work is now to be completed as part of the Bondi Junction Complete Streets Project.	
T&T 17	1897	Emily Scott/Dan Joannides	Improved bike parking in BJ commercial centre	0	30,000	0	30,000	Environmental Services are investigating a bike cage for Bondi Junction and seeking quotes. This will improve parking around the interchange which is currently over capacity.	
T&T 18	1898	Emily Scott/Dan Joannides	Undertake traffic and pedestrian counts on Tamarama Marine Dr between Bronte Beach and Tamarama Undertake traffic and pedestrian counts on Tamarama Marine Dr between Bronte Beach and Tamarama Surf Club and along Bronte Cutting carpark and the area of Bronte Rd from Gardyne St to the beginning of Macpherson St to enable application for a local	20,000	20,000	0	20,000	No work to date.	

Project Code	Cost Centre	Project Sponsor Director/DM With Reporting Responsibility	Project Objective/Description	Original Adopted 2012/13 Budget	Current Adopted 2012/13 Budget	Proposed 2012/13 - Q2 Adjustment	Total Proposed 2012/13 Budget	Q2 2012/13 Project Commentary	Q2 2012/13 Budget Commentary
T&T 20	1899	Dan Joannides	Bicycle, Pedestrian and Black Spot Program for Bronte Rd at Birrell St	0	157,000	0	157,000	Project 80% completed.	
Tama Pk 02	1841	Maree Girdler	Undertake works arising from the Tamarama Park POM - Picnic Shelter replacements, Paths, playgroup, BBQs, Landscaping, Returfing, Access Issues, Storage under the ramp	100,000	285,700	0	285,700	Picnic shelters complete and further playground elements have been finalised. Additional works to be coordinated with Tamarama Kiosk construction.	No change
Tama Pk 03	1714	Maree Girdler	Upgrade the Tamarama Life Guards Facilities and Kiosk	1,425,000	1,425,000	0	1,425,000	Tender complete and to be reported to Council in Q3. Proposed schedule is to commence demolition in Q3/4.	No Change
Tama Pk 04	1741	Greg Holten	Install of new playground equipment	0	28,112	0	28,112	Purchase orders to finalise works have been made Works scheduled to be completed March 2012	Budget on target
Waverley Park	1605	Maree Girdler	Waverley Park - netball, tennis, cricket practice, seating, landscaping and trees, accessible paths, bocce, entrance ways.	100,000	99,572	0	99,572	Completion of design for path to be completed Q3. Works to progress in line with amenity building construction scheduled to commence in Q4.	
			Grand Total	32,225,431	40,132,534	(11,653,477)	28,479,057		

REPORT TO COUNCIL

Writing Off of Council's Trade Debtor Bad Debts (A05/1181)

Report dated 5 February 2013 from the Director, Corporate and Technical Services about the writing off of bad debts relating to trade debtors.

Recommendation: That Council:

1. Receive and note this report.
2. Approve the write-off of the bad trade debts and general abandonments identified in this report of \$21,913.35 in accordance with Clause 213 (3) of the Local Government (General) Regulation 2005.

Background / Introduction

Clause 213 (3) of the Local Government (General) Regulation 2005 requires that (in the absence of a delegation from Council to the General Manager) Council debts can be written off only by resolution of the Council.

For the first quarter of 2012/13 financial year the relevant Divisional Managers have advised that despite undertaking recovery action by both Council officers and debt recovery agencies these amounts are irrecoverable from the account holder. The following table details the current aged balance analysis up to 31 December 2012 relating to Council's trade related accounts receivables -:

Area	Current	Less than 90 Day Balances	Greater than 90 Day Balances	Total	%age greater than 90D
Cemetery	-	2,734.00	17,594.35	20,328.35	86.55
Car Parking Facilities	77,716.26	5,642.63	3,100.64	86,459.53	3.59
Property Rents	330,397.71	217,501.02	10,036.00	557,934.73	1.80
Road Restorations	-	42,524.87	68,163.33	110,688.20	61.58
Commercial Waste	94,367.12	15,429.60	40,645.84	150,442.56	27.02
Footpath Seating	40,029.90	33,992.10	42,426.91	116,448.91	36.43
Miscellaneous	195,847.52	246,391.39	380,737.15	822,976.06	46.26
Totals:	738,358.51	564,215.61	562,704.22	1,865,278.34	30.17

Accordingly, the purpose of this report is to propose that the trade debts which have been deemed to be unrecoverable for various reasons are written off in accordance with this proposal and Clause 213 (3) of the Local Government (General) Regulation 2005.

Proposed Write Offs

It is proposed that the trade debts relating to the following organisations be written off:

REPORT TO COUNCIL

- **Mr George Svetlov trading as Gelato Bar (140 Campbell Parade, Bondi Beach) -** Council has a total debt owing of **\$2,350.85** relating to commercial waste (account T.63.00087). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debtor was evicted from the premises and is now unemployed with no assets. Therefore undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Scott Field.
- **Divino Sydney Pty Limited trading as D'Vine Grill and Wine Cafe (206 Bondi Road, Bondi) -** Council has a total debt owing of **\$520.00** relating to commercial waste (account T.92820). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debt was referred to Council's collections agency, Austral Mercantile, who advised that the debtor has a strike off action commenced by ASIC. Therefore, undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Scott Field.
- **JSST Pty Limited trading as Kong Jungle Lounge (195 Oxford Street, Bondi Junction) -** Council has a total debt owing of **\$384.80** relating to commercial waste (account T.808890). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debt was referred to Council's collections agency, Austral Mercantile, who advised that the company is in liquidation. Therefore undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Scott Field.
- **Dean Tsanis trading as Arthurs Pizza (139 Oxford Street, Bondi Junction) -** Council has a total debt owing of **\$453.75** relating to commercial waste (account T.668580). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debt was referred to Council's collections agency, Austral Mercantile, who advised that the Mr Tsanis whereabouts are not known. Therefore undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Scott Field.
- **Mr Joseph Azzi trading as Oporto Bondi Junction (428 Oxford Street, Bondi Junction) -** Council has a total debt owing of **\$819.00** relating to commercial waste (account T.259190). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debt was referred to Council's collections agency, Austral Mercantile, who is unable to contact Mr Azzi after he sold the business. Therefore undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Scott Field.
- **Money Box Group Pty Limited trading as Boho Bistro (292 Bondi Road, Bondi) -** Council has a total debt owing of **\$830.40** relating to commercial waste (account T.098370). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debt was referred to Council's collections agency, Austral Mercantile, who is unable to contact Mr Davis. Therefore undertaking recovery proceedings for this amount would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Scott Field.

REPORT TO COUNCIL

- **City Tobacconist Pty Limited trading as City Tobacconist (164 Campbell Parade, Bondi Beach)** - Council has a total debt owing of **\$515.00** relating to commercial waste (account T.162010). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debt was referred to Council's collections agency, Austral Mercantile, who advised that the owner, Khaled whereabouts are not known. Therefore undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Scott Field.
- **The following table lists commercial waste accounts that require adjustment with a balance less than \$500.00.**

Account	Business Name	Service Address	Operator	Total Debt Owning	Reason for abandonment
T.085070	Paris Cake Shop	91 Bondi Road Bondi	James Travouillon	181.60	Business closed and unable to contact owner
T.441100	Bow House	2A Jacques Ave, Bondi Beach	Allan Keyes	15.00	Business closed and unable to contact owner
T.093720	Remo Pty Limited	219 Bondi Road Bondi	Ramon Higgins	116.13	Business closed and company in liquidation
T.631500	Gilberts Cyclery	302 Bronte Road, Waverley	Nathan	348.40	Business closed and unable to contact owner
T.378810	The Favourite Child Pty Limited	163 Glenayr Avenue Bondi Beach	Ben Bronneberg	334.54	Business closed and unable to contact owner

- **Dean Tsanis trading as Arthurs Pizza (139 Oxford Street, Bondi Junction)** - Council has a total debt owing of **\$981.41** relating to footpath occupation (account 98777). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debt was referred to Council's collections agency, Austral Mercantile, who advised that the Mr Tsanis whereabouts are not known. Therefore undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Nada Mardini.
- **Milag Pty Limited trading as Gelato Bar (140 Campbell Parade, Bondi Beach)** - Council has a total debt owing of **\$14,062.47** relating to footpath occupation (account T.160210). Council contacted the business proprietor in respect of the overdue debt and due to non payment the service was subsequently terminated. The debtor was evicted from the premises and is now unemployed with no assets. Therefore undertaking recovery proceedings would not be prudent and it is recommended an abandonment of the debt is made by the relevant Divisional Manager, Nada Mardini.

Financial

The above proposed write offs total **\$21,913.35** (\$6,869.47 relating to commercial waste and \$15,043.88 relating to footpath occupation accounts). In preparing the 2011/12 Annual Financial Statements, and in consultation with Council's auditors, a provision of \$131,140 was established for the write off of bad debts relating to trade debtors. This provision is based on the following calculation depending on the age of the debt:

REPORT TO COUNCIL

Ageing	Provision
Less than 90 Days	Zero Provision
Between 90 Days & 180 Days	50% of debt
Between 180 Days & 365 Days	75% of debt
Greater than 365 Days	100% of debt

It is likely that as part of finalising Councils end of year accounts and taking into account the proposed write off of bad debts contained in this report, that the write off will be funded by the provision for doubtful debits.

Operational Plan/Delivery Program

This report meets Council's requirement of the Delivery Program, Direction G5a, to provide financial advice and coordination to ensure Council meets overall budget performance targets provided.

Consultation

This report has been prepared with input from the Divisional Managers,

- Business Services (Scott Field), and
- Compliance (Nada Mardini)

Recommendation: That Council:

1. Receive and note this report.
2. Approve the write-off of the bad trade debts and general abandonments identified in this report of \$21,913.35 in accordance with Clause 213 (3) of the Local Government (General) Regulation 2005.

Bronwyn Kelly

Director Corporate and Technical Services

Authors: Vanessa Canepa and Brett Grunert

Waverley Business Forum (A06/1431)

Report dated 8 February 2013 from the Director, Recreation Customer and Community Services about establishing a new Waverley Business Forum.

Recommendation: That Council approves the attached Terms of Reference for the Waverley Business Forum.

Purpose of Report

To recommend to Council the establishment of the Waverley Business Forum, to replace the Bondi Forum and the Bondi Beach Forum.

Background / Introduction

Waverley Council formally created the Bondi Forum and Bondi Junction Forum in 2007. The establishment of the forums was in response to businesses wishing to work with Council to seek ways to support local businesses facing economic challenges, including the challenges caused by winter in Bondi and the development of Westfield Shopping Centre in Bondi Junction.

In November 2011 the terms of reference of the two Forums were reviewed and officers recommended amended terms of reference to Council. At that time, Council resolved to defer consideration of the terms of reference. Since then there have been no formal meetings of the Bondi Forum or Bondi Junction Forum.

It is timely to now establish a Business Forum for the following reasons:

- To encourage businesses to work together to facilitate local growth of business and employment opportunities
- To provide a voice for business owners and operators on policy matters affecting business
- To facilitate discussions around business challenges and identify solutions to hurdles
- To share information between businesses, and between Council and businesses.

It is recommended that a single Business Forum be established for the whole Waverley Local Government Area. This is to be inclusive of business owners and operators across the whole of the Waverley area (that is, not just limited to Bondi or Bondi Junction businesses).

Wherever possible, Business Forum meetings will include presentations on a local topic of interest to local businesses, for instance discussing the benefits of retailers working together to promote their area, economic trends etc. Each meeting would also include a Q&A session.

Analysis

- **Financial**

The only direct financial impact to Waverley Council of establishing the Waverley Business Forum is the limited cost of advertising and holding the meetings.

Waverley Business Forum

Proposed Terms of Reference

February 2013

1. PURPOSE

To provide a forum to encourage a vibrant and robust local economy, through co-operation between businesses, Council and the community, and through advice and information sharing.

2. OBJECTIVES

- 2.1. To facilitate local growth of business and employment opportunities through local economic development initiatives
- 2.2. To provide advice to Council on policy matters affecting business
- 2.3. To facilitate discussions around business challenges and identify solutions to hurdles
- 2.4. To share information between businesses, and between Council and businesses

3. MEMBERSHIP / ATTENDANCE

- 3.1. Any local business owner or local business operator in the Waverley Local Government Area may attend, including but not limited to the following commercial districts:
 - Bondi Beach Commercial Centre (including Seven Ways)
 - Bondi Junction Commercial Centre
 - Charing Cross Commercial Village
 - North Bondi Commercial Village
 - Bondi Road Commercial Precinct
 - Rose Bay (North & South) Commercial Village
 - Macpherson Street Commercial Village
 - Bronte Road Commercial Village
- 3.2. The President and Executive of the Bondi and Districts Chamber of Commerce are welcome to attend.
- 3.3. The Waverley Mayor and Councillors are welcome to attend.

- 3.4. Police representative/s are welcome to attend.
- 3.5. Other key community members and stakeholders will be invited by the Chair or by the Forum from time to time as relevant, in a non-voting capacity.
- 3.6. Relevant Council staff will attend the Forum, in a non-voting capacity.

4. PROTOCOL AND PROCEDURES

4.1. Chairperson

The President, Bondi and Districts Chamber of Commerce will chair the meeting. In the absence of the President of Bondi and Districts Chamber of Commerce, the Vice President will chair the meeting.

4.2. Regularity of Meetings

A minimum of three (3) meetings will be held per annum.

Meeting frequency and times may be revised and altered from time to time at the discretion of the Chairperson.

Special meetings may also be determined by the Chairperson as required.

4.3. Venue

The Chairperson shall determine the venue.

4.4. Procedural Matters

The meeting will generally operate by consensus. At the discretion of the Chairperson or at the request of a member present, a matter may be put to the vote.

In relation to any procedural matter, the ruling of the Chairperson shall be final.

4.5. Variation of the Terms of Reference

These Terms of Reference may be added to, repealed or amended by resolution of the Council in consultation with, or upon the recommendation of the Forum.

4.6. Agenda

The usual agenda for a meeting will include these items:

- (a) Confirmation of minutes / matters arising
- (b) Report from Bondi & Districts Chamber of Commerce
- (c) Major topic of local business interest / Guest speaker (by invitation)
- (d) Police report
- (e) Report from Waverley Council
 - new and proposed major developments
 - capital works projects
 - economic development initiatives
 - community issues
- (f) Q&A with panel

The Chairperson will set the agenda for each meeting. Council staff will distribute the agenda prior to the meeting.

4.7. Minutes

Minutes of the Forum Meeting will be taken and produced by a representative of the Chamber of Commerce.

Council staff will electronically distribute the minutes to those attending.

4.8. Items outside the scope

Where items are raised outside of the Forum objectives these will be referred to appropriate avenues to be addressed. These may include Traffic Committee, Waverley Council Community Safety Advisory Committee or Council's Customer Service Centre.

4.9. Conflicts of interest

Prior to discussion on any item where they may have, or be perceived to have, a conflict of interest, the member present must declare and have this interest noted. This declaration is to be included in the meeting minutes.

4.10. Confidentiality

General information and discussion within the Forum is to be treated with care in an environment of expected confidentiality.

Any information, data or statistics, which are presented or distributed, should be seen as confidential and used only with the permission of the supplying agency.

4.11. Media Protocol

The Mayor, the Chairperson of the Committee and Council's Media Officer are the only people permitted to speak to the media on behalf of the Committee.

- **Delivery Program/Operational Plan**

Waverley Together 2, the Community Strategic Plan 2010-22 includes the following:

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

Strategy G2b: *"Provide opportunities in a variety of forums for all stakeholders to contribute to Council's decision making."*

- **Consultation**

Council has a number of channels by which it receives feedback, suggestions and ideas from the community. This business forum would be one of those many channels, alongside Council and Committee meetings, Precincts, submissions, representations to and by Councillors, specific purpose community meetings and formal consultation processes.

Staff have consulted with the Bondi and Districts Chamber of Commerce in the development of the terms of reference.

Timeframe

It is proposed that the Forum meet at least three times a year. For the coming year, June 2013, September 2013 and November 2013 are being considered as possible dates.

Recommendation: That Council approves the attached Terms of Reference for the Waverley Business Forum.

Cathy Henderson

Director, Recreation Customer and Community Services

Author: Lorna Bussell, Divisional Manager Place Management

Attachment 1: Waverley Business Forum, Proposed Terms of Reference

REPORT TO COUNCIL

Waverley Public Art Committee Appointments (A03/0161)

Report dated 6 February 2013 from the Director, (Recreation, Customer & Community Services) about the appointment of community members for the Waverley Public Art Committee.

Recommendation: That

1. The report be received and noted.
 2. Council determine the members of the Waverley Public Art Committee for a term of two years.
-

Purpose of Report

To inform Council of the recent Waverley Public Art Committee recruitment process and to facilitate Councillors in the selection of the new community members, as per the recently updated Terms of Reference approved at November 2012 Council meeting.

Background / Introduction

Waverley Council established its Public Art Committee in 1992. Council last recruited for community members in 2007. Council adopted amended terms of reference for the Committee in November 2012, and resolved that expressions of interest (EOI) for new community members should be advertised.

The expression of interest was advertised from 21 November 2012 to 7 February 2013.

Previously, Council appointed three Councillors to the Waverley Public Art Committee: Cr Angela Burrill (Chair), Cr Joy Clayton (Alternate Chair) and Cr Paula Masselos. The newly appointed community members will join those three Councillors on the Committee.

By the final deadline of 7 February 2013, twenty four (24) applications were received. Councillors have separately received copies of all applications confidentially with a summary table coversheet.

Analysis

- **Financial**

The operation of the Waverley Public Arts Committee will require Councillor, volunteer and staff time but does not otherwise have direct financial impact on the Waverley Council budget, apart from the minor costs of advertising an expression of interest every two years.

- **Delivery Program/Operational Plan**

Waverley Together 2 includes a direction at C6 that "Arts and Cultural activities foster an involved community and creative environment"

The current Operational Plan includes a strategy at C6b to "Encourage art in public places and public art in the private domain".

REPORT TO COUNCIL

- **Consultation**

The Waverley Public Art Committee expression of interest was promoted via local newspaper advertising (Bondi View and Wentworth Courier), local networks, industry networks including ArtsHub, National Association for the Visual Arts, local and Sydney art galleries, arts projects, schools, community organisations and to public art and visual arts practitioners.

Timeframe

If Council approves the community membership of the Committee at this meeting, the first Waverley Public Arts Committee meeting will be scheduled for March 2013, member schedules permitting.

Recommendation: That

1. The report be received and noted.
2. Council determine the members of the Waverley Public Art Committee for a term of two years.

Cathy Henderson

Director, Recreation, Customer & Community Services

Author: Wendy Hee, Cultural Development Officer

Attachment 1: Waverley Public Arts Committee Terms of Reference

Waverley Council Waverley Public Art Committee Terms of Reference

Approved by Waverley Council 20 November 2012

1 AIM OF THE WAVERLEY PUBLIC ART COMMITTEE

The Waverley Public Art Committee aims to:

- Foster the ongoing development of quality, diverse and creative public art and visual art so as to enhance public access and experience of the arts and;
- Involve the local community in the selection and development of public art works which serve as important markers reflective of our heritage and cultural identity.

2 OBJECTIVES OF THE WAVERLEY PUBLIC ART COMMITTEE

- To encourage community participation and consultation in the development of public art and visual art processes and works.
- To develop public art and visual art that will reflect the local identity, diversity, values of Waverley and that will promote and preserve sites of significant cultural and natural heritage.
- To support public art and visual art in Waverley and encourage creative and innovative design in the built environment that enhances and contributes to the provision of quality facilities and amenities.
- To strengthen and enhance the environment for arts and creative enterprises in Waverley.
- To develop and review relevant policies and strategies, and integrate art policy content into relevant Council processes, policies and documents
- To ensure that public art and visual art processes and works are managed and maintained in a planned and professional manner
- To assess applications or proposals related to public art and visual art or the Artists In Residence program
- To source funding for public art works including sponsorships and philanthropic opportunities.
- To develop a framework that enables and encourages the private and commercial sector

to contribute to development and investment in public art and visual art in Waverley.

- To provide assessment and advice for possible inclusions of public art to the Public Works program
- Explore possibilities and advocate for the inclusion of public art and visual art and interpretation information in public projects and in future Council budgets
- To provide advice for public art or visual art elements to be incorporated into private sector development projects.

3 WAVERLEY PUBLIC ART COMMITTEE STRUCTURE

Chairperson: Waverley Councillor or Mayor

Committee Members: Up to three (3) Waverley Councillors,

Up to six (6) Waverley residents

Up to two (2) non-residents with relevant expertise and interest in public art or visual arts

Administrative support: Waverley staff member

Relevant staff will attend meetings to provide advice, including staff from Strategic Land Use Planning, Place Management, Cultural Services and Recreation & Community Planning and Partnerships.

Any Councillor or Director is welcome to attend meetings.

4 MEMBERSHIP OF WAVERLEY PUBLIC ART COMMITTEE

Council will appoint community and expert members to the Waverley Public Art Committee so that the Committee includes a range of people with a mix of age groups, ethnicities, expertise and skills:

- Background, experience or expertise in the visual arts, public art and/or curatorial, architecture, design, landscaping or other arts related discipline.
- Interest in and passion for the arts, public art and visual art in Waverley
- Being a local resident of Waverley Council or with close connections to the Waverley area
- Experience in sourcing sponsorship, philanthropy, or other partnership opportunities
- Experience in working with community groups
- Commitment to EEO, OH&S, risk management, environmental protection and ethical principles.

The term for community and expert members will be a two year, non-renewable term.

5 PRINCIPAL RESPONSIBILITIES OF WAVERLEY PUBLIC ART COMMITTEE MEMBERS

- To attend Committee meetings as required.
- To contribute to achieving the objectives of the Waverley Public Art Committee.
- To undertake agreed tasks as determined at Waverley Public Art Committee meetings.
- To assist the Committee to identify suitable sources of funding and investment strategies for public art development
- Any other duties that may reasonably be determined and agreed by Committee members.

6 MEETINGS OF THE COMMITTEE

- Meetings of the Waverley Public Art Committee will be held at least once every three months or more frequently as required, outside working hours.
- A quorum for a meeting of the Committee will be a majority of Committee members of whom one must be a Councillor.
- Decisions will be made by majority vote.
- Notice of Committee meetings will be provided by email by the Council convenor at least two weeks before the Committee meeting specifying the time and place.
- At the discretion of the Chair, members of the public or subject experts may be invited to speak to or advise the WPAC on issues being considered by the Committee.

7 COMMITTEE AGENDA AND MINUTES

- Minutes and agenda of all Committee meetings are public documents.
- Copies of agenda and associated papers (such as correspondence and reports) will be available for the public at each meeting and upon request.
- Minutes will be made available to the appropriate Council Committee for their information.

8 COUNCIL SUPPORT FOR THE COMMITTEE

- Council is responsible for providing administrative support for the meetings.
- Council's main contact for the Waverley Public Art Committee will be the Divisional Manager of Cultural & Community Services. The Divisional Manager will initiate communication on behalf of Council in terms of potential projects, maintain a record of advice, and prepare an update for each meeting.

9 DECLARATIONS OF PECUNIARY INTERESTS AND PARTICIPATION IN MEETINGS

- A Committee member who has a pecuniary interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.
- The member must not be present at, or in sight of, the meeting:
 - at any time during which a matter in which the member has a pecuniary interest is being considered or discussed by the Committee, or
 - at any time during which the Committee is voting on any question in relation to the matter.
- A person does not breach the above clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

10 DECLARATIONS OF NON-PECUNIARY CONFLICTS OF INTERESTS AND PARTICIPATION IN MEETINGS

- A member of a the Committee who has a non-pecuniary conflict of interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered will disclose the interest to the meeting as soon as practicable.
- If a member of the Committee has declared a non-pecuniary conflict of interest there is a range of options for managing the conflict. The option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with.
- A Councillor or a member of a Council Committee will deal with a non-pecuniary conflict of interest in at least one of these ways:
 - It may be appropriate that no action is taken where the potential for conflict is minimal. However, the Councillor or Committee member should consider providing an explanation of why it is considered that a conflict does not exist.
 - Have no involvement by leaving the room in which the meeting is taking place and not taking part in any debate or vote on the issue as if the provisions in Section 451(2) of the Act apply (particularly if the non-pecuniary conflict of interest is significant). Leaving the room is necessary because to remain in the presence of the meeting but refrain from voting is taken to be a vote against the motion (see Clause 251 of the General Regulation and Section 14.2(1) of this Code).

11 MEDIA PROTOCOL

- Members of the Committee are not to speak to the media in their capacity as Committee members.

- The Mayor, the Chairperson of the Committee and Council's Media Officer are the only people permitted to speak to the media on behalf of the Committee.

Glossary of terms:

Public Art - Unique, crafted or sculptural works such as sculpture, mosaics, murals etc, that are commissioned, invited and selected from professional artists for sites in the public domain. Artwork(s) may be the creative product of one artist or the result of collaboration between artists and /or other design professionals such as architects, industrial and graphic designers and craftspeople.

Visual Art – Art forms that are primarily visual in nature, such as ceramics, drawing, painting, sculpture, printmaking, design, crafts, photography and video art. Visual art can include permanent or temporary works.

Youth Week 2013 (A06/0101)

Report dated 29 January 2013 from the Director Recreation Customer and Community Services about funding a program of events for Youth Week 2013.

Recommendation: That Council:

1. Approve a grant of \$3,074 to WAYS Youth Services to run a program of events in Youth Week 2013.
 2. Approve the waiving of fees for venue hire to the value of \$6,500 for a program of events in Youth Week 2013.
-

Purpose of Report

This Report seeks Council's endorsement for the provision of a Community Grant to enable WAYS Youth Service to run a program of activities for Waverley's young people celebrating Youth Week 2013, and the waiving of fees for venue hire for those events.

Background / Introduction

Local councils in New South Wales receive a State Government grant annually for Youth Week activities, based on the proportion of NSW youth who live in the local government area. The conditions of the grant are that the Council must match the funding dollar for dollar.

We have been advised that Waverley will receive \$1,537 from the State Government this year for Youth Week activities, bringing the matched total to \$3,074.

WAYS Youth Services has taken the lead in partnerships enabling organisation of youth week activities in Waverley over many years. In February 2011, Council approved a process that requires WAYS to submit an application annually for a community grant for youth week funds, and provide a report on how the funds were spent and what outcomes were achieved. WAYS submitted an application and report on outcomes achieved for Youth Week 2012, and has now submitted a proposal for Youth Week funds for 2013.

WAYS Proposal for Youth Week 2013

Youth Week 2013 will run from Friday 5 April until Sunday 14 April inclusive. WAYS has submitted an application for \$3,300 in funding, and the waiving of venue hire fees to support the following program of events:

Bondi Blitz

Proposed Date: Saturday 13 April

Proposed location: Bondi Park (next to the Pavilion)

Proposed Time: Bump in: 7 am – 12 noon. Event: 12 pm – 6 pm. Bump out: 6 pm- 7.30 pm

Description: Open air concert of 10 bands, including some headline acts and 'up and coming' local bands; target audience 11-19 year olds, but open to everyone; free; drug and alcohol free; WAYS fundraising stall.

WAYS will submit a Risk Management Plan for this event as per Council's Events requirements. This includes provision for the employment of security staff, a First Aid Tent, arrangements to ensure the safe movement of vehicles delivering people and equipment, and provision of shade for staff and musicians. WAYS will advise local residents about the event by letter box drop providing a phone number so any complaints can be addressed

immediately. The Management Plan will be sent to relevant Council Divisions for comment, and RCPP will arrange a meeting on site to finalise the Plan and work through any issues.

WAYS is also seeking continuation of the following contributions that Council has made over the years: Access to power and water, parks staff to put up fence barriers and support clean up, truck access to park for bump in and bump out of equipment, approval to park two WAYS vehicles on the green, monitoring by Rangers, event promotion.

The Bondi Blitz has run successfully for more than 20 years. It provides an opportunity for young musicians to showcase their talents, and historically has attracted a wide audience from young people to grandparents. Pro-active enforcement of the 'no alcohol' rule, and the spread of a mixed audience over a wide area has meant that the event has not attracted trouble, with a few noise complaints being the only complaints received in recent years.

In 2012 a number of local cafes played host to the 'Bondi Blitz Sideshow' which enabled rotation of acoustic performances throughout the day. The new program was very well received and a resulted in offers of work for a number of young local musicians.

Bondi Creative Youth Fair

Proposed Date: Saturday 6 April

Proposed location: Bondi Farmers Market (Bondi Beach Public School)

Proposed Time: Bump in: 8.30am-10.30 am. Markets open: 10.30am-5 pm. Bump out: 5pm-6.30 pm

Description: Free outdoor market that aims to support youth talent and creativity by offering young people the opportunity to promote and sell their craftworks, artworks, food, therapies, music, clothing or any other items created by themselves. This exciting new initiative for Youth Week ran successfully in the Bondi Pavilion forecourt in 2011, and as part of the Bondi Farmers Markets in 2012.

WAYS has established a small Committee of young people to contribute to development of these events. WAYS will also run its annual youth forum, bringing together Year 10 students, to discuss, learn about, and explore a 'hot topic' of concern to young people. Last year's topic was 'mental health first aid'. This year's has not yet been decided. WAYS is not seeking any financial support from Council for this event.

Analysis

- **Financial** Council will receive grant funds from the state government of \$1,537 and \$1,537 is available in the RCPP divisional budget to match this, to bring the total funds available for Youth Week activities to \$3,074.
- **Delivery Program/Operational Plan** The 2012/13 Operational Plan requires Council to deliver a coordinated program of social recreational and cultural events targeting diverse groups; and to provide 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 and other marginalised groups.
- **Consultation** WAYS has established a small Committee of young people to contribute to development of these events.

Timeframe

The proposed activities are scheduled for April 2013.

Recommendation: That Council:

1. Approve a grant of \$3,074 to WAYS Youth Services to run a program of events in Youth Week 2013
2. Approve the waiving of fees for venue hire to the value of \$6,500 for a program of events in Youth Week 2013.

Cathy Henderson

Director, Recreation Customer and Community Services

Author: Leisa Simmons

Attachments: nil

MINUTES OF THE DEVELOPMENT
CONTROL COMMITTEE MEETING
HELD AT THE WAVERLEY COUNCIL
CHAMBERS ON TUESDAY, 29
JANUARY 2013

PRESENT

Councillor Kay (Chair)
Councillors Betts, Burrill, Cusack, Goltsman, Guttman-Jones,
Masselos, Mouroukas and Strewe.

At the commencement of proceedings at 7pm, those present were as listed above.

D-1212.O OPENING PRAYER & ACKNOWLEDGMENT OF INDIGENOUS HERITAGE

The Chair read the following Opening Prayer and Acknowledgment 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.”

D-1301.A LEAVES OF ABSENCE AND APOLOGIES

There were no leaves of absence for this meeting.

Apologies were received and accepted from Crs Clayton, Kanak and Wakefield.

D-1301.DI DECLARATIONS OF INTEREST

The Chair called for any Declarations of Interests and the following were received:

1. Cr Strewe declared a less than significant non pecuniary interest in Item D-1301.6 – 19 Lamrock Avenue, Bondi Beach – known as Lamrock Lodge – Part third floor addition to rear of building for a caretakers unit to a backpackers accommodation (DA 472/2012), and informed the meeting that she knows the applicant.

D-1301.1**45 Edward Street, Bondi Beach – Alterations and first floor addition to an existing semi-detached dwelling (DA 517/2011)**

Report dated 19 December 2012 from the Development and Building Unit.

MOTION / UNANIMOUS DECISION (Strewe / Masselos)

That the application be approved in accordance with the conditions contained in this report, subject to Condition 2(a) under General Modifications being amended to now read as follows:

“(a) To improve privacy to the adjoining residences, the following amendments are required:

- i. The kitchen louver window (W5) and the laundry window (W6) are to be obscure glazed and restricted to a 45 degree opening.
- ii. The first floor window (W4) to have a sill height of a minimum of 1.5m, or the lower section obscure glazed and fixed to a height of 1.5m.
- iii. The glazing to the rear first floor balcony balustrade to be of an obscure finish.

Alternatively, privacy screens in front of the above listed windows (ie W4, W5 and W6) are an option that the applicant may prefer in lieu of the above requirements.”

Division

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

Against the Motion: Nil.

J Perica (on behalf of the Applicant) addressed the meeting.

D-1301.2**5 Gilgandra Road, North Bondi – S96 modification to delete Condition 2(a) to allow a carport over the approved hardstand (DA 502/2008/A)**

Report dated 12 December 2012 from the Development and Building Unit.

MOTION / UNANIMOUS DECISION (Goltsman / Guttman-Jones)

That the application be approved in accordance with the conditions contained in this report.

Division

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

Against the Motion: Nil.

J Ezer (Applicant) addressed the meeting.

D-1301.3**15 Cross Street, Bronte – Provision of a hardstand car space in the front setback, and new front fence (DA 470/2012)**

Report dated 15 January 2013 from the Development and Building Unit.

MOTION / UNANIMOUS DECISION (Kay / Mouroukas)

That the application be deferred in order to allow Council Officers to assess amended plans, as requested by the applicant.

Division

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

Against the Motion: Nil.

D-1301.4**281 Bondi Road, Bondi – Modifications to floor plans, structural wall changes, increase patron numbers to the first floor and use terraces as standing smoking areas (DA 32/1989/A)**

Report dated 10 January 2013 from the Development and Building Unit.

MOTION / UNANIMOUS DECISION (Mouroukas / Kay)

That the application be approved in accordance with the conditions contained in this report, subject to the following amendments:

1. Condition 16 be deleted and replaced with the following:

“USE OF FIRST FLOOR FRONT AND REAR TERRACES

The use of the rear first floor terrace as a smoking area for patrons is prohibited; however, the smaller front first floor terrace may be used by smokers provided that its use complies with the provisions of the Smoke-free Environment Act and associated Regulations.

To mitigate potential amenity impacts on surrounding residential allotments, the first floor terrace is to be used in accordance with the following:

- (a). The first floor rear terrace is only permitted to be used between 5pm and 9pm, seven days a week. After 9pm, the terrace is not to be used and the access doors are to be closed and locked.
- (b). A maximum of 5 patrons from the first floor dining area are permitted on the rear terrace at any one time, and these 5 persons are to be included in the maximum of the 40 persons permitted.
- (c). No food or drink is permitted on the first floor terrace.

- (d). No sound reproductive devices are to be installed or operated on the rear terrace.
- (e). Doors to the rear terrace are to be fitted with self closing devices. The restaurant operator and staff must ensure that patrons and staff do not hold open, or prop open, doors at any time.”

2. Condition 25(c) be amended to now read as follows:

“To preserve the amenity of surrounding residential areas, there is to be no bottle recycling or washing in the rear yard or laneway between 9pm and 8am, seven days a week.”

Division

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

Against the Motion: Nil.

K Brennan (Objector) and another Objector addressed the meeting.

D-1301.5

5 Roe Street, North Bondi – Section 96 modification to delete Condition 2(b) to allow for a single hardstand car space in front of the existing semi-detached dwelling (DA 496/2008/A)

Report dated 16 January 2013 from the Development and Building Unit.

MOTION / DECISION (Guttman-Jones / Goltsman)

That the application be refused in accordance with the reasons contained in this report and the following additional reason:

- 1. The installation of a driveway at the subject site would interfere with Council’s existing stormwater drain.

Division

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

Against the Motion: Cr Cusack.

An Objector and C Di Veroli (on behalf of the Applicant) addressed the meeting.

D-1301.6

19 Lamrock Avenue, Bondi Beach – known as ‘Lamrock Lodge’ – Part third floor addition to rear of building for a caretakers unit to a backpackers accommodation (DA 472/2012)

Cr Strewe declared a less than significant non pecuniary interest in this item and informed the meeting that she knows the applicant.

Cr Strewe was not present in the Chamber during the discussion and vote on this item.

Report dated 17 January 2013 from the Development and Building Unit.

MOTION / UNANIMOUS DECISION (Betts / Goltsman)

That the application be approved in accordance with the conditions contained in this report.

Division

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

Against the Motion: Nil.

D-1301.7

39 Hall Street, Bondi Beach – Section 96 modification to delete condition 57 and amend condition 58 regarding liquor service (DA 250/2011/C)

Report dated 16 January 2013 from the Development and Building Unit.

MOTION / UNANIMOUS DECISION (Betts / Burrill)

That the application be refused in accordance with the reasons contained in this report.

Division

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

Against the Motion: Nil.

R Carol (on behalf of the Applicant) addressed the meeting.

THE MEETING CLOSED AT 7.51PM

**SIGNED AND CONFIRMED
19 FEBRUARY 2013**

MAYOR

MINUTES OF THE FINANCE, ETHICS
& STRATEGIC PLANNING
COMMITTEE MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBERS
ON TUESDAY, 5 FEBRUARY 2013

VOTING MEMBERS PRESENT

Councillor Cusack (Chair)
Crs Betts, Burrill, Goltsman, Guttman-Jones, Kay,
Masselos and Wakefield.
Also Present: Crs Clayton, Kanak, Mouroukas and Strewe.

At the commencement of proceeding at 7.33pm those present were as listed above with the exception of Cr Wakefield who arrived at 7.36pm.

F-1302.O OPENING PRAYER & ACKNOWLEDGMENT OF INDIGENOUS HERITAGE

The Chair read the following Opening Prayer and Acknowledgment 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.”

**F-1302.A
Apologies**

There were no leaves of absence or apologies for this meeting.

**F-1302.DI
Declarations of Interest**

The Chair asked for Declarations of Interest and none were received.

This is page 1 of the Minutes of the Finance, Ethics & Strategic Planning Committee Meeting held on Tuesday, 5 February 2013.

F-1302.1**Investment Portfolio Reporting – November 2012 (A03/2211)**

Cr Wakefield was not present in the Chamber during the discussion and vote on this item.

Report dated 9 January 2013 from the Acting Director, Corporate and Technical Services providing an update on the performance of Council's investment portfolio for the 2012/13 financial year to 30 November 2012.

MOTION / DECISION (Betts / Goltsman)

That Council:

1. Receive and note this report.
2. Note 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.

F-1302.2**Investment Portfolio Reporting – December 2012 (A03/2211)**

Cr Wakefield was not present in the Chamber during the discussion and vote on this item.

Report dated 10 January 2013 from the Acting Director, Corporate and Technical Services providing an update on the performance of Council's investment portfolio for the 2012/13 financial year to 31 December 2012.

MOTION / DECISION (Betts / Kay)

That Council:

1. Receive and note this report.
2. Note 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.

F-1302.3**February 2013 Information Bulletin**

Reports have been provided in the February 2013 Information Bulletin distributed separately with the Agenda.

MOTION / DECISION (Kay / Betts)

That:

1. The February 2013 Information Bulletin be received and noted.
2. The illegally dumped rubbish chart, which appears on page 14 of the Information Bulletin be changed in future Information Bulletins to show the number of dumps rather than tonnage.

F-1302.4

Lease under the Roads Act 1993 for Verandah Structure at 50-54 Macpherson Street Bronte (A12/0625)

Report dated 11 January 2013 from the Acting Director, Corporate & Technical Services about a lease under the Roads Act 1993 for an historic verandah structure at 50-54 Macpherson Street, Bronte.

MOTION (Betts / Burrill) (WITHDRAWN)

That:

1. Council approves a 50 year lease under Section 149 of the Roads Act 1993 for an historic verandah structure at 50-54 Macpherson Street, Bronte subject to the approval of the Department of Planning and Infrastructure.
2. The Mayor and General Manager be authorised to complete negotiations, execute the necessary documents and affix the Council seal where necessary.

AMENDMENT (Wakefield / Guttman-Jones)

That the term of the lease under Section 149 of the Roads Act 1993 for an historic verandah structure at 50-54 Macpherson Street, Bronte, be for a period of 20 years.

THE AMENDMENT WAS PUT AND DECLARED LOST.

AT THIS STAGE IN THE PROCEEDINGS THERE BEING NO MOTION BEFORE THE CHAIR THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED:

MOTION / RECOMMENDATION (Wakefield / Goltsman)

That the matter be deferred to allow Council officers to give further consideration to legal implications that provide greater protection to Council.

C. Reid (on behalf of the Applicant) addressed the meeting.

F-1302.5**Heritage Planning Services (A11/0719)**

Report dated 16 January 2013 from the Director, Planning & Environmental Services about options for Council to consider in delivering a Heritage Planning Service in response to increasing Council and community interest in heritage planning matters.

MOTION / RECOMMENDATION (Burrill / Goltsman)

That the matter be deferred until Council has had the opportunity to review its organisational structure.

Division

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

Against the Motion: Crs Masselos and Wakefield.

F-1302.6**Draft Events Policy (A11/0687)**

Report dated 24 January 2013 from the Director, Recreation, Customer & Community Services recommending the adoption of the Events Policy.

MOTION / RECOMMENDATION (Kay / Burrill)

That Council:

1. Thank those who provided submissions on the draft Events Policy.
2. Adopt the revised Waverley Council Events Policy, subject to the following:
 - (a) Under Section 1. 'Introduction' – sub heading 'Overview':
 - i. The fourth paragraph be amended to read as follows:

“Whether Council’s role is as deliverer, partner, collaborator or supporter of an event, or as the hirer out of open space, there is the need for a Council endorsed event approval and planning process based on clear policy considerations backed up by an effective set of procedures designed to deliver the event to an agreed and consistent standard.”
 - ii. The sixth paragraph be amended to read as follows:

“With an increasing demand for all types of events, from smaller community focused events to larger regional and national scale events at Council venues, the effective coordination of these is paramount to avoid timing clashes, disruptions to local communities and to gain maximum benefit for each specific event in relation to the overall objectives of this policy.”

- (b) Under Section 2. 'Event Policy Objectives' – the second paragraph of the sub heading 'Policy Objectives' be amended to read as follows:

"This policy has the overall aim of ensuring any event organised or approved by Council will meet one or more of the outcomes identified in Council's key planning documents, such as Council's Strategic Plan (Waverley Together) and four year Delivery Plan.

- (c) Under Section 2. 'Event Policy Objectives' – the third bullet point of the sub heading 'Assessment Criteria for External Event Proposals – Control of Environmental Impact' be amended to read as follows:

"Minimise pollution via noise, light, emissions and substances."

- (d) Under Section 3. 'Definitions and Exclusions' – the sixth bullet point of the sub heading 'Exclusions' be amended to read as follows:

"Surf Life Saving Club and water based activities (administered under Council Resolution August 2008 – see clauses 3, 5 & 6 of Attachment 1 to this policy).

- (e) Under Section 4. 'Special Considerations & Conditions' – that Council officers add a paragraph within the 'Alcohol' sub-section that explains the requirement for events where alcohol is sold or supplied within an Alcohol Free Zone and this be emailed to Councillors before the February 2013 Council meeting.

- (f) Under Section 4. 'Special Considerations & Conditions' – the last paragraph of the sub heading 'Specific Exclusions' be amended to read as follows:

"All events must comply with any relevant regulatory requirements including that listed in Section 7 Related Policies, Plans and Regulations."

- (g) Under Section 6. 'External Event Applications' in the sub heading 'External Event Timelines & Approval Process':

- i. The heading of the third column of the table be amended to read as follows:

"Application will be decided by:"

- ii. The note at the bottom of the table be amended to read as follows:

"NB: These time frames for major events may be varied if Council conducts an event submission or expression of interest process."

- (h) Officers to prepare additions to the draft policy for No Smoking at events to correlate with the New South Wales state legislation and other community expectations. These words are to be emailed to Councillors before the February 2013 Council Meeting.

F-1302.RM SUBMISSION OF RESCISSION MOTIONS

Note from the General Manager: Rescission motions must be submitted to the General Manager, or in the absence of the General Manager a member of Council's Governance Unit, and announced before the close of the meeting. The date and time of receipt will be noted on all rescission motions.

Rescission motions received before 10am on the next working day following the meeting will stay action to implement Council's decision until the rescission motion has been determined. This is in line with section 372 of the Local Government Act and Council's Code of Meeting Practice.

Rescission motions received after 10am on the next working day following the meeting may not stay action on implementing Council's decision.

Rescission motions will generally be dealt with at the next Council meeting.

The Chair called for the submission of any rescission motions and none were received.

THE MEETING CLOSED AT 8.23PM

**SIGNED AND CONFIRMED MAYOR
19 FEBRUARY 2013**

MINUTES OF THE COMMUNITY,
HOUSING, ENVIRONMENTAL
SERVICES & PUBLIC WORKS
COMMITTEE MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBERS
ON TUESDAY, 5 FEBRUARY 2013

VOTING MEMBERS PRESENT

Cr Mouroukas (Chair)
Crs Betts, Burrill, Clayton, Goltsman, Guttman-Jones,
Kanak and Masselos.
Also Present: Crs Cusack and Kay.

At the commencement of proceeding at 8.25pm those present were as listed above.

C-1302.O OPENING PRAYER & ACKNOWLEDGMENT OF INDIGENOUS HERITAGE

The Chair read the following Opening Prayer and Acknowledgment 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.”

**C-1302.A
Apologies**

There were no leaves of absence or apologies for this meeting.

**C-1302.DI
Declarations of Interest**

The Chair asked for Declarations of Interest and none were received.

C-1302.1
Customer Service Annual Report (A07/0526)

Report dated 24 January 2013 from the Director, Recreation, Customer & Community Services to provide an annual report on customer service performance and projects for 2012.

MOTION / UNANIMOUS DECISION (Guttman-Jones / Betts)

That:

1. Council receive and note this report.
2. Future reports include online service request statistics as available.

C-1302.2
Queens Park Footpath (A03/0802)

Report dated 22 January 2013 from the Director, Corporate & Technical Services about the proposed construction of a footpath on the southern side of Queens Park Road between Manning Street and Bourke Street.

MOTION / RECOMMENDATION (Betts / Burrill)

That:

1. Council receive and note this report.
2. Council approve the construction of a concrete footpath on the south side of Queens Park Road between Manning Street and Bourke Street.
3. Funding of the concrete footpath be considered for inclusion in the 2013 / 14 Capital Works Footpath Program.

C-1302.RM

SUBMISSION OF RESCISSION MOTIONS

Note from the General Manager: Rescission motions must be submitted to the General Manager, or in the absence of the General Manager a member of Council's Governance Unit, and announced before the close of the meeting. The date and time of receipt will be noted on all rescission motions.

Rescission motions received before 10am on the next working day following the meeting will stay action to implement Council's decision until the rescission motion has been determined. This is in line with section 372 of the Local Government Act and Council's Code of Meeting Practice.

Rescission motions received after 10am on the next working day following the meeting may not stay action on implementing Council's decision.

Rescission motions will generally be dealt with at the next Council meeting.

The Chair called for the submission of any rescission motions and none were received.

THE MEETING CLOSED AT 8.48PM

**SIGNED AND CONFIRMED MAYOR
19 FEBRUARY 2013**

REPORT TO COUNCIL

Request for the Calling of Tenders for Waverley Council Central Depot 67A Bourke Road Alexandria (A12/0627 and A12/0075)

Report dated 24 December 2012 from the Director Public Works & Services seeking to proceed to tender for the construction of a new Central Works Depot on behalf of Public Works & Services.

Recommendation: That the Mayor and General Manager under delegated authority approves the calling of a design and construction tender for the construction of the Waverley Council Central Depot.

Purpose of Report

The purpose of this report is to seek approval for the calling of Tenders for the construction of Waverley Council Central Depot.

The estimated value of the project, including works the subject of this tender, is \$11,500,000. The project is a project requiring an official tendering process and will be undertaken using GC21 General Conditions for a Design and Construct delivery using a NSW Public Works selective list of contractors.

Background

The Construction of the new Central Works Depot is identified in the Capital Works Program Invest Strategy 05 (1810)

The proposed depot comprises a two storey open decked car parking / garage area with an administration /amenities / office building attached at the north eastern end of the site. The administration area will be housed above the truck garaging / workshop and storage area and will comprise a single level plus mezzanine area totalling 1200m2 and accommodating approximately 50 staff.

It will accommodate workstations, meeting/training rooms, amenities, a lunchroom and outdoor eating area and storage areas. Car parking is proposed for 174 cars, 98 trucks and 10 visitors. In addition separate areas are provided for abandoned vehicles, vehicle washing, vehicle maintenance etc.

The proposed depot is to initially operate as a depot for Waverley Council however it may also accommodate the requirements of Woollahra and other neighbouring Councils over the operational life of the facility.

In order to better co-ordinate the detailed design and construction phases of the project, it is proposed that a Design & Construction (D&C) tender be used for this project rather than the traditional approach of having independent contracts for design and construction.

The Local Government Act requires Council to call tenders for any purchase of goods or services for contracts that have a total contract value of above \$150,000. This tender will provide Council with an opportunity to test the market, and recommend a company(s) that can provide Council with the best value for money.

REPORT TO COUNCIL

Current Situation

The tender documentation for the Waverley Central Depot project is currently being created.

Analysis

- **Financial** - This project has a budget estimate of \$16,000,000 in the 2012/13 financial Year.
- **Delivery Program/Operational Plan** - The project assists Council to achieve the objectives of its Key Result Areas of:
 - Asset Management
 - Financial Management and Improved Efficiency.
 - Sustainable Environment

Timeframe

In order to meet the contractual timeframe between City of Sydney and Waverley Council to relocate from the northern portion of the Portman Street Depot it is necessary for tenders to be called in early February 2013 with a further report to Council on the outcome of the tender process. Construction works are anticipated to commence in May 2013 with completion by March 2014.

Recommendation: That the Mayor and General Manager under delegated authority approves the calling of a design and construction tender for the construction of the Waverley Council Central Depot.

Mark Wood
Director Public Works & Services

Recommendation Approved

General Manager
Anthony Reed
24 December 2012

Mayor
Sally Betts
24 December 2012

REPORT TO COUNCIL

Bronte Road, Bronte – Australia Day 2013 Traffic Conditions (A03/2332-02)

Report dated 4 January 2013 from the Acting Director Corporate & Technical Services regarding the proposed traffic management arrangements for Australia Day 2013 on Bronte Road at Bronte.

Recommendation: That the Mayor and General Manager:

1. Receive and note the request from the NSW Police Force that it is essential to make Bronte Road one-way to address concerns they have about vehicle and pedestrian safety, and access by emergency vehicles such as ambulances that maybe required at Bronte Beach and Park.
 2. Approve under delegated authority the trial implementation of traffic arrangements for Australia Day (Saturday 26 January 2013) as detailed on the attached drawing.
-

Purpose of Report

To approve the proposed traffic arrangements for Australia Day, Saturday 26 January 2013 on Bronte Road, Bronte and at the intersections as detailed on the attached drawing. This is in accordance with Council's requirements for a further report.

Background / Introduction

At the August 2012 meeting of the Waverley Traffic Committee consideration was given to representations from the NSW Police Force requesting consideration be given to temporarily changing traffic conditions in Bronte Road, Bronte during Australia Day 2013.

Analysis

The NSW Police Force request was for the trial one-way operation of Bronte Road, westbound, between Nelson Avenue and Gardyne Street, to encourage drivers to circulate the Bronte area in a loop via Evans Street, MacPherson Street and Bronte Road.

Australia Day is the single busiest day of the year for people visiting Bronte Park. In recent years, traffic congestion is extremely bad with vehicles circulating and looking for parking. The NSW Police Force believe that it is essential to make Bronte Road one-way to address concerns they have about vehicle and pedestrian safety, and access by emergency vehicles such as ambulances that maybe required at Bronte Beach and Park.

The Waverley Traffic Committee decision that was adopted by Council at its meeting on 4 September 2012 was that:

1. The matter be deferred in order to allow Council officers to assess the State designated events calendar for Australia Day and determine the number of days the proposed changes to Bronte Road, Bronte should be in effect, and to investigate the provision of information to local residents in regards to the proposed changes.
2. Council officers submit a further report on the matter to the Waverley Traffic Committee for consideration.

REPORT TO COUNCIL

Discussions were held with Inspector Nic Twentyman and it was agreed that the changes to Bronte Road would apply on Saturday 26 January 2013 (Australia day celebrations) and not Monday 28 January 2013 (Australia Day public holiday).

The attached drawing details the proposed traffic arrangements and reflects a number of changes made to the 2012 scheme in an attempt to address the congestion which occurred specifically in Gardyne Street, St Thomas Street and Yanko Avenue.

An information sheet on the changes will be circulated to residents in the Bronte area as soon as possible.

Monitoring of the changes will be undertaken by Council to assess the benefits and impacts of the changes to the Bronte area. These will be reported to the Waverley Traffic Committee.

Recommendation: That the Mayor and General Manager:

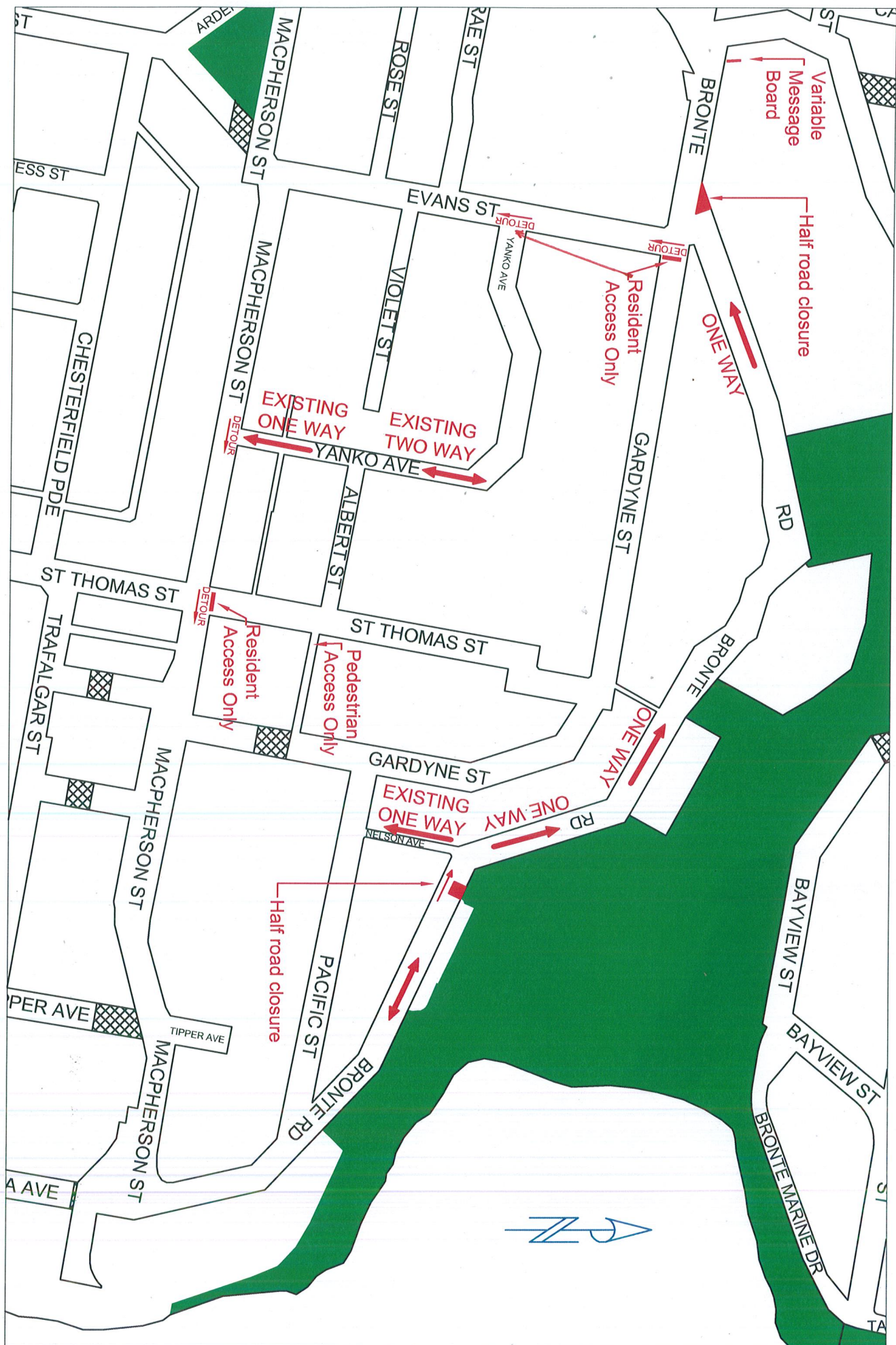
1. Receive and note the request from the NSW Police Force that it is essential to make Bronte Road one-way to address concerns they have about vehicle and pedestrian safety, and access by emergency vehicles such as ambulances that maybe required at Bronte Beach and Park.
2. Approve under delegated authority the trial implementation of traffic arrangements for Australia Day (Saturday 26 January 2013) as detailed on the attached drawing.

Dan Joannides
Acting Director, Corporate & Technical Services

Recommendation approved

General Manager
Anthony Reed
11 January 2013

Mayor
Councillor Sally Betts
11 January 2013



Bronte Road, Bronte - Trial Temporary one-way flow for Australia Day 2013

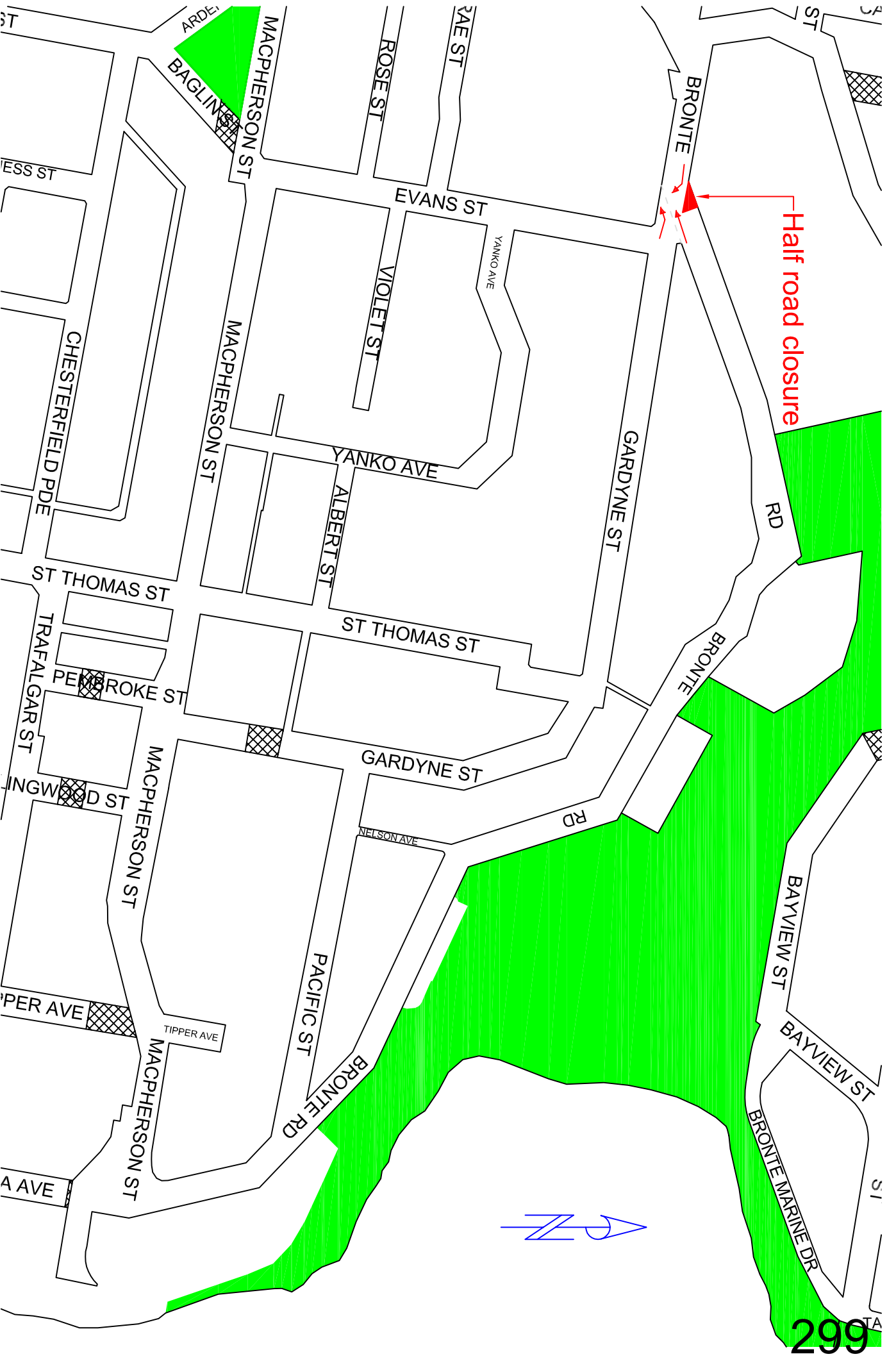


Figure 2 Bronte Road - Temporary diversion for Australia Day 2013

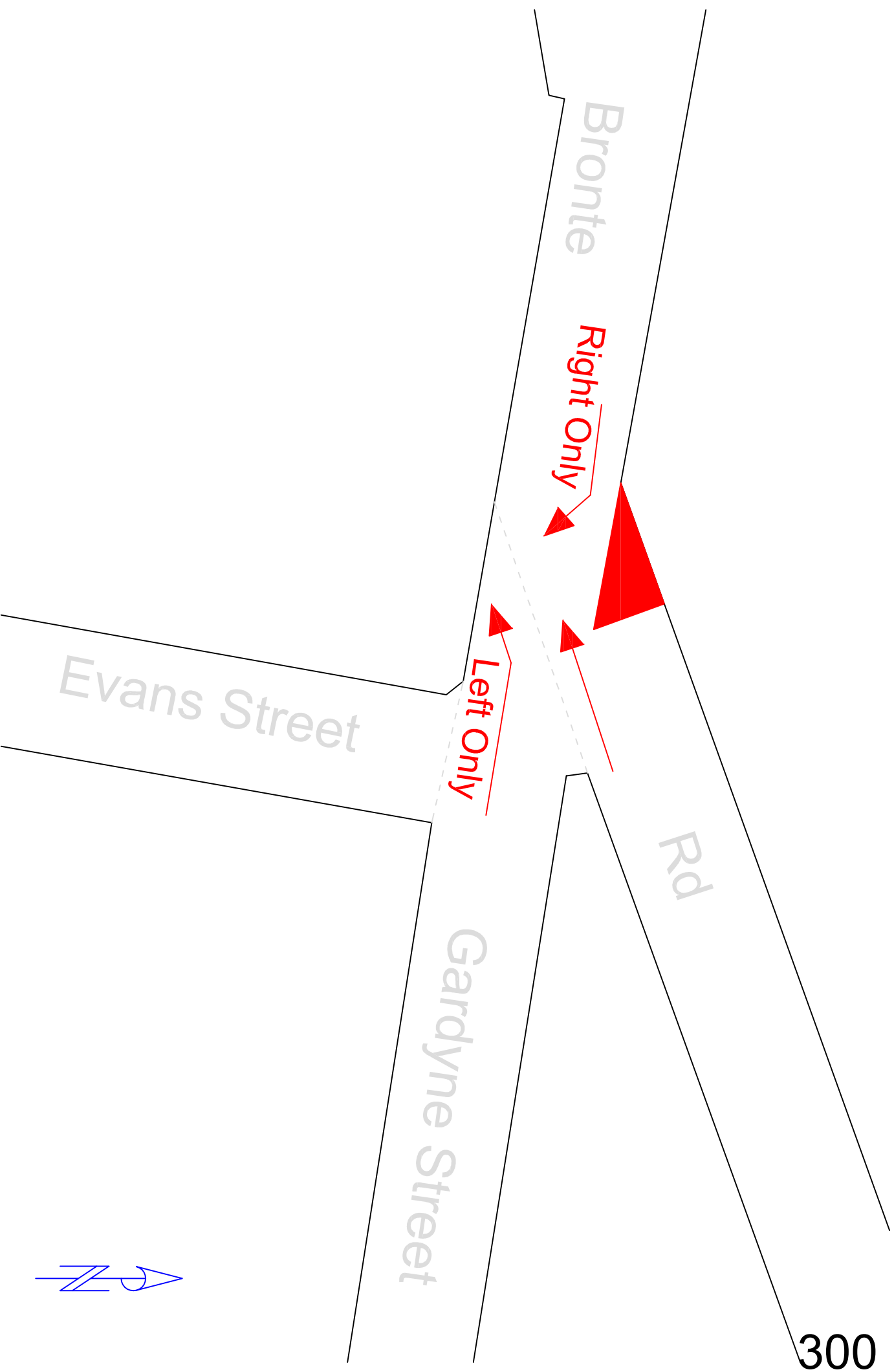


Figure 3 Bronte Road - Temporary diversion for Australia Day 2013

REPORT TO COUNCIL

Renewal of Director Public Works & Services Contract (P08/087)

Report dated 12 February 2013 from the General Manager regarding the five year contract renewal of the Director Public Works & Services, Mark Wood.

Recommendation: That Council receive and note the report on the renewal of the contract of employment for the Director Public Works & Services, Mark Wood.

As Director of Public Works & Services, Mark Wood, is employed under the Standard Contract of Employment for Senior Staff of Local Councils in NSW as required by the Department of Local Government. Within the provisions of this contract the employee is required to seek renewal of their contract in writing within 12 months of expiry of the contract.

Mark requested renewal of his contract on 6 November 2012. Following consultation I am pleased to advise Council that Mark has been appointed to a five year contract on his existing terms of employment effective from 29 January 2013.

Recommendation: That Council receive and note the report on the renewal of the contract of employment for the Director Public Works & Services, Mark Wood.

Tony Reed
General Manager

REPORT TO COUNCIL

Appointment of Director Corporate & Technical Services to the NSW Cemeteries and Crematoria Interim Board (A03/2771)

Recommendation: That Council receive and note the report of the General Manager regarding the appointment of the Director Corporate & Technical Services, Dr Bronwyn Kelly to the NSW Cemeteries and Crematoria Interim Board

I am pleased to advise Council that the Director Corporate & Technical Services, Bronwyn Kelly, has been appointed by the NSW Minister for Primary Industries, Katrina Hodgkinson, MP, to the NSW Cemeteries and Crematoria Interim Board.

Dr Kelly has been appointed as the Division of Local Government's representative on the Board and is required as such to represent the interests of all cemeteries owned or run by councils in NSW.

The Board has been constituted as an interim board to enable its members to scope legislation that will establish the role and function of a permanent board. The interim board is also charged with developing policy and legislation in relation to the introduction of "renewable tenure" for burial sites in Crown and other cemeteries in NSW. Should such legislation succeed, Waverley Cemetery will no longer be the sole cemetery in NSW with limited-period licences for interment of remains.

Significant gains for the potential sustainability of cemeteries and cemetery businesses are likely to result from the reforms currently under consideration by the interim board.

The appointment of Dr Kelly is an indication of the industry recognition of her expertise in this area.

Tony Reed
General Manager