

Ordinary Council Meeting

Tuesday 18 October 2022

Seating Plan for Council meetings



Statement of ethical obligations

Obligations	
Oath [Affirmation] of Office by Councillors	I swear [solemnly and sincerely declare and affirm] that I will undertake the duties of the office of councillor in the best interests of the people of Randwick City and the Randwick City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.
Code of Conduct conflict of interests	
Pecuniary interests	<p>A Councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.</p> <p>The Councillor must not be present at, or in sight of, the meeting:</p> <ul style="list-style-type: none">a) at any time during which the matter is being considered or discussed, orb) at any time during which the council is voting on any question in relation to the matter.
Non-pecuniary conflict of interests	A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
Significant non-pecuniary interests	A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.
Non-significant non-pecuniary interests	A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.



Notice is hereby given that an Ordinary Council meeting of Randwick City Council will be held in the Council Chamber, 1st Floor, Randwick Town Hall, 90 Avoca St Randwick on Tuesday, 18 October 2022 at 7pm

Prayer and Acknowledgement of the local indigenous people

Prayer

*"Almighty God,
We humbly beseech you to bestow your blessings upon this Council and to direct and prosper our deliberations to the advancement of your glory and the true welfare of the people of Randwick and Australia.
Amen"*

Acknowledgement of Country

"I would like to acknowledge that we are meeting on the land of the Bidjigal and the Gadigal peoples who occupied the Sydney Coast, being the traditional owners. On behalf of Randwick City Council, I acknowledge and pay my respects to the Elders past and present, and to Aboriginal people in attendance today."

Apologies/Granting of Leave of Absences

Requests to attend meeting by audio-visual link

Confirmation of the Minutes

Ordinary Council - 27 September 2022

Declarations of Pecuniary and Non-Pecuniary Interests

Address of Council by Members of the Public

Privacy warning;

In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded for the purposes of clause 5.20-5.23 of Council's Code of Meeting Practice.

Audio/video recording of meetings prohibited without permission;

A person may be expelled from a meeting for using, or having used, an audio/video recorder without the express authority of the Council.

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CO53/22	Mattress Collection and Processing Services - Contract No. SSROC T2017-09 (record of voting required) <i>This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.</i>

Notice of Rescission Motions

Nil

Mayoral Minute No. MM41/22

Subject: Financial Assistance and Donations - October to November 2022

Motion:

That Council:

- a) waive the fees associated with the Maroubra Diggers Junior Swimming club's Swimming Carnival to be held at the Des Renford Leisure Centre on 12 November 2022, totaling \$1,175 to be funded from the 2022-23 Contingency Fund;
- b) donate plants from Council's Nursery, to the value of \$500 to be funded from the 2022-23 Contingency Fund, to the Maroubra Neighbourhood Children's Centre for the spring working bee being held in October 2022;
- c) donate \$750, to be funded from the 2022-23 Contingency Fund, towards the 2022 Royal Giving Day, Delivering Hope raising funds for The Royal Hospital for Women.

Background:

Maroubra Diggers Junior Swimming Club Carnival - November 2022

The Maroubra Diggers Junior Swimming Club swims every Saturday between the months of October and March at the Des Renford Leisure Centre and have done so for 30 plus years. The club is currently 50 members strong, with all members and their families living in the Randwick local government area.

The Club have organised a swimming carnival on 12 November 2022, which incorporates several other clubs from different areas. Approximately 100 swimmers and their families will attend the carnival, utilising the facilities and enticing families to visit the Des Renford Leisure Centre again or more regularly.

As a family orientated swimming club and not-for-profit organisation, the club have requested that the pool hire fee be waived on this occasion as it has been in previous years.

Maroubra Neighbourhood Children's Centre – Donation of plants

The Maroubra Neighbourhood Children's Centre is a community based not-for-profit organisation that has been operating in Maroubra since 1982.

The Centre are currently making improvements to the outdoor learning environment and have requested a donation of native plants from Council's Nursery for a bush tucker garden.

The Centre are holding a spring working bee in October 2022 to undertake planting for the garden. The native plants will encourage wildlife and birds, promote sustainable practices for the future generation, and create an aesthetically pleasing learning environment for the children. It is intended to teach the children about the different stages of plant growth and the many environmental practices put in place by Council.

Additionally, the Centre is celebrating their 40th anniversary in November this year with a special opening event of the garden with the children and parents, giving the opportunity for the parents to discover the learning diversity that the Centre and Council is offering to the children.

Should Council endorse the recommendation, the Mayor or the Mayor's representative would have the opportunity to attend the 40th anniversary event to open the garden on behalf of Council.

2022 Royal Giving Day - Delivering Hope

The Royal Hospital for Women in Randwick is the only dedicated women's hospital in NSW, seeing over 10,000 women in hospital each year. The hospital provides exceptional, accessible healthcare to women and newborns, and provides personalised care that supports the family and our communities.

The objective of The Royal Hospital for Women Foundation is to provide funding to deliver improved health outcomes through specialised equipment, innovative research, programs and services.

The Royal Giving Day, Delivering Hope is being held on Wednesday, 23 November 2022 at The Royal Hospital for Women with Channel 9 as media partner.

Delivering Hope is a 12-hour telethon-style fundraising appeal raising vital funds to meet the growing needs of The Royal. There will be live crosses to TV and Radio throughout the day, as well as cheque presentations for corporate supporters, entertainment and fundraising challenges.

Last year, the inaugural Royal Giving Day raised over \$250,000 to deliver hope at The Royal Hospital for Women, including a \$500 donation from Council. These funds have purchased life-saving equipment, funded research and enabled programs that change the lives of women, newborns and families. This includes 12 new life saving Panda Incubators for babies that require resuscitation immediately after birth as well as a first of its kind mental health support service for vulnerable women.

The hospital has had its busiest clinical year on record and demand for services is growing.

Should Council endorse the recommendation, the Mayor or the Mayor's representative will be invited to attend the Royal Giving Day, Delivering Hope, as was done last year.

Source of funding:

Should the report recommendation be endorsed, the financial implication to Council would be \$2,425 to be funded from the 2022-23 Contingency Fund.

Attachment/s:

Nil

Responsible officer: The Mayor, Cr Dylan Parker

File Reference: F2022/06574

Mayoral Minute No. MM42/22

Subject: Creative hoardings program for Randwick town centres

Motion:

That Council bring back a report exploring options and a strategy for a creative hoardings program for Randwick town centres.

Background:

A creative hoardings program will aim to transform the visual impact of construction sites across our City.

This initiative could provide opportunities for artists to showcase their work on a large scale in visible locations, responding to community demand for more street art and creative opportunities. As part of the program, hoardings could display images within set themes or historical images relevant to the area that they are displayed in.

Council has been imposing a condition regarding hoardings on some recent major development applications (DAs) and could add the requirement to the amended Development Control Plan (DCP), and DA conditions for major, prominent developments.

I propose that Council explore options and a strategy, including consideration of the City of Sydney Council's Creative hoardings program model, and brings a report back with recommendations for a creative hoardings program for Randwick town centres.

Source of funding:

There is no financial implication to Council in relation to this matter at this stage.

Attachment/s:

Nil

Responsible officer: The Mayor, Cr Dylan Parker

File Reference: F2022/06574

MM42/22

General Manager's Report No. GM22/22

Subject: Rock Fishing Safety & Skills Day

Executive Summary

- Rock fishing is a popular, yet dangerous recreational activity in Randwick City with 21 fatalities recorded since 2001.
- The easy coastal access for millions of Sydneysiders combined with limited number of safer fishing options along our coast (such as less busy beaches, and no breakwalls or jetties) means fishers are pushed onto our rock ledges where they are more at risk.
- Randwick City has been a leader in rock fishing education and safety for many years being the first council to implement mandatory lifejacket laws for rock fishing, installing shock signs and holding workshops and giving out free lifejackets.
- Surf Life Saving NSW is now proposing to hold a Rock Fishing Safety and Skills Day in Randwick City in December and is seeking Council's support.

Recommendation

That:

- a) Randwick Council support and partner with Surf Life Saving NSW to host a Rock Fishing Safety & Skills Day in Randwick City.
- b) fees for the hiring of the Prince Henry Centre to the value of \$4,487.20 be waived.

Attachment/s:

Nil

Purpose

The purpose of this report is to seek Council's support to partner with Surf Life Saving NSW to hold a Rock Fishing Safety & Skills Day in Randwick City.

It is proposed to hold the day on Sunday 11 December 2022 at the Prince Henry Centre in Little Bay.

Background

Rock fishing is a popular, but dangerous recreational activity in Randwick City.

Since 2005 more than 100 people have died while rock fishing in NSW.

In Randwick City there have been 21 rock fishing deaths since 2001 making the Randwick City coastline statistically one of the most dangerous locations to rock fish in Australia.

Most recently on 31 January 2022, 41-year-old Payam Masoumi and his 10-year-old son Mahan Masoumi drowned at Little Bay after being swept off a rock ledge while fishing.

The tragedy devastated our local community. Council staff have been liaising with Hasti Masoumi, the wife of Payam and mother of Mahan about an appropriate memorial.

Over the past decade, Randwick Council has implemented a number of proactive initiatives in an attempt to improve safety and raise awareness about the dangers of rock fishing.

This has included:

- Being the first council in Australia to implement compulsory lifejacket laws for rock fishers in 2016
- Installing high impact 'shock' signs at rock fishing blackspots indicating the number of fatalities with translations in multiple languages
- Conducting multilingual surveys of rock fishers about behavior and safety to help develop appropriate strategies
- Installing live beach cams to broadcast beach conditions helping rock fishers assess conditions before leaving home
- Working with industry associations to communicate key safety information
- Hosting three free rock fishing safety workshops in 2017 targeting at risk rock fishers where 222 free lifejackets were handed out to people who successfully attended the workshops.

Current Surf Life Saving NSW initiative

Surf Lifesaving NSW applied for a Recreational Fisheries Trust grant in 2021, in which they were successful and through this grant plan to deliver a broad strategic rock fishing safety project across NSW.

One of the core components of this project is the delivery of community rock fishing safety days along the coastline at high-risk locations. Statistics show that there were 128 rock fishing related drownings in the period 2004-2020. Rock fishing consistently rates as the third highest cause of coastal drowning in Australia.

The first rock fishing safety and skills day was held at Wollongong near the well-known rock fishing black spot known as 'Hill 60'. At this day-long event, more than 260 people attended from a diverse background and 110 lifejackets were given out for free to attendees.

The aim of the program is to:

- Raise awareness of safety measures to minimise the risks of rock fishing
- Engage and educate at risk communities (migrants/refugee/multicultural communities)
- Increase the adoption of wearing life jackets amongst the rock fishing community

This project is being delivered with the support of key stakeholders including Surf Lifesaving Clubs & Branches, DPI, expert rock fishers, Maritime & NSW Marine Area Command.

The purpose of the Rock Fishing Safety & Skills days is to provide targeted at-risk communities with much needed education around rock fishing safety and water safety.

The Rock Fishing Safety & Skills day includes workshop sessions on rock fishing skills, understanding conditions, safety gear, safe lifejackets.

Dependent on the location, there is also potential to hold observations sessions such as in-water lifejacket demonstration and platform hazard & emergency scenario demonstrations.

Family members are also encouraged to attend and there is included activities for their children.

At the end of the day registered participants complete a survey and are fitted with a Hobie Lifejacket.

Partnership opportunity with Randwick Council

Surf Life Saving NSW has approached Randwick Council seeking our support and partnership on a Rock Fishing Safety & Skills Day in Randwick.

The initiative aligns with Council's strategic directions to hold more rock fishing education and communication activities as part of our current Operational Plan.

Council staff have already been liaising with Surf Life Saving about the event and suggesting appropriate local and celebrity rock fishers who may be suitable to take part.

As part of Council's support for the event, Surf Life Saving would use Council's logo on all of their resources such as promotional flyers, Eventbrite for registrations and promotion, social media, program of events and the post event Gone Fishing Hub page.

The Mayor would also be invited to attend and speak at the event and Council Lifeguards could also be involved in the day.

Council staff would also work closely with Surf Life Saving NSW to ensure appropriate communications to target at risk rock fishers such as our CALD community to attend.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering the Outcomes of the Community Strategic Plan:	
Strategy	Open Space and Recreation
Outcome	A community that is healthy and active
Objective	Maintain a community satisfaction* rating for coastal open spaces, coastal walkway, playgrounds and parks of 97%
Delivery program commitment	Review and strengthen the rock fishing safety campaign and on-site infrastructure (i.e. signage) to raise awareness and increase rock fishing

	safety including in multiple community languages, working with NSW Parks and Wildlife Service.
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Resourcing Strategy implications

It is proposed to support the day by providing the Prince Henry Centre as a venue. The cost to Council in foregone revenue for the day for hiring the centre from 6am to 6pm is \$4,487.20.

Other inkind support will be provided by Council including communication and marketing support and potentially additional staff time to attend the day.

Policy and legislative requirements

Rock Fishing Safety Act 2016.

Conclusion

Randwick Council has been a leader in rock fishing education and safety over the past decade. The proposed Rock Fishing Safety and Skills Day proposed for Sunday 11 December by Surf Life Saving NSW is another important safety measure. It is considered appropriate that Council support and endorse this event and work with Surf Life Saving NSW to deliver a successful event.

Responsible officer: Joshua Hay, Communications Manager

File Reference: F2019/00632

General Manager's Report No. GM23/22

Subject: Social Media Policy 2022




Executive Summary

- Council's Social Media Policy was last adopted by Council on 25 June 2019.
- Since this time, the Office of Local Government has released a model social media policy which Council has the option to adopt in its entirety or amend to meet its needs.
- A new Social Media Policy has been developed by staff using some of the elements from the model policy.
- The draft Social Media Policy provides greater governance and direction over Council and Councillor social media usage.

Recommendation

That Council endorse the attached draft Social Media Policy for public exhibition for 28 days and the results be reported back to Council.

Attachment/s:

1.  Draft Social Media Policy 2022
2.  Social Media Policy - 2019 (adopted by Council 25 June 2019)
3.  Office of Local Government Social Media Policy 2022

Purpose

The purpose of this report is to seek Council's support to proceed to public exhibition of Council's draft Social Media Policy.

Discussion

Social media is at the heart of modern communication. Since its inception, social media has grown in popularity and influence and is now fundamental to not just how people interact with one another, but also to how we work, play and consume information and ideas.

Randwick Council has been using social media for more than a decade. It has now become an integral part of Council's communication and engagement activities as well as being a social, community-building medium to celebrate and promote our beautiful City. It's also a critical tool for communication during a crisis, as was experienced during COVID lockdowns.

We currently use the following channels:

- Facebook (34,000 fans)
 - Randwick Council page
 - Library page
 - DRLC page
 - Groups such as Bushcare
- Twitter (6,600 followers)
 - Randwick Council
 - Randwick Mayor
- Instagram (10,600 followers)
 - Randwick Council
 - Randwick Library
 - DRLC
- Youtube (1,300 subscribers)
- LinkedIn (5,500 followers)

As social media has increased in both usage and importance, it is becoming increasingly important to ensure Council's management of our social media accounts is best practice.

The Office of Local Government (OLG) has now finalised the Model Social Media Policy. The model policy has been developed following two rounds of consultation with the local government sector and represent a 'best practice' approach. The model policies are also informed by advice provided by key NSW Government agencies, including: the Independent Commission Against Corruption, the Information and Privacy Commission, the State Archives and Records Authority, and Resilience NSW.

The model policy is not mandatory, and councils are free to choose whether to use them or to adapt them for their own purposes. If adopted, the policies will operate to supplement the provisions of councils' adopted codes of conduct.

The attached draft Social Media Policy has been developed in conjunction with Council staff members who administer Council's Social Media channels.

Key changes to the policy provide a more thorough framework for the creation, deletion, and ongoing management of social media pages including interactions and management of public comment.

Key features of proposed new policy:

- Principles governing Council's social media use.
- Appointment of a 'Social Media Coordinator' to have overall responsibility. Council's delegations register has already been updated to assign this responsibility to the Manager Communications.
- Specific guidelines about the creation and deletion of social media platforms.
- Requirements for social media training for both Council staff and Councillors managing social media platforms.
- Specific guidelines for the actions and behaviour of 'authorised users' including a requirement for administrative oversight to increase security of Council information and systems.
- Requirements for 'House Rules'.
- Requirements for Councillors to identify themselves clearly.
- Rules around moderating content and banning social media users. Specifically, content that is considered to breach the following guidelines will be removed or hidden:
 - a) *is defamatory, offensive, humiliating, threatening or intimidating to Council officials or members of the public*
 - b) *contains profane language or is sexual in nature*
 - c) *constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory*
 - d) *contains content about the Council, Council officials or members of the public that is misleading or deceptive*
 - e) *breaches the privacy of Council officials or members of the public*
 - f) *contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW,*
 - g) *violates an order made by a court*
 - h) *breaches copyright*
 - i) *constitutes spam (including unauthorised promotion of commercial products or businesses)*
 - j) *seeks to deliberately monopolise or influence the social media channel for their own personal purposes*
 - k) *would be in breach of the rules of the social media platform.*
- Records management responsibilities.
- Guidelines to differentiate private and work use of social media.
- A complaints resolution process.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering the Outcomes of the Community Strategic Plan:	
Strategy	Inclusive Randwick
Outcome	A resilient city where people are engaged, informed, connected and feel a sense of community and belonging

Objective	Increase the percentage of residents who are satisfied* with the information they receive and community consultation conducted by Council by 2031 from a 2021 baseline
Delivery program commitment	Research and evaluate all of Council's communication and marketing channels, and update approaches as required by 2023.

Delivering services and regulatory functions:

Service area	Communications
Function	Community engagement
Delivery program commitment	Communicate with our local communities about Council's projects, strategies, goals, events and facilities, and value and make use of their knowledge and experience to make better decisions.

Resourcing Strategy implications

There are no direct financial or resource impacts.

Policy and legislative requirements

Local Government Act 1993

State Records Act 1998

Work Health and Safety Act 2011

Government Information (Public Access) Act 2009

Privacy and Personal Information Protection Act 1998

Health Records and Information Privacy Act 2002

Conclusion

The draft Social Media Policy provides a robust framework for managing Council and Councillor social media activities. It provides certainty to the community about our commitment to using social media as a genuine engagement medium as well as agreed rules around management of user supplied content.

Responsible officer: Joshua Hay, Communications Manager

File Reference: F2011/00415

COMMUNICATIONS

GM23/22

DRAFT Social Media Policy

Adoption Date:
Click or tap to enter a date.

Review Date:
Click or tap to enter a date.

Version:
DRAFT

Responsible Department:
Communications

TRIM Document Number:
<Insert document number>



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1. Principles

1.1 We, the Councillors and staff of Randwick City Council are committed to upholding and promoting the following principles of social media engagement:

- a. **Openness**
Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
- b. **Relevance**
We will ensure our social media platforms are kept up to date with informative content about our Council and community.
- c. **Accuracy**
The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
- d. **Respect**
Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

2. Council social media platforms

2.1. Platforms

- 2.1.1 Council will maintain a presence on social media platforms including:
- a. Facebook
 - b. Instagram
 - c. Youtube
 - d. LinkedIn
 - e. Twitter
- 2.1.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

2.2. Establishment of Council social media platforms

- 2.2.1 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 2.2.2 A new council social media platform, or a social media platform can only be established or deleted with the written approval of the General Manager or their delegate or by Council resolution.
- 2.2.3 Where a council social media platform is established or deleted in accordance with clause 2.2.2, the General Manager or their delegate may amend clause 2.1.1 of this policy without the need for endorsement by the Council's governing body.

2.3. Appointment and role of the Social Media Coordinator

- 2.3.1 The General Manager will appoint a member of council staff to be the council's social media coordinator (SMC). The SMC should be a senior and suitably qualified member of staff.
- 2.3.2 The General Manager may appoint more than one SMC.
- 2.3.3 The SMC's role is to:
- a) approve and revoke a staff member's status as an authorised user
 - b) develop and/or approve the training and/or induction to be provided to authorised users
 - c) maintain a register of authorised users
 - d) maintain effective oversight of authorised users
 - e) moderate the Council's social media platforms in accordance with Part 5 of this policy

- f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.2 of this policy)
 - g) ensure the Council adheres to the rules of the social media platform(s)
 - h) ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly
- 2.3.4 The SMC may delegate their functions under paragraph (e) of clause 2.4.5 to authorised users.
- 2.3.5 The SMC is an authorised user for the purposes of this policy.

2.4. Authorised users

- 2.4.1 Authorised users are members of council staff who are authorised by the SMC to upload content and engage on social media on the Council's behalf.
- 2.4.2 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.4.3 The SMC will appoint authorised users when required.
- 2.4.4 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 2.4.5 The role of an authorised user is to:
- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
 - b) correct inaccuracies in Council generated content
 - c) engage in discussions and answer questions on Council's behalf on social media platforms
 - d) keep the Council's social media platforms up to date
 - e) where authorised to do so by the SMC:
 - 1. moderate the Council's social media platforms in accordance with Part 5 of this policy
 - 2. ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media.
- 2.4.6 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.
- 2.4.7 Authorised users must not use Council's social media platforms for personal reasons.

2.5. Administrative tone

- 2.5.1 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.
- 2.5.2 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

2.6. Register of authorised users

- 2.6.1 The SMC will maintain a register of authorised users. This register is to be reviewed annually to ensure it is fit-for-purpose.

2.7. Ceasing to be an authorised user

- 2.7.1 The SMC may revoke a staff member's status as an authorised user, if:
 - a) the staff member makes such a request and it is supported by their manager
 - b) the staff member has not uploaded content onto any of the Council's social media platforms in the previous 12 month period
 - c) the staff member has failed to comply with this policy
 - d) the SMC is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

3. Councillor social media platforms

- 3.1 For the purposes of this policy, Councillor social media platforms are not Council social media platforms. Part 2 of this policy does not apply to Councillors' social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.2 of this policy) and Council's Records Management Policy in relation to social media.
- 3.3 Clause 3.2 also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

3.1. Induction and training

- 3.1.1 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

3.2. Identifying as a Councillor

- 3.2.1 Councillors must identify themselves on their social media platforms in the following format: *Councillor "First Name and Last Name"*. Councillors may also refer to their Ward and Party.
- 3.2.2 A Councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.
- 3.2.3 If a Councillor becomes or ceases to be the Mayor, Deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated as soon as practical when there is a change in circumstances.

3.3. Other requirements for Councillor social media platforms

- 3.3.1 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.3.2 A Councillor's social media platform must include a disclaimer to the following effect: *"The views expressed and comments made on this social media platform are my own and not that of the Council"*.
- 3.3.3 Despite clause 3.3.2, Mayoral or Councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a Councillor's social media platform.
- 3.3.4 Councillors may upload publicly available Council information onto their social media platforms.
- 3.3.5 Councillors may use more personal, informal language when engaging on their social media platforms.
- 3.3.6 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

3.4. Councillor queries relating to social media platforms

- 3.4.1 Questions from Councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the SMC in the first instance.

3.5. Other social media platforms administered by Councillors

- 3.5.1 A Councillor must advise the General Manager/SMC of any social media platforms they administer on which content relating to the Council or Council officials is, or is expected to be, uploaded. The Councillor must do so within:
 - a) One month of becoming a Councillor, or
 - b) One month of becoming the administrator of the social media account.

4. Standards of conduct on social media

- 4.1 This policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The policy does not apply to personal use of social media that is not connected with a person's role as a Council official.
- 4.2 Council officials must comply with the Council's Code of Conduct when using social media in an official capacity or in connection with their role as a Council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
 - a) is defamatory, offensive, humiliating, threatening or intimidating to other Council officials or members of the public
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - f) divulges confidential Council information
 - g) breaches the privacy of other Council officials or members of the public
 - h) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
 - i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
 - j) commits the Council to any action contrary to within the authorised user's delegation or responsibilities
 - k) violates an order made by a court
 - l) breaches copyright
 - m) advertises, endorses or solicits commercial products or business
 - n) constitutes spam
 - o) is in breach of the rules of the social media platform.
- 4.4 Council officials must:

- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party where possible
 - b) ensure, as far as practicable, any images of people published on our social media channels have implied, written or verbal consent from the individual and/or parent/guardian
 - c) remove any images from our social media and corporate records should there be a request from an individual/parent/guardian
- 4.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

5. Moderation of social media platforms

Note: Councils and Council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- is uploaded by a third party; and/or
- appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.

Council officials who are responsible for the moderation of the Council or Councillors social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

For the purposes of this Part, 'social media platform' and 'platform' means social media platforms of both Council and Councillors.

5.1. House Rules

- 5.1.1 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.
- 5.1.2 At a minimum, the House Rules should specify:
- a) the principles of social media engagement referred to in clause 1.1 of this policy
 - b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
 - c) the process by which a person can be blocked or banned from the platform and rights of review
 - d) when the platform will be monitored (for example weekdays 9am – 5pm, during the Council's business hours)

- e) that the social media platform is not to be used for making complaints about the Council or Council officials and provide information or a link to Council's complaints handling policy.

5.1.3 For the purposes of clause 5.1.2(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:

- a) is defamatory, offensive, humiliating, threatening or intimidating to Council officials or members of the public
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) contains content about the Council, Council officials or members of the public that is misleading or deceptive
- e) breaches the privacy of Council officials or members of the public
- f) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
- g) violates an order made by a court
- h) breaches copyright
- i) constitutes spam (including unauthorised promotion of commercial products or businesses)
- j) seeks to deliberately monopolise or influence the social media channel for their own personal purposes
- k) would be in breach of the rules of the social media platform.

5.2. Removal or 'hiding' of content

5.2.1 Where a person uploads content onto a social media platform that, in the reasonable opinion of the authorised user, is of a kind specified under clause 5.1.3, the authorised user may remove or 'hide' that content.

5.2.2 Whether to hide or remove content will be a decision by the authorised user giving consideration to each individual circumstance. Generally content uploaded that breaches clause 5.1.3 should be removed unless such content is relatively minor or removal of such content in the opinion of the authorised user may unnecessarily inflame a situation or invite further negative comments. If in doubt, check with the SMC.

- 5.2.3 Prior to removing or 'hiding' the content, the authorised user must make a record of it (for example, a screenshot and then save that screenshot on Council's corporate record keeping system).
- 5.2.4 If the authorised user removes the content under clause 5.2.1, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal. It is considered that the person has been notified of the removal of the content if the authorised user makes a public post in the same location the content was originally posted to notify all users that content has breached 5.1.3 of Council's Social Media Policy and been removed. Hiding content does not require notification of the user.
- 5.2.5 A person may request a review of a decision by an authorised user to remove content under clause 5.2.1. The request must be made in writing to the General Manager or SMC and state the grounds on which the request is being made.
- 5.2.6 Where a review request is made under clause 5.2.5, the review is to be undertaken by the General Manager, SMC or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove the content.

5.3. Blocking or banning

- 5.3.1 If a person uploads content that is removed or 'hidden' under clause 5.2.1 of this policy, that person may be blocked or banned from the social media platform/all platforms.
- 5.3.2 A person may only be blocked or banned from a Council social media platform with the approval of the SMC. This clause does not apply to blocking or banning a person from a Councillor's social media platform.
- 5.3.3 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform/all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.3.4 The duration of the block or ban is to be determined by the SMC, or in the case of a Councillor's social media platform, the Councillor.
- 5.3.5 Despite clauses 5.3.1 to 5.3.4, where a person uploads content of a kind referred to under clause 5.2.1, and the authorised user is reasonably satisfied that the breach is of a severity and that the person is likely to further engage on the social media platform, that person may be blocked or banned with no notification. In such situations, screenshots of the offending content should be taken and kept on Council's corporate record keeping system along a comment from the authorised user as to the reasons for the ban and approval from the SMC.
- 5.3.6 A person may request a review of a decision to block or ban them from a social media platform. The request must be made in writing to the General Manager or SMC and state the grounds on which the request is being made.
- 5.3.7 Where a review request is made under clause 5.3.6, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person.

- 5.3.8 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., an authorised user may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.3.1 to 5.3.7 do not apply.

6. Use of social media during emergencies

- 6.1 During emergencies, such as natural disasters or public health incidents, the Communications Department will be primarily responsible for the management of content on the Council's social media platforms.
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and Council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and Councillors

7. Records and privacy requirements

7.1. Records management

- 7.1.1 Social media content created, sent and received by Council officials (including Councillors) acting in their official capacity is a Council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 7.1.2 When/if a Councillor's term of office concludes, the Councillor must contact the Council's records manager and General Manager or SMC to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.1.3 In fulfilling their obligations under clauses 7.1.1 to 7.1.2, Council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content¹.

¹ See State Archives and Records Authority of NSW 'Government Recordkeeping / Advice and Resources / Local Government' and 'Social media recordkeeping for councillors'

7.2. Privacy considerations and requirements

- 7.2.1 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 7.2.2 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and Councillors. To mitigate potential privacy risks, Council officials will:
- a) advise people to avoid providing personal information on public social media platforms
 - b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
 - c) moderate comments to ensure they do not contain any personal information such as addresses or phone numbers
 - d) advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
- 7.2.3 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

8. Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

8.1. What constitutes 'private' use?

- 8.1.1 For the purposes of this policy, a Council official's social media engagement will be considered 'private use' when the content they upload:
- a) is not associated with, or refers to, the Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council, and
 - b) is not related to or does not contain information acquired by virtue of their employment or role as a Council official.
- 8.1.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.
- 8.1.3 Staff should be aware that even content posted in a private capacity without direct reference to Council can, in some instances become work-related, if for example, other Council officials see the content by virtue of being 'friends' on the social media platform or through some other connection.

8.2. Use of social media during work hours

- 8.2.1 Council staff and officials may access and engage on social media in their private capacity during work hours provided that use is brief, intermittent and does not impact on them performing their duties.
- 8.2.2 Council staff and officials must also comply with Council's Code of Conduct which outlines guidelines for the use of Council resources.

9. Concerns or complaints

- 9.1 Concerns or complaints about the administration of a council's social media platforms should be made to the Council's SMC in the first instance.
- 9.2 Complaints about the conduct of council officials (including Councillors) on social media platforms may be directed to the General Manager.
- 9.3 Complaints about a General Manager's conduct on social media platforms may be directed to the Mayor.

10. Definitions

In this Social Media Policy, the following terms have the following meanings:

authorised user	members of Council staff who are authorised by the General Manager or SMC to upload content and engage on the Council's social media platforms on the Council's behalf
council official	Councillors, members of staff and delegates of the Council (including members of committees that are delegates of the Council)
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
SMC	is a Council's social media coordinator appointed under clause 2.3 of this policy
social media	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

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OFFICE OF
THE GENERAL MANAGER

Social Media Policy

Adoption Date:
25 June 2019

Review Date:
25 June 2024

Version:
2

Responsible Department:
Communications

TRIM Document Number:
D03533739



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1. Overview

Randwick City Council is committed to engaging with our local community. We recognise that social media is part of modern life and it's appropriate that Council uses social media to communicate and engage with local residents, employees (current, past and future) visitors and business owners.

2. Definitions

Staff: A Randwick Council employee, contractor, intern.

Councillors: The current elected Mayor and Councillors of Randwick City Council.

Social media: Social media is defined in this policy as all online and digital media which allow user participation and interaction. Examples include, but are not limited to: Facebook, Twitter, YouTube, Instagram and Yammer. Social media also includes forums and commenting on websites such as news websites.

3. Purpose

The purpose of this policy is to:

- Outline how Council will use social media;
- Provide guidelines for staff and Councillors about the personal and professional use of social media; and
- Protect and promote the interests of Council through social media.

4. Scope

This policy applies to:

- Staff and contractors using personal social media accounts.
- Councillors
- Staff and contractors authorised to administer, or contribute to Council's official social media sites;

5. Policy content

5.1. Council use of social media

Social media is used by Randwick City Council in a strategic capacity as part of communication, community engagement and customer service with the broader community.

Council uses social media as part of its communication strategy to inform the community about Council services, projects and events.

Council also uses social media to help achieve our vision of a Sense of Community by interacting with the community and celebrating Randwick City through dynamic social content.

We respect the community's right to interact with Council using the communication channels (including social) they prefer at their preferred time and we will be flexible and accommodating in how we deliver customer service and respond to requests.

In the event of an emergency, social media will become the main communication channel to inform and communicate with the community.

Authorisation to use social media on behalf of Council is by way of delegation by the General Manager.

The creation of any new Randwick Council social media accounts must be approved by the General Manager.

The following applies to authorised users of Council social media sites:

- Council staff and contractors must not express personal or political opinions when using social media for official purposes that may damage Council's reputation;
- Posts on Council's official social media channels are to be non-political in nature unless stating a resolved position of Council;
- Posts should be fair, objective and courteous, reflecting our values of integrity and respect;
- When referencing Council, posts must not contain any statement or comment that will bring Council or any of its Council officials into disrepute;
- Posts must not commit Council to any action or initiative without appropriate authority/Council resolution; and
- Content posted must have the relevant approvals where appropriate.

5.2. Staff use of social media in a personal capacity

Randwick Council staff who use social media are personally responsible for content they publish on any channel. Staff should be aware that even content posted in a personal capacity without reference to Randwick Council, can, in some instances become work-related.

Council staff are encouraged and welcome to follow Council social media channels and share our posts as a way of staying in touch with Council activities. In addition, Council's Communications Team welcomes content ideas to help keep the community informed of what we're doing at Council.

Staff using social media in a personal capacity must:

- Not publish content that may have the potential to damage the reputation of Council;
- Not make negative references to Randwick Council, other Council officials, services or any business-related individual or associated organisation;
- Take measures to ensure their personal comments cannot be mistaken for the official view of Council;
- Take measures to ensure personal comments cannot impact on the staff member performing their role within Council;
- Be aware that any social media activity between two or more staff may become a matter for Council and Council's responsibility to investigate and address;
- Not post material that is obscene, pornographic, defamatory, threatening, harassing or discriminatory to any individual, group or organisation;
- Not disclose any sensitive or confidential information obtained through employment with council;
- Ensure that any use of social media is conducted in a professional, polite and respectful manner at all times; and
- Not speak on Council's behalf (unless with express authority) when posting on other sites, making clear that any views are their own personal opinions and not those of Council.

5.3. Councillor use of social media

Randwick Council recognises that social media for Councillors is an important communication, engagement and customer service channel.

Social media provides a platform to encourage dialogue between Councillors and the community, and enable Councillors to gain insight into the community and its needs via public feedback.

Councillors should be aware that any social media activity or interaction, either official or personal, is public, often permanently available, traceable and able to be reproduced elsewhere.

Councillors should also be aware that whether they intend it or not, what they post online in a private capacity may reflect on Randwick Council and their role as a Councillor, and they should therefore behave in a way at all times that upholds the values and reputation of Council, consistent with the Code of Conduct and other policies.

Councillors are reminded that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post.

Councillors are responsible for the preparation, posting and management of their own content on their own social media sites.

Councillors can make personal comments on their social media platforms, but must make clear that any views are their own opinions as an individual and not those of Council. However Councillors should bear in mind that a disclaimer does not necessarily provide legal protection for comments posted on social media.

When commenting on an issue, Councillors are required to provide an accurate account of the relevant Council resolution or decision. This is ideally achieved by publishing the full Council resolution.

Councillors should be aware that they may be legally liable for their comments and the comments of others published on a Councillor's social media site and as such Councillors are encouraged to ensure prompt removal of inappropriate content from third parties.

In using social media, Councillors must not:

- Breach the privacy of other Council officials or those that deal with Council;
- Post content that is offensive, humiliating, misleading or deceptive, threatening or intimidating to other Council officials or those that deal with Council;
- Divulge confidential Council information; or
- Post content that contains allegations of suspected breaches of the Code of Conduct or information about the consideration of a matter under the Procedures.

Councillor use of social media is also governed by the Code of Conduct.

6. Breaches

Breaches of this policy may be subject to disciplinary action, in line with our Code of Conduct and disciplinary policy and procedure.

7. References

Tips on social media good practice: Code of Conduct, Workplace Bullying and Harassment Policy, Privacy Act and Randwick Council educational video – Social Media MIND your step.

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MODEL SOCIAL MEDIA POLICY

2022



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2022

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Introduction

Social media – opportunities and challenges

Social media is at the heart of modern communication. Since its inception, social media has grown in popularity and influence and is now fundamental to not just how people interact with one another, but also to how we work, play and consume information and ideas.

Social media can be broadly defined as *online platforms and applications - such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content*¹. Significantly, one of social media's key features is its unprecedented reach and accessibility, in that anyone with a computer or mobile device can use social media to generate content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

Despite its obvious benefits, social media also presents a variety challenges and risks. These include:

- the emergence of new, harmful forms of behaviour, such as cyber-bullying and trolling;
- maintaining the accuracy, reliability and integrity of information disseminated from multiple sources;
- organisations can be held liable for content uploaded onto their social media platforms by third parties²;
- content uploaded in a person's private capacity can adversely affect their employment and cause significant reputational damage to colleagues and employers; and
- rapid innovation can make it difficult to keep pace with emerging technologies and trends.

In addition, potential corruption risks may arise due to social media use. These include:

- customers, development proponents / objectors, tenderers, or other stakeholders grooming public officials by behaviours such as 'liking' specific posts, reposting content, or sending personal or private messages;
- public officials disclosing confidential or sensitive information;
- using social media for sponsorship opportunities, which may unfairly advantage one sponsor over another and lack transparency; and
- public agencies or officials promoting certain businesses by behaviours such as 'following' them, 'liking' content, or making comments, which may result in those businesses being favoured over others.

Social media and local government in NSW

As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. In the context of NSW local government, social media has two primary functions:

- a) it is used by councils to interact and share information with their communities in an accessible and often more informal format.
- b) it enables councillors to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.

In addition, many councils use social media as the platform through which they webcast their meetings. This increases transparency by providing visibility of council decision making in real time.

¹ NSW Department of Education. Social media policy: Implementation procedures – November 2018

² As confirmed by the High Court of Australia in *Fairfax Media Publications Pty Ltd v. Voller, Nationwide News Pty*

Limited v. Voller, and Australian News Channel Pty Ltd v. Voller, 8 September 2021.

However, councils and councillors are not immune from the challenges associated with social media, which can pose a significant risk both in a legal sense, and in terms of a council's ability to operate in a unified and coordinated way. It is therefore vital that councils have the right policy settings in place so that both councils and councillors can realise the full benefits of social media whilst mitigating risk.

The development and intent of this policy

The Model Social Media Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

The Model Social Media Policy sets out an exemplar approach by incorporating examples of best practice from the social media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The Model Social Media Policy provides councils, county councils and joint organisations with a robust framework for the administration and management of their social media platforms. It also sets standards of conduct for all council officials who use social media in their official capacity. It has been developed to be fit-for-purpose in a digital age where innovation and emerging trends are the norm.

The Model Social Media Policy recognises that councils use social media differently depending on factors such as a council's size and resources, the demographics of a local government area, and council's willingness to engage with their community in this way. For these reasons, the Model Social Media Policy ensures a degree of flexibility by including optional and adjustable provisions which enables each council to tailor the policy to suit its own unique circumstances.

Content of the Model Social Media Policy

At the heart of the Model Social Media Policy are the four 'Principles' of social media engagement. These are:

- Openness
- Relevance
- Accuracy
- Respect

These principles, which are expanded upon in Part 1, should underpin every aspect of a council's social media activity and all councils and council officials should commit to upholding them.

Except for Part 8, this policy applies to council social media pages and councillor social media pages.

The Model Social Media Policy is structured as follows:

- | | |
|--------|--|
| Part 1 | Sets out the principles of social media engagement for councils |
| Part 2 | Contains two administrative models that councils can adopt in relation to the management of their social media platforms |
| Part 3 | Details the administrative framework for councillors' social media platforms |
| Part 4 | Prescribes the standards of conduct expected of council officials when engaging on social media in an official capacity or in connection with their role as a council official |
| Part 5 | Provides a framework by which councils can remove or 'hide' content from their social media platforms, and block or ban third parties |
| Part 6 | Prescribes how councils' social media platforms should be used during emergencies |
| Part 7 | Contains information about records management and privacy requirements relating to social media |

Part 8	Relates to personal use of social media by council officials
Part 9	Provides information about where concerns or complaints about a councils' or council officials' social media platform(s), or the conduct of council officials on social media, can be directed.
Part 10	Definitions

Acknowledgements

The Office of Local Government wishes to thank Local Government NSW, councils, the Independent Commission Against Corruption, the Information and Privacy Commission of NSW, the NSW Ombudsman, Resilience NSW, and the State Archives and Records Authority of NSW for their invaluable assistance in drafting this model policy .

Adoption

While not mandatory, the Model Social Media Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Alternate and adjustable provisions are marked in **red**.

Note: In adopting the Model Social Media Policy, Joint Organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Social Media Policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the *Model Code of Conduct for Local Councils in NSW* provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy will be a breach of the council's code of conduct.

Concerns or complaints

Concerns or complaints about the administration of a council's social media platforms should be made to the council's general manager or social media coordinator in the first instance. Council's should provide clear information about where any concerns and complaints can be directed in Part 9 of this model policy.

Model Social Media Policy

Part 1 – Principles

- 1.1 We, the councillors, staff and other officials of (insert name of Council), are committed to upholding and promoting the following principles of social media engagement:

Openness	Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
Relevance	We will ensure our social media platforms are kept up to date with informative content about our Council and community.
Accuracy	The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
Respect	Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

Part 2 – Administrative framework for council's social media platforms

Note: this Part contains two different models for who appoints authorised users. These models are:

- **Option 1 – the General Manager model**
- **Option 2 – the Social Media Coordinator model**

Platforms

- 2.1 Council will maintain a presence on the following social media platforms:
- **Council to specify social media accounts**
- 2.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

Establishment and deletion of Council social media platforms

- 2.3 A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the General Manager or their delegate.
- 2.4 Where a council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate may amend clause 2.1 of this policy without the need for endorsement by the Council's governing body.

Option 1 – the ‘General Manager’ model

The role of the General Manager

2.5 The role of the General Manager is to:

- a) approve and revoke a staff member’s status as an authorised user
- b) develop and/or approve the training and/or induction to be provided to authorised users
- c) maintain a register of authorised users
- d) maintain effective oversight of authorised users
- e) ensure the Council adheres to the rules of the social media platform(s)
- f) coordinate with the Council’s (Insert name of Council department or team) to ensure the Council’s social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

2.6 The General Manager is an authorised user for the purposes of this policy.

Option 2 – the ‘Social Media Coordinator’ model

Appointment and role of the Social Media Coordinator

2.7 The General Manager will appoint a member of council staff to be the council’s social media coordinator (SMC). The SMC should be a senior and suitably qualified member of staff.

2.8 The General Manager may appoint more than one SMC.

2.9 The SMC’s role is to:

- a) approve and revoke a staff member’s status as an authorised user

- b) develop and/or approve the training and/or induction to be provided to authorised users
- c) maintain a register of authorised users
- d) maintain effective oversight of authorised users
- e) moderate the Council’s social media platforms in accordance with Part 5 of this policy
- f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)
- g) ensure the Council adheres to the rules of the social media platform(s)
- h) coordinate with the Council’s (Insert name of Council department or team) to ensure the Council’s social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

2.10 The SMC may delegate their functions under paragraphs (e) and (f) of clause 2.9 to authorised users.

2.11 The SMC is an authorised user for the purposes of this policy.

Authorised users

2.12 Authorised users are members of council staff who are authorised by the **General Manager/SMC** to upload content and engage on social media on the Council’s behalf.

2.13 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.

2.14 The General Manager/SMC will appoint **(Insert a number)** member(s) of Council staff from each division of the Council to

be the authorised users for social media content relating to the work of that division.

OR

The General Manager/SMC will appoint authorised users when required.

2.15 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.

2.16 The role of an authorised user is to:

- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
- b) correct inaccuracies in Council generated content
- c) engage in discussions and answer questions on Council's behalf on social media platforms
- d) keep the Council's social media platforms up to date
- e) moderate the Council's social media platforms in accordance with Part 5 of this policy
- f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)

Note: Paragraphs (e) and (f) are applicable if the council adopts option 1.

- g) where authorised to do so by the SMC:
 - i) moderate the Council's social media platforms in accordance with Part 5 of this policy
 - ii) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)

Note: Paragraph(g) is applicable if the council adopts option 2.

2.17 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.

2.18 Authorised users must not use Council's social media platforms for personal reasons.

Administrative tone

2.19 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

2.20 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

Register of authorised users

2.21 The SMC/General Manager will maintain a register of authorised users. This register is to be reviewed (Council to specify frequency) to ensure it is fit-for-purpose.

Ceasing to be an authorised user

2.22 The General Manager / SMC may revoke a staff member's status as an authorised user, if:

- a) the staff member makes such a request
- b) the staff member has not uploaded content onto any of the Council's social media platforms in the last (council to specify time period).
- c) the staff member has failed to comply with this policy

- d) the **General Manager/SMC** is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

Part 3 – Administrative framework for councillors’ social media platforms

- 3.1 For the purposes of this policy, councillor social platforms are not council social media platforms. Part 2 of this policy does not apply to councillors’ social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.4 of this policy) and council’s records management policy in relation to social media.
- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

Induction and training

- 3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor’s induction program or as part of their ongoing professional development program.

Identifying as a councillor

- 3.6 Councillors must identify themselves on their social media platforms in the following format:

Councillor "First Name and Last Name".

- 3.7 A councillor's social media platform must include a profile photo which is a clearly identifiable image of the councillor.
- 3.8 If a councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor's social media platforms and updated within (Council to specify timeframe) of a change in circumstances.

Other general requirements for councillors' social media platforms

- 3.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.10 A councillor's social media platform must include a disclaimer to the following effect:
- "The views expressed and comments made on this social media platform are my own and not that of the Council".*
- 3.11 Despite clause 3.10, mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.
- 3.12 Councillors may upload publicly available Council information onto their social media platforms.

- 3.13 Councillors may use more personal, informal language when engaging on their social media platforms.

Councillor queries relating to social media platforms

- 3.14 Questions from councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the General Manager/SMC in the first instance, in accordance with Council's councillor requests protocols

Other social media platforms administered by councillors

- 3.15 A councillor must advise the General Manager/SMC of any social media platforms they administer on which content relating to the Council or council officials is, or is expected to be, uploaded. The councillor must do so within:
- (Council to specify timeframe) of becoming a councillor, or
 - (Council to specify timeframe) of becoming the administrator.

Part 4 – Standards of conduct on social media

- 4.1 This policy only applies to council officials' use of social media in an official capacity or in connection with their role as a council official. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.
- 4.2 Council officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - f) divulges confidential Council information
 - g) breaches the privacy of other council officials or members of the public
 - h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
 - i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
 - j) commits the Council to any action
 - k) violates an order made by a court
 - l) breaches copyright
 - m) advertises, endorses or solicits commercial products or business
 - n) constitutes spam
 - o) is in breach of the rules of the social media platform.
- 4.4 Council officials must:
- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
 - b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 4.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

- 4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

Part 5 – Moderation of social media platforms

Note: Councils and council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- is uploaded by a third party; and/or
- appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.

5.1 Council officials who are responsible for the moderation of the Council's or councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

5.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and councillors' social media platforms.

House Rules

- 5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.
- 5.4 At a minimum, the House Rules should specify:
- a) the principles of social media engagement referred to in clause 1.1 of this policy
 - b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
 - c) the process by which a person can be blocked or banned from the platform and rights of review

- d) a statement relating to privacy and personal information (see clause 7.4 of this policy)
- e) when the platform will be monitored (for example weekdays 9am – 5pm, during the Council's business hours)
- f) that the social media platform is not to be used for making complaints about the Council or council officials.

Note: If the Council adopts clause 5.4(f), the House Rules should include information about, or a link to, Council's complaints handling policy.

- 5.5 For the purposes of clause 5.4(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - e) breaches the privacy of council officials or members of the public
 - f) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
 - g) violates an order made by a court
 - h) breaches copyright

- i) advertises, endorses or solicits commercial products or business,
- j) constitutes spam
- k) would be in breach of the rules of the social media platform.

Removal or 'hiding' of content

- 5.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 5.5, the moderator may remove or 'hide' that content.
- 5.7 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).
- 5.8 If the moderator removes or 'hides' the content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 5.9 A person may request a review of a decision by a moderator to remove or 'hide' content under clause 5.6. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.10 Where a review request is made under clause 5.9, the review is to be undertaken by the **General Manager/SMC** or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

Blocking or banning

- 5.11 If a person uploads content that is removed or 'hidden' under clause 5.6 of this policy on **(Council to specify a number)** occasions, that person may be blocked or banned from **the social media platform / all social media platforms**.

- 5.12 A person may only be blocked or banned from a Council social media platform with the approval of the General Manager/SMC. This clause does not apply to blocking or banning a person from a councillor's social media platform.
- 5.13 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform/all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.14 The duration of the block or ban is to be determined by the General Manager/SMC, or in the case of a councillor's social media platform, the councillor.
- 5.15 Where a determination is made to block or ban a person from a social media platform/all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 5.16 Despite clauses 5.11 to 5.15, where a person uploads content of a kind referred to under clause 5.5, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than (Council to specify time period).
- 5.17 A person who is blocked or banned from the platform/all platforms under clause 5.16 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 5.11 to 5.15.
- 5.18 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.19 Where a review request is made under clause 5.18, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.20 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.11 to 5.19 do not apply.

Part 6 – Use of social media during emergencies

- 6.1 During emergencies, such as natural disasters or public health incidents, the (Council to specify the applicable staff member/team) will be responsible for the management of content on the Council's social media platforms.
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors.

Part 7 – Records management and privacy requirements

Records management

- 7.1 Social media content created, sent and received by council officials (including councillors) acting in their official capacity is a council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 7.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 7.3 When/if a councillor's term of office concludes, the councillor must contact the Council's records manager and general manager/SMC to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content³.

³ See State Archives and Records Authority of NSW 'Government Recordkeeping / Advice and Resources / Local

Government' and 'Social media recordkeeping for councillors'

Privacy considerations and requirements

- 7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and councillors. To mitigate potential privacy risks, council officials will:
- advise people not to provide personal information on social media platforms
 - inform people if any personal information they may provide on social media platforms is to be used for official purposes
 - moderate comments to ensure they do not contain any personal information
 - advise people to contact the Council or councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
- 7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

⁴ Social Media: Guidance for Agencies and Staff (Government of South Australia) – page 9

Part 8 – Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted⁴.

What constitutes 'private' use?

- 8.1 For the purposes of this policy, a council official's social media engagement will be considered 'private use' when the content they upload:
- is not associated with, or does not refer to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
 - is not related to or does not contain information acquired by virtue of their employment or role as a council official.
- 8.2 If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

Use of social media during work hours

- 8.3 Council staff may access and engage on social media in their private capacity during work hours for a period of time to be specified by their manager (OPTION 1).

OR

Council staff may only access and engage on social media in their private capacity while at work during breaks (OPTION 2).

OR

Council staff must not access or engage on social media in their private capacity during work hours (OPTION 3).

8.4 Council staff who access and engage on social media in their private capacity during work hours must ensure it not does not interfere with the performance of their official duties.

Note: Councils that adopt clause 8.3 (Option 3) should delete clause 8.4.

Part 9 – Concerns or complaints

- 9.1 Concerns or complaints about the administration of a council's social media platforms should be made to the council's **general manager/SMC** in the first instance.
- 9.2 Complaints about the conduct of council officials (including councillors) on social media platforms may be directed to the general manager.
- 9.3 Complaints about a general manager's conduct on social media platforms may be directed to the mayor.

Part 10 - Definitions

In this Model Social Media Policy, the following terms have the following meanings:

authorised user	members of council staff who are authorised by the General Manager or SMC to upload content and engage on the Council's social media platforms on the Council's behalf
council official	<p>in the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a county council – members, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a joint organisation – voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)</p>
minor	for the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
SMC	is a council's social media coordinator appointed under clause 2.7 of this policy
social media	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia



General Manager's Report No. GM24/22

Subject: Senior Staff Employment

Executive Summary

- Parties to the Local Government (State) Award (the Award), Local Government NSW (LGNSW) and the three local government unions, the United Services Union (USU), the Local Government Engineers Association (LGEA) and the Development and Environmental Professionals' Association (depa) have requested the Government to amend the Act to remove the ability for councils to determine positions in their organisation structure to be "senior staff positions".
- The Office of Local Government recently released a discussion paper titled 'Senior Staff Employment' inviting submissions by 15 November 2022.
- Currently the default position is that all council staff other than the general manager are employed under the Award unless the governing body of the council has determined their position to be a "senior staff position" under section 322 of the Act.
- In its recent review of the Organisational Structure, Randwick City Council determined four Director level positions as 'senior staff' under section 322 of the Act as has been the practice at Randwick for some time.

Recommendation

That Council:

- a) draft a submission in support of the position of Local Government NSW (LGNSW) and the three local government unions, the United Services Union (USU), the Local Government Engineers Association (LGEA) and the Development and Environmental Professionals' Association (depa) in relation to senior staffing contracts (excluding GM)
- b) convert all Director level positions at Randwick City Council from senior staff contract to Local Government (State) Award.

Attachment/s:

1.  Senior Staff Employment - Discussion Paper

GM24/22

Purpose

The purpose of this report is to allow Council to consider the Office of Local Government 'Senior Staff Employment' Discussion Paper and make a submission on behalf of Council.

Further, in light of the discussion paper, the report recommends reconsideration of the current senior staffing classifications at Randwick City Council.

Discussion

In March 2021, ICAC published its report on an investigation into the conduct of Councillors of the former Canterbury City Council (Operation Dasha). The report identified potential corruption risks associated with senior staff contracts and recommended a review.

Arising from this, the parties to the Local Government (State) Award (the Award), Local Government NSW (LGNSW) and the three local government unions, the United Services Union (USU), the Local Government Engineers Association (LGEA) and the Development and Environmental Professionals' Association (depa) have requested the Government to amend the Act to remove the ability for councils to determine positions in their organisation structure to be "senior staff positions".

Under the model proposed by the parties to the Award, only the general manager would be employed under a standard contract and all other employees, including senior executives would be employed under the Award.

Currently the default position is that all council staff other than the general manager are employed under the Award unless the governing body of the council has determined their position to be a "senior staff position" under section 322 of the Act.

The discussion paper suggests that removing the ability for councils to determine positions to be senior staff positions will offer the following benefits:

- It will provide all council employees (other than the general manager) the security of being covered by the Award and subject to the jurisdiction of the Industrial Relations Commission of New South Wales in the relation of their employment.
- It will remove the insecurity in the employment of senior staff that makes them susceptible to improper pressure from Councillors and others by providing them access to 'unfair dismissal' jurisdiction of the IRC. Future dismissal of executive level employees (other than general manager) would need to be procedurally and substantially fair and for a 'valid reason'.
- It will ensure that all council employees have the same minimum terms and conditions of employment.
- It will assist with attracting and retaining executive level employees (other than general manager) by giving councils flexibility to offer terms and conditions of employment that are not available under the statutory contracts.
- It will more readily promote the development of talented council staff to take on leadership roles. The lack of security of employment of senior staff operates as a significant disincentive for talented employees, particularly in regional areas, to take on more senior roles in councils.

Arguments against the proposal include:

- It will remove the current flexibility councils have to determine whether executive level employees are employed under the Award or a statutory contract.
- It will diminish accountability by senior staff for their performance.

- It will reduce the current flexibility that allows general managers to “build” senior management teams.
- It will limit the ability of councils to attract talented executive level employees by offering attractive and competitive remuneration packages. (though this could be addressed by offering remuneration above award minimums).

In considering the arguments against the proposal, the discussion paper addresses a number of misconceptions. These misconceptions include:

- The Award diminishes the accountability of executive level employees for their performance and the delivery of outcomes.

A senior staff contract requires a performance agreement, however the Award also has provision for performance agreements.

- Councils cannot reward high performance under the Award.

The Award is a minimum rates award. Provided the Award minimums and relevant statutory requirements are met, councils have the flexibility to offer above-Award payments and other benefits to reward high performance.

- Councils cannot restructure senior management teams under the Award

Councils are free to restructure their operations under the Award subject to complying with minimum notification and consultation requirements.

- The Award diminishes Councils ability to take disciplinary action against executive level employees.

The Award allows councils to undertake disciplinary action where an employee’s work performance or conduct is considered unsatisfactory.

- Councils may be exposed to an increased risk of unfair dismissal proceedings.

The discussion paper lists a number of reasons as to why this risk is no higher than the financial and legal risks associated with dismissal under the standard contract.

In considering the discussion paper, along with experience in managing employees, it is agreed that there is more benefit to Council in agreeing with the position of Local Government (State) Award (the Award), Local Government NSW (LGNSW) and the three local government unions, the United Services Union (USU), the Local Government Engineers Association (LGEA) and the Development and Environmental Professionals’ Association (depa), that legislative changes be made to require all staffing positions within council (except General Manager) to be Award based employees.

Randwick City Council has traditionally determined Director level staffing positions to be senior staffing positions and entered into senior staff contracts on that basis.

In considering a submission on this discussion paper, it should be noted that many councils, including Inner West and Penrith City Council have chosen not to determine the positions held by their executive level employees to be senior staff positions under section 322 and holders of those positions are employed under the Award and not on statutory contracts.

At its September Ordinary meeting, Council adopted a new organisational structure in accordance with the requirement to review within 12 months of election. As part of this review, four director level positions were determined to be senior staff positions. In light of the arguments within the discussion paper, it is recommended that this position be reconsidered and all director level appointments be made based upon Award and not classified senior staff.

In making this recommendation, the importance of consultation with Council when making director level appointments is acknowledged.

Such consultation must be carefully managed to ensure a confidential and fair merit-based process is upheld. It is proposed that for director level appointments, Councillors be notified of the preferred applicant along with a summary of the panels reasons for appointment 48 hours before the appointment is made. In light of the recent ICAC findings, this proposal will be presented to Councils Audit, Risk and Improvement Committee for comment.

In providing such information, it is important that Councillors are able to maintain the strictest of confidentiality to protect prospective candidates' privacy. Should concerns arise in relation to Councillor conduct in relation to the recruitment process, the consultation process would have to be reviewed to protect Councillors, the council body and candidates.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:	
Service area	Customer Service & Governance Management
Function	Governance Management
Delivery program commitment	Manage Council's governance framework and controls to ensure accountability, transparency, integrity, equity and ethical Council decision making.

Resourcing Strategy implications

There are no resourcing implications as a result of this report.

Policy and legislative requirements

Local Government Act 1993
Local Government Regulation 2005

Conclusion

In response to the findings and recommendations of the Independent Commission Against Corruption arising from its investigation of the former Canterbury City Council (Operation Dasha), the parties to the Local Government (State) Award (the Award), have requested the Government to amend the Local Government Act 1993 (The Act) to remove the ability of Councils to determine senior staffing positions outside that of the General Manager.

Following a review of the discussion paper, it is recommended Council support this approach.

Responsible officer: Therese Manns, General Manager

File Reference: F2004/07403

Senior Staff Employment

Discussion Paper
September 2022



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Introduction

In March 2021, ICAC published its report on an investigation into the conduct of councillors of the former Canterbury City Council (Operation Dasha). The report identified a potential corruption risk with the “no reason” termination provision in the standard contracts approved by the “departmental chief executive” of the Office of Local Government (OLG) under section 338 of the *Local Government Act 1993* (the Act) and recommended a review. Arising from this, the parties to the *Local Government (State) Award* (the Award), Local Government NSW (LGNSW) and the three local government unions, the United Services Union (USU), the Local Government Engineers Association (LGEA) and the Development and Environmental Professionals’ Association (depa) have requested the Government to amend the Act to remove the ability for councils to determine positions in their organisation structure to be “senior staff positions”.

Under the current provisions of the Act, the holders of positions determined by councils to be “senior staff positions” must be employed using standard contracts of between 1–5 years duration. A council can only determine a position to be a senior staff position if the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Award (executive level employees) and the total remuneration package is equal to or greater than the minimum remuneration package payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*.

Under the model proposed by the parties to the Award, only the general manager would be employed under a standard contract and all other employees, including senior executives, would be employed under the Award.

The purpose of this paper is to seek the views of the broader local government sector on the changes requested by the parties to the Award.

This feedback will be used to inform the Government’s position on this issue.

The paper sets out the arguments that have been put by the parties to the Award in support of the proposed changes and arguments that have been put by others who don’t support the changes. It also sets out information on how the provisions of the Award currently apply to executive level employees employed under the Award, what legislative changes would be required to give effect to the outcomes sought by the parties to the Award and the transitional arrangements that may apply were the Act to be amended as suggested.

Councils are invited to make submissions indicating whether they would support the making of the legislative amendments requested by the parties to the Award set out in this paper. Information on how to make a submission is set out at the end of this paper.

What are the current arrangements for the employment of council senior staff?

Currently, the default position is that all council staff other than the general manager are employed under the Award unless the governing body of the council has determined their position to be a "senior staff position" under section 332 of the Act.

Councils may only determine a position to be a "senior staff position" if:

- the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Award, and
- the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013* (currently \$201,350).

The holders of identified senior staff positions are employed under a fixed term contract of 1-5 years based on the standard contract of employment for senior staff approved by the "departmental chief executive" of OLG.

What are the arguments for removing the ability for councils to determine positions to be "senior staff positions"?

The parties to the Award argue that removing the ability for councils to determine positions to be senior staff positions will offer the following benefits:

- It will provide all council employees (other than the general manager) the security of being covered by the Award and subject to the jurisdiction of the Industrial Relations Commission of New South Wales (IRC) in the regulation of their employment.
- It will remove the insecurity in the employment of senior staff (other than the general manager) that makes them susceptible to improper pressure from councillors and others by providing them access to the 'unfair dismissal' jurisdiction of the IRC. As demonstrated by ICAC's report arising from Operation Dasha, this is particularly an issue for executive level employees who exercise planning and other regulatory functions. Future dismissals of executive level employees (other than the general manager) would need to be procedurally and substantively fair and for a 'valid reason'.
- It will ensure that all council employees (other than the general manager) have the same minimum terms and conditions of employment.
- It will assist with attracting and retaining executive level employees (other than the general manager) by giving councils flexibility to offer terms and conditions of employment that are not available under the

statutory contracts. Provided the award minimums are met, councils would be able to agree on terms and conditions of employment that they consider appropriate for the position.

- It will more readily promote the development of talented council staff to take on leadership roles. The lack of security of employment of senior staff operates as a significant disincentive for talented employees, particularly in regional areas, to take on more senior roles in councils.

What are the arguments against removing the ability for councils to determine positions to be "senior staff positions"?

The following arguments have been put against the changes proposed by the parties to the Award:

- It will remove the current flexibility councils have to determine whether executive level employees are employed under the Award or a statutory contract.
- It will diminish accountability by senior staff for their performance (rather than dismissing poor performing executive level employees for "no reason" or by not renewing their contract, councils would be expected to performance manage the employees, afford them procedural and substantive fairness, and have a 'valid reason' for their dismissal).
- It will reduce the current flexibility that allows general managers to "build" senior management teams.
- It will limit the ability of councils to attract talented executive level employees by offering attractive and competitive remuneration packages (though this could be addressed by offering remuneration and other benefits that are above the award minimums).

How does the Award currently apply to executive level employees?

It should be noted that many councils have chosen not to determine the positions held by their executive level employees to be senior staff positions under section 332 and the holders of those positions are employed under the Award and not on statutory contracts.

Councils that operate under these arrangements have indicated that they do not impede their flexibility or limit their ability to ensure that executive level employees are accountable for their performance.

Common misconceptions about the Award include the following:

The Award diminishes the accountability of executive level employees for their performance and the delivery of outcomes

Clause 10 of the Award expressly recognises that it is the intention of the parties to the Award to create a flexible award in which employers can increase the overall efficiency and effectiveness of local government services.

The Award encourages councils to consider developing enterprise key performance indicators which are specific to local needs and to use these to develop performance targets for teams or individual employees.

Councils can have performance agreements with Award employees setting out agreed performance criteria. Such performance agreements may be implemented as contractual conditions when offering employment to new employees, or may be implemented with existing employees in response to specific circumstances (e.g. performance improvement plans may be implemented as a form of disciplinary action). Even if there is no performance agreement, at common law, employees have a duty to obey their employer's lawful and reasonable directions and to exercise reasonable care and skill in performing their duties.

Councils cannot reward high performance under the Award

The Award is a minimum rates award (except for trainees) which sets the minimum terms and conditions of employment at the *industry level*. The Award requires councils to have a 'salary system' with a structure that complements the entry level rates of pay and skill descriptors in the Award by identifying grades. A council's salary system therefore represents the minimum Award rates at the *workplace level*.

Salary system rates of pay are only one component of the 'total reward' that councils provide to employees for their labour. Other components of the 'total reward' include, for example, allowances, statutory benefits (e.g. superannuation), and above-award payments and benefits (e.g. higher salary, performance bonuses, additional leave, etc). Provided the Award minimums and relevant statutory requirements are met, councils have flexibility to offer above-Award payments and other benefits to reward high performance.

Councils cannot restructure senior management teams under the Award

Councils are free to restructure their operations under the Award subject to complying with minimum notification and consultation requirements.

Subject to complying with the workplace change provisions of the Award, where the restructuring of the council's operations results in staff becoming redundant, councils may terminate their employment with appropriate notice (or payment in lieu of notice) and a severance payment. The entitlement under the Award for a redundant employee with 10 years or more service is 39 weeks comprising of 5 weeks' notice (or payment in lieu of notice) and 34 weeks' severance. This is one week more than the maximum termination payment available under the current approved standard contract of employment for senior staff.

The Award diminishes councils' ability to take disciplinary action against executive level employees

The Award allows councils to undertake disciplinary action where an employee's work performance or conduct is considered unsatisfactory (including summary dismissal in the case of serious misconduct). Penalties for unsatisfactory work performance or conduct include (but are not limited to):

- demotion to a lower paid position or a lower salary point/step
- suspension without pay
- termination of employment.

Councils may be exposed to an increased risk of unfair dismissal proceedings

While it is correct that executive level employees covered by the Award can access the IRC for relief from alleged unfair dismissal, it should also be noted that:

- Only 5% of unfair dismissal proceedings before the IRC result in reinstatement.
- The maximum monetary compensation that can be awarded by the IRC for unfair dismissal is 26 weeks (compared to 38 weeks under the current approved standard contract of employment for senior staff).
- The IRC is a cost-effective and efficient mechanism for the resolution of disputes involving the termination of employment of executive level employees compared to other available mechanisms:
 - All employees (including senior staff and Award employees) have access to remedies for unlawful termination of employment - see for example section 772 of the *Fair Work Act 2009* (Cth), sections 241 and 248 of the *Workers Compensation Act 1987* (NSW) and NSW and federal anti-discrimination legislation. These

legislative remedies have a reverse onus of proof, meaning the employer must disprove the employee's alleged reason for dismissal (usually by proving that the employer had a valid and lawful reason for the dismissal).

- All employees (including senior staff and Award employees) have access to remedies for breach of contract. Claims for breach of contract usually go before the Supreme Court of New South Wales and the Court has broad discretion to award damages to remedy a breach.
- The IRC's power to award costs against a party in unfair dismissal proceedings is confined to where, in the opinion of the IRC, a party unreasonably failed to agree to a settlement of the claim or where the applicant's claim is frivolous or vexatious. This can be contrast with proceedings for unlawful termination of employment and breach of contract where legal costs usually follow the event and are payable by the unsuccessful party.

What legislative changes are required to give effect to the outcomes sought by the parties to the Award?

Legislative amendments are required to give effect to the outcomes sought by the parties to the Award. The required amendments are quite complex and wide ranging and are set out in detail below so that councils can have full visibility of their likely impact.

Some of these amendments may need to be subject to transitional arrangements to reflect the fact that some council staff may continue to be employed under existing senior staff contracts after the relevant provisions have been repealed.

Section 332 - Determination of the organisation structure

Section 332 requires the governing bodies of councils, after consulting with the general manager, to determine the senior staff positions within the organisation structure of the council, the roles and reporting lines (for other senior staff) of holders of senior staff positions, and the resources to be allocated towards the employment of staff. It also sets the criteria for identifying a position to be a "senior staff position".

Section 332 would need to be substantially amended to remove the option of determining senior staff positions and to remove subsections (2) and (3) which set out the criteria for identifying a position to be a senior staff position.

One option may be to amend section 332 so that it simply provides as follows:

- The council must, after consulting the general manager, determine the resources to be allocated towards the employment of staff.
- The general manager must, after consulting the council, determine the

positions within the organisation structure of the council.

- The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.

Section 223(1)(j) – Role of the governing body in determining senior staff positions

Section 223(1)(j) provides that it is the role of the governing body to determine the senior staff positions within the organisation structure of the council. This provision will become redundant if councils no longer have the option of determining senior staff positions under section 332 and would need to be repealed. The governing body would still be responsible for determining the resources to be allocated towards the employment of staff.

Section 337 – Consultation with councillors on the appointment and termination of senior staff

Section 337 provides that the general manager may appoint or dismiss senior staff only after consultation with the council. The removal of the ability for councils to determine senior staff positions will make this provision redundant, and it will need to be repealed.

Section 338 - Nature of contracts for senior staff

Section 338 requires general managers and the holders of senior staff positions to be employed under fixed term contracts of between 1–5 years based on the standard contracts approved by the "departmental chief executive" of OLG.

Section 338 would need to be amended to omit any references to "senior staff" so that it applied only to general managers' contracts of employment.

Section 340 –NSW Industrial Relations Commission’s jurisdiction in relation to senior staff

Section 340 of the Act provides that the employment of the general manager or another senior staff member, or any matter, question or dispute relating to any such employment, is not an “industrial matter” for the purposes of the *Industrial Relations Act 1996* and therefore cannot be considered by the IRC.

Section 340 would need to be amended to exclude references to “senior staff” and to limit its operation to general managers. This would, in effect extend the jurisdiction of the IRC to the employment of all council staff other than general managers.

Employment protection provisions

Amendments would be required to the provisions of the Act that protect the employment of staff affected by amalgamations to remove the current exclusions for senior staff. General managers would continue to be excluded from the application of the relevant provisions. In practical terms, this would extend the employment protections under the Act to all staff other than general managers.

The following provisions will need to be amended to remove references to “senior staff”:

- Section 218CA – Maintenance of staff numbers in rural centres (This currently excludes senior staff from the definition of “regular staff” for the purpose of calculating the number of staff employed at a “rural centre” prior to an amalgamation for the purposes of that section)
- Section 354C – No forced redundancy of affected staff members during proposal period
- Section 354D – Preservation of entitlements of staff members

- Section 354F – No forced redundancy of non-senior staff members for 3 years after transfer
- Section 354G – Lateral transfer of non-senior staff members
- Section 354H – External advertising not required in certain circumstances
- Section 354I – Limitations on transfer of work base of non-senior staff

The following provisions of the *Local Government (General) Regulation 2021* (the Regulation) would also need to be repealed:

- Section 406C - Entitlements of senior staff on transfer following amalgamation or boundary alteration
- Section 406D - Entitlements of senior staff not transferred on boundary alterations.

Section 354A - Ministerial approval for termination payments

Section 354A requires ministerial approval to be given for termination payments to be made to general managers and senior staff unless exempted by the Regulation. Section 405 of the Regulation in turn exempts from the requirement for ministerial approval, termination payments that do not exceed the value of the general manager’s or senior staff member’s total remuneration package over the 12 months preceding the termination of their employment.

Amendments would be required to both section 354A of the Act and section 405 of the Regulation to remove references to “senior staff,” limiting their application to general managers.

Section 405 of the Regulation would also need to be amended to incorporate the current provisions of section 332(3)(a)–(d) of the Act. These set out what comprises the total remuneration package. Because section 332(b) of the Act will need to be repealed (see above), its provisions will need to be incorporated into section 405 for the purposes of calculating the

value of a termination payment under that section.

**Section 217(1)(c) of the Regulation –
Annual reporting of senior staff
remuneration**

Section 217(1)(c) of the Regulation would need to be repealed.

This currently requires councils to publish a statement in their annual reports of the total remuneration comprised in the remuneration packages of all senior staff members (other than the general manager) employed during the year, expressed as the total remuneration of all the senior staff members concerned (not of the individual senior staff members) and including totals of each of the following:

- the total of the values of the salary components of their packages
- the total amount of any bonus payments, performance payments or other payments made to them that do not form part of the salary components of their packages
- the total amount payable by the council by way of the employer's contribution or salary sacrifice to any superannuation scheme to which any of them may be a contributor
- the total value of any non-cash benefits for which any of them may elect under the package
- the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits.

**Section 217(1)(d) of the Regulation –
Annual reporting of labour statistics**

Councils are required to publish labour statistics in their annual reports including in relation to the number of persons employed by the council as senior staff members. The requirement for councils to report on the number of persons employed as senior staff members would need to be repealed.

Other consequential repeals

The following provisions of the Act would also need to be repealed:

- The Dictionary definition of "senior staff".
- Section 334(2) – This provides that the position of general manager is a "senior staff position".

Senior executive remuneration under the Award

The minimum annual salary under the Award for executive level employees ranges from \$100,480 (Band 4 / Level 1) to \$187,569 (Band 4 / Level 4). The Band 4 / Level 4 rate is less than the current minimum permissible remuneration for holders of senior staff positions which is \$201,350.

It should be noted that the minimum remuneration for holders of senior staff positions is inclusive of salary, compulsory employer superannuation contributions and other benefits including any fringe benefits tax payable on such benefits. Also, senior staff do not receive some of the benefits that Award-covered employees may be entitled to (e.g. allowances, overtime, portability of sick leave, protection from unfair dismissal, etc).

The Award requires councils to have a 'salary system' with a structure that complements the entry level rates of pay and skill descriptors in the Award by identifying grades. If the Act were to be amended to remove the option for councils to determine positions to be senior staff positions, some councils may need to review their salary system structures to ensure that they have appropriate minimum rates at the workplace level to attract and retain executive level employees.

Attraction and retention issues could also be addressed by offering additional remuneration (e.g. market allowances) and other above-Award benefits as part of the 'total reward' that councils provide to employees for their labour.

Transitional arrangements

If the Act were to be amended to remove the option for councils to determine positions to be senior staff positions, it would be necessary to put in place transitional arrangements for the current holders of senior staff positions employed under the standard contracts.

Possible transitional arrangements may include giving current occupants of senior staff positions who are employed under the standard contracts the option to either:

- transition immediately to the Award, or
- remain employed under their current employment contract until it expires.

Submissions

Have your say

We now want to hear from you.

Key questions to consider:

- Do you agree that all council staff other than the general manager should be employed under an award such as the *Local Government (State) Award*?
- Would you support amendments being made to the *Local Government Act 1993* to remove the option for councils to determine “senior staff positions” and to employ the holders of those positions under statutory contracts?
- Do you have any comments on the amendments to give effect to this outcome that are set out in this paper?
- If the Act were to be amended as has been suggested, what transitional arrangements should apply to current holders of senior staff positions?

How to make a submission

Submissions may be made in writing to the following addresses:

By email: olg@olg.nsw.gov.au

By post: Locked Bag 3015
NOWRA NSW 2541

Submissions should be labelled “senior staff employment” and marked to the attention of OLG’s Council Governance Team.

Closing date

Close of business, 15 November 2022.

Privacy Notice

When you give us your feedback, OLG will be collecting some personal information about you, in particular:

- your name
- your email address
- the name of your organisation (if provided)

All feedback received through this consultation process may be made **publicly available**. Please do not include any personal information in your feedback that you do not want published.

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For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at olg@olg.nsw.gov.au.

GM24/22

GM24/22



Director City Planning Report No. CP58/22

Subject: Temporary Alcohol Prohibited Areas

Executive Summary


- An Alcohol Prohibited Area is able to be established by a Council pursuant to s. 632A of the *Local Government Act 1993*, for the purpose of proscribing the consumption of alcohol in certain public places which can be enforced by the NSW Police Force.
- Council has for a number of years introduced temporary alcohol prohibited areas during the Christmas and New Year periods, to reduce the potential for alcohol related anti-social behaviour in Council's parks and reserves.
- The Eastern Beaches Police Area Commander – Superintendent Timothy Beattie, supports Council re-establishing Temporary Alcohol Prohibited Areas for the up-coming 2022-23 Christmas, New Year and Australia Day periods.
- Temporary Alcohol Prohibited Areas operate in conjunction and as an extension to the beaches and other beachside Parks and Reserves, where alcohol consumption is not permitted.
- Council officers recommend the establishment of the proposed Temporary Alcohol Prohibited Areas (TAPAs) at the City's beachside locations.

Recommendation

That:

- a) pursuant to s. 632A(4) of the *Local Government Act 1993*, the Randwick City Council hereby **declares** that each of the parks and reserves contained in the Schedule of Parks and Reserves that attaches to this Report is to be an **alcohol prohibited area** that is to operate from:
 - i) 8.00pm on the 23 December 2022, ceasing at 6.00am on the 3 January 2023, and
 - ii) from 8.00pm on the 25 January 2023, ceasing at 6.00am on the 27 January 2023.
- b) pursuant to s. 632A(7) of the *Local Government Act 1993*, the General Manager shall install temporary notices (signs) at each of the parks and reserves, contained in the Schedule of Parks and Reserves that attaches to this Report, sufficient to give effect to the declaration of the Council.
- c) Council carryout a public awareness campaign that informs the public that the consumption of alcohol at all of the City's beaches, beachside parks and reserves is prohibited as provided for by the declaration contained at "a)."
- d) the Eastern Beaches (Police Area Command) Commander be advised of the Council's decision accordingly.

Attachment/s:

1.  Schedule of Parks & Reserves Declared as Temporary Alcohol Prohibited Areas - 2022/23

Purpose

The purpose of this Report is to recommend that Council establish, as it has done in past years, Temporary Alcohol Prohibited Areas (TAPAs) at the City's beachside Parks and Reserves which will operate over the 2022-23 Christmas, New Year and Australia Day period.

In making this recommendation, Council officers have corresponded with the Eastern Beaches PAC (Police Area Command) Commander, Superintendent Timothy Beattie, who has articulated the importance, as a preventative strategy, that the TAPAs serve in providing safe public spaces on, in and around the City's popular beaches and beachside areas.

Discussion

For many years, and at the request and with the support of Eastern Beaches Police, Randwick City Council has established TAPAs that operate at the City's beachside Parks and Reserves which ordinarily only proscribe the consumption of alcohol from dusk to dawn, the following day.

The TAPAs operate in conjunction and as an extension to all of the City's beaches and other beachside Parks and Reserves (e.g. Dunningham, Goldstein, Grant and Trenerry Reserves) which already have a year-round permanent alcohol prohibition to bring about a 'blanket' alcohol ban at all of our popular beachside public spaces during the busy summer festive period.

Establishing these TAPAs provides NSW Police with the necessary 'tools' to keep our public spaces safe and reduce incidents of alcohol related anti-social behaviour. As such, it is the recommendation of Police and Council officers' that the Council re-establish the TAPAs for the 2022-23 Christmas, New Year and Australia Day period.

Police support for Temporary Alcohol Prohibited Areas

Council officers have been in 'dialogue' with the Eastern Beaches Police Area Commander in respect to the implementation of TAPAs for the upcoming 2022-23 festive summer period. In this regard, the information by Superintendent Timothy Beattie under the heading "Eastern Beaches PAC, Commanders Intent" is provided below for the Council's consideration.

Eastern Beaches PAC, Commanders Intent

The overarching intent is to reduce intoxication across the LGA as data has identified a high correlation between alcohol consumption and crime across the Eastern Beaches Police Area Command (EBPAC) not only in licensed premises but open spaces. As a result, reducing intoxication is a focus for the Command which has been communicated to the various stakeholders, including venue operators and the Eastern Beaches Liquor Accord (of which Council is an Executive Member). The EBPAC has worked collaboratively to develop strategies to reduce intoxication across the LGA including training staff, media messaging as well as engaging with the Aboriginal community, including providing police support for alcohol harm minimisation related community programs. Alcohol Prohibited Areas (APA) are considered to be an integral part of the overall strategies that align with the Commander's intent of reducing alcohol related crime and public safety across the Randwick LGA.

How do Temporary Alcohol Prohibited Areas Operate?

The legislative power for a Council to establish an **alcohol prohibited area** at a **public place** is found in s. 632A(6) and (7) of the *Local Government Act 1993* (LG Act), which relevantly state:

- (6) *An alcohol prohibited area operates, in accordance with the terms of the declaration establishing the area, during such times or events as are specified in the declaration.*
- (7) *An alcohol prohibited area operates only so long as there are erected at the outer limits of the area, and at suitable intervals within the area, conspicuous signs—*
 - (a) *stating that the drinking of alcohol is prohibited in the area, and*
 - (b) *specifying the times or events, as specified in the declaration by which the area was established, during which it is to operate.*

After Council 'declares' an area to be a Temporary Alcohol Prohibited Area in accordance with s. 632A(6) of the LG Act, Council staff erect signs at those areas in accordance with the Council's 'declaration' as required by s. 632A(7) of the LG Act, thus establishing the TAPAs.

How are Temporary Alcohol Prohibited Areas Enforced?

NSW Police are responsible for the enforcement of the City's TAPAs pursuant to s. 632A(1), (2) and (3) of the LG Act. Whilst these provisions do not create an offence for 'drinking' in an *alcohol prohibited area*, they do provide Police with a discretionary power to 'seize' and 'tip out' any alcohol in the possession of a person in an *alcohol prohibited area*, who the police officer has a reasonable belief that the person is drinking, or is about to drink, or has recently been drinking alcohol.

Council officers have been advised by Police that the establishment of TAPAs within the Randwick City Council LGA provides police with a preventative ability to take control of the area and engage with members of the public before incidents occur.

This is an important part of the high visibility policing that occurs at our busy public spaces during the Christmas holiday period. The establishment of the TAPAs enables police to act/intervene before members of the public become intoxicated thus reducing incidents of alcohol related crime and anti-social behaviour that occur in a public place. Police have also advised that in the absence of the TAPAs this early intervention may not be possible and that police may only be able to intervene after the event (ie. after an offence is committed).

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:	
Service area	Health, Building & Regulatory Services
Function	Prevention of crime and anti-social behaviour
Delivery program commitment	Respond to referrals from NSW Liquor & Gaming, work with the liquor accord to address anti-social behaviour, and undertake crime prevention activities.

Resourcing Strategy implications

The resources required to establishment of the TAPAs are contained within Council's existing budget.

Policy and legislative requirements

Part 2 of Chapter 16 of the *Local Government Act 1993*

Conclusion

The establishment of TAPAs at Council's beachside Parks and Reserves is an important preventative measure that supports NSW Police overall policing strategy that focuses on providing safe public spaces on, in and around the City's popular beaches and beachside areas.

It is Council officers' view that implementing the TAPAs for the up-coming 2022-23 Christmas, New Year and Australia Day periods is a necessary measure that provides our Police with requisite regulatory ability to address any problematic public drinking that could potentially compromise community safety and convenience.

It is the recommendation of Council officers that for the reasons outlined in the Report that re-establishing the TAPAs for the 2022-23 Christmas, New Year and Australia Day periods be supported and implemented by Council.

Responsible officer: Allan Graham, Coordinator Regulatory Services

File Reference: F2005/00853

CP58/22

Schedule of Parks & Reserves Declared as Temporary Alcohol Prohibited Areas

(Pursuant to s. 632A of the *Local Government Act 1993*)

Each of the parks and reserves that is situated in the City of Randwick that is listed below is declared an alcohol prohibited area at which the consumption of alcohol is not permitted. The prohibition on the consumption of alcohol within the parks and reserves contained in this Schedule operates from:

- i) 8.00pm on the 23 December 2022, ceasing at 6.00am on the 3 January 2023, and
- ii) From 8.00pm on the 25 January 2023, ceasing at 6.00am on the 27 January 2023.

Bundock Park - Clovelly

Jack Vanny Reserve - Maroubra

Arthur Byrne Reserve - Maroubra

Cromwell Park - Malabar

Yarra Bay Bicentennial Park - Phillip Bay

Gwea Reserve -Yarra Bay

Note:

All beaches in the City of Randwick and adjacent beachside reserves not listed above are subject to a permanent total alcohol prohibition.

Director City Planning Report No. CP59/22

Subject: Southern Suburbs Youth Facility

Executive Summary

- Council made a commitment to deliver a Southern Suburbs Youth Facility in the South Ward of the LGA in the 'Buildings for Our Community' and the 'Our Communities Our Future Programs'.
- In early negotiations regarding the development of the Chifley Sports Reserve, in principle approval was provided by the La Perouse Local Aboriginal Land Council (LPLALC) regarding land claims in return for working collaboratively on the Youth facility in the future.
- Yarra Oval has been ear-marked as a suitable location due to consideration given adjoining Council and LPLALC land.
- An early concept was provided by the LPLALC however the proposed allocation in the Capital Works Plan requires a 'from scratch' approach with stakeholder and community consultation.
- A meeting was held with key stakeholders from the Aboriginal Community in February, including the CEO and Manager of youth services of the LPLALC and CEO and youth worker of Inner Sydney Empowered Communities (a Federally funded initiative to oversee transformational national reforms for an indigenous empowered agenda).
- Inner Sydney Empowered Communities ran a consultation workshop in October 2020 with 20 young people from the La Perouse community aged 16-25 years, to understand what the youth would like in this youth and recreation facility.
- The stakeholders from LPLALC and Empowered Communities believe the 2020 consultation meets the needs for an initial scope to inform a 'draft design' for the project.
- A partnership to develop a dedicated youth facility in the southern suburbs supports the need identified in the social study and Inclusive Randwick Strategy for a dedicated youth facility and increased youth services in the city.

Recommendation

That Council:

- a) use the consultation results provided below by Empowered Communities to develop a Project Brief including Plan of Management and Masterplan for a 'from scratch' design for the Southern Suburbs Youth Facility.
- b) endorse the Southern Suburbs Youth Facility as Councils dedicated youth facility as identified in the Inclusive Randwick Strategy Outcome 2, Strategic Approach 2.10 '*Dedicate a Council owned facility to youth services by 2023*'.
- c) acknowledge the development and future service delivery of the Southern Suburbs Youth Facility is a partnership with the La Perouse Local Aboriginal Land Council (LPLALC) and will be one of the partnerships explored as outlined in the Inclusive Randwick Strategy Outcome

2, Strategic Approach 2.9 *'Explore partnerships by 2022, with a goal of increasing youth services and activities in targeted areas of disadvantage'*.

Attachment/s:

Nil

CP59/22

Purpose

The conversation and commitment to build a Southern Suburbs Youth Facility goes back to 2010 when Council made a commitment to deliver a Youth Facility in the South Ward of the LGA in the 'Buildings for Our Community' and then later in 2018 as part of 'Our Communities Our Future Programs'

In early negotiations regarding the development of the Chifley Sports Reserve (2012) the LPLALC board resolved to provide consent for works on the basis of an in-principal agreement to work collaboratively on a Youth Facility in the South Ward of the LGA.

Yarra Oval has been ear-marked as a suitable location due to consideration given of adjoining Council and LPLALC land.

An early concept was provided by the LPLALC which included:

Council land

- change rooms
- club rooms
- amenities
- grandstand (with adult drinking tents at the top)
- sports hall
- office/reception.

LPLALC land

- gym
- amenities
- youth haven
- carparking.

Councils proposed allocation in the Capital Works Plan requires a 'from scratch' approach for the design concept with stakeholder and community consultation.

Discussion

Consultation

In February 2022, Kerry Kyriacou – Director of City Planning and Jodi Tweed – Manager Community Development met with key stakeholders:

- Chris Ingrey, CEO of LPLALC
- Danny Allende Manager of Youth Services for the LPLALC
- Michael Ingrey CEO of Inner Sydney Empowered Communities
- Jessie Longbottom, Youth worker Inner Sydney Empowered Communities.

Empowered Communities is a federally funded initiative which spans ten regions across urban, regional, and remote Australia. Inner Sydney is one of these regions encompassing Redfern and La Perouse. Empowered Communities is fundamentally about facilitating place-based development to oversee transformational national reforms for an indigenous empowered agenda.

Empowered Communities conducted a community consultation in October 2020 on behalf of the LPLALC to understand what young people would want in a youth facility at Yarra Bay. This included running a full day, in person workshop with twenty young people from the La Perouse community aged 16-25 years.

The first half of the youth consultation talked about the likes and dislikes of their current space (youth haven). The second half of the workshop was dedicated to what young people need and want in a youth space to allow them to develop skills and excel.

When envisaging their ideal youth space, the following themes were heard:

Design approach

- A modern and versatile space designed for Youth to partake in for skill development programs.
- Spaces designed for increased learning, social and emotional wellbeing outcomes
- Capacity to cater for the growing number of prospective young leaders engaged in programs.

Usage

- A youth facility open to all youth and the public, not just Aboriginal youth.
- A facility able to be accessed and used by multiple service providers, not just LPLALC
- A facility used by sporting clubs, elders, service providers and locals offering affordable fitness, targeted youth services, wellbeing and educational programs.

Spaces

Recreational

Overwhelmingly, young people want a recreational sports centre that will encompass:

- Gym with equipment - a good gym facility which could even have special memberships for young people, revenue opportunities and other activities.
- Multipurpose indoor court for physical activity and sports competitions.

Amenities

- Good amenities (including club and change rooms) with showers and gender specific spaces.

Youth space

- Kitchen - a good kitchen space for learning hygienic practices and preparation of healthy meals, as well as hospitality training.
- Breakout spaces - with comfortable furniture for social programs
- Education spaces
 - a designated space for education, innovation, and development. i.e., a large room with dividing walls so they can have an open space but section it off when needed for smaller group work.
 - Classrooms and study/homework centre with computers, strong internet, reliable telephone reception and updated technology to enhance learning opportunities and produce exceptional work.
- Activity spaces – Including an activity and media room

The LPLALC and Empowered Communities see the building in two parts separated at the boundary, with the youth and gym space being on their land and the upgraded public amenities, changerooms and grandstands, plus a new multi-purpose sports centre being on Council land.

The LPLALC and Inner Sydney Empowered Communities believe the 2020 consultation is still current and would support a design concept encompassing the feedback from this community consultation.

Council and LPLALC acknowledge that the ideas presented through the consultation are extensive. The design will need to consider overall cost and feasibility of the site and it is noted that not all the identified components will be included in the 'from scratch' design, however, the consultation provides a good basis to start from.

Strategic Analysis

The concepts outlined in the community consultation facilitated by Empowered Communities for the Southern Suburbs Youth Facility supports Councils overarching strategic direction for increasing youth services. The design scope and programs they have described for fitness,

recreation, well-being, social and education are all beneficial for youth in developing greater connection and skills and are supported in-principle.

During the February stakeholder meeting, Chris Ingrey expressed that they see this youth facility open to all youth and the public, not just Aboriginal youth. They also see the space being used by sporting clubs, elders and locals offering affordable fitness, wellbeing, social and educational programs.

The Inclusive Randwick Strategy identifies a need for more targeted youth services and makes a commitment to do this through strategic partnerships and a dedicated council facility. The concepts presented for the Southern Suburbs Youth Facility and the in-principle partnership with the LPLALC meet these outcomes of the strategy. It is proposed that the Southern Suburbs Youth facility fulfils Outcome 2, Strategic Approach 2.10 *'Dedicate a Council owned facility to youth services by 2023'* of the Inclusive Randwick Strategy.

Asset Management considerations

History

The amenities building and canteen was constructed as an all-inclusive structure since 1975. There were continual upgrades to the original building and extensions to the building complex. An upgrade up undertaken around 1999 with the extension of the building footprint. The Yarra Bay Oval Carpark was constructed 2008 with some minor upgrade to the main structure with the demountable building installed to the current position. In 2012, the shade structure/awning structure was added to the demountable building site.

Asset Condition Assessment

The current assessment of these buildings is fair, the structural integrity of the main building and the new storage building are considered to be fair. Although the age of the original building is approaching the expected end of life, the condition assessment shows that these buildings can far outlast the expect design life of the asset, it is expected that there will be a further 40 years of remaining useful life. The off building to the main structure, however, is a demountable building on brick piers. This building is expected to have very short life span and likely to reach their end of life by 2024/25. The Yarra Bay amenity/clubhouse is due for partial renewal in 2024/25 Financial Year.

Functionality and Capacity Consideration

Whilst the main structure still has ample remaining useful life, the functionality provided by the design from the 70's does not meet current and future requirements. The amenity capacity from the building is considered to be insufficient. The capacity provided is lower than modern standards, where modern sportsground amenity capacity requirement have a general split between participants and spectators. The clubhouse will require amenities capacity for both teams of participants and change rooms whilst there should be public amenities for other common space users and sports spectators with accessibility considerations to meet DDA requirements.

Level of Service vs Cost considerations

Further from previous sections describing the consultation, the community in Yarra Bay considers that there is a general need for an upgrade to the amenities and clubhouse. The level of service currently provided is considered to be basic. There is potential to provide the services, however the capital investment in providing the extra services requires extra expense from Council's funds and the running cost of a expanded facility will also increase. Therefore, careful consideration of delivery model is required in terms of capital investment and an innovative method to ensure sustainable ongoing operations and maintenance costs to the new facility.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering the Outcomes of the Community Strategic Plan:

Strategy	Inclusive Randwick
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Outcome	A city where people can access social support and amenities whatever their ability and wherever they live
Objective	Increase participation in social programs/services provided in partnership with Council for our marginalised communities by 2026 from the 2021 baseline
Delivery program commitment	Explore partnerships by 2022, with a goal of increasing youth services and activities in targeted areas of disadvantage.
Delivery program commitment	Dedicate a Council owned facility to youth services by 2023.

Resourcing Strategy implications

Council currently has an allocation of \$300,000 for the design concept in the capital works budget and \$2.7 million earmarked in future planning as considered in the 'Building for our Community' program as a contribution to the construction of the project.

It is acknowledged by both Council and the LPLALC that the full construction costs are not allocated, and additional funding would be required. This could be achieved through additional funding contributions from both partners and part of a federal grant, with a staged approach to construction.

While estimates cannot be provided until the project has been properly scoped and costed, a building of this nature could cost between \$6 and \$8 million.

Policy and legislative requirements

Council made a commitment to deliver a Southern Suburbs Youth Facility in the South Ward of the LGA in the 'Buildings for Our Community' and the Our Communities Our Future Programs'

Conclusion

Council has had a long standing in principle agreement with the LPLALC to design a Southern Suburbs Youth Facility and is committed to developing a design based on stakeholder and community consultation.

Council is committed to partnering with the LPLALC to provide a facility which delivers targeted youth services for disadvantaged communities.

Responsible officer: Jodi Tweed, Manager Community Development

File Reference: F2006/00216

Director City Planning Report No. CP60/22

Subject: Markets and other support for the Kingsford Town Centre

Executive Summary

- This report responds to a Notice of Motion to bring back a report on activations suggested for Kingsford such as Night, Rotary and other markets, a *Buy Local Shop Local* marketing campaign and other ideas to assist local businesses.
- As part of the endorsed Delivery Program and Economic Development Strategy Council Officers are working towards delivery of a Markets Policy by 2023 and a *Buy Local Shop Local* campaign by 2022.
- This report outlines a suggested additional piece of work which is to conduct a Place Assessment of the location between UNSW to Juniors Kingsford, that will identify areas of focus and suitable activities, which will then allow Council to make the best use of any investment in that area and directly respond to community needs.

Recommendation

That Council proceed with the delivery plan tasks adopted in the Economic Development Strategy in relation to a Markets Program and *Buy Local Shop Local* campaign, and in addition proceed with a Place Assessment of the Kingsford Town Centre to guide future activation and investment, with recommendations to be provided in a future Councillor Portfolio Committee briefing.

Attachment/s:

Nil

CP60/22

Purpose

This report brings back a response to the following Council resolution.

At its meeting of 24 May 2022 Council resolved:

(Luxford/Neilson) that:

- 1) *Council notes that there is currently a review into encouraging markets across the Randwick LGA;*
- 2) *Council notes the Randwick Economic Development Strategy currently has a strategic approach 1.2 to 'Design and implement ongoing Buy Local, Shop Local marketing campaign with partnerships with local networks and local businesses by 2024';*
- 3) *Council call for a report to come back to Council outlining current and proposed actions investigating the provision of night, farmers, Rotary and other markets as well as suitable locations;*
- 4) *Council recognises that the businesses in Kingsford along Anzac Parade are in special need of support and that Council investigate a range of options and include these in the same report; and*
- 5) *the report be received by the October 2022 Council meeting.*

Discussion

Council's adopted Economic Development Strategy includes the following actions in the Delivery Program, which are related to the abovementioned resolution;

1.2 - Design and implement an ongoing Buy Local, Shop Local marketing campaign with partnerships with local networks and local businesses by 2024.

A 27.2.1 Design an ongoing Buy Local, Shop Local marketing campaign in partnership with local networks and local businesses by 2022

A 27.2.2 Implement the Buy Local, Shop Local marketing campaign in partnership with local networks and local businesses

2.5 Prepare a program for the operation of food trucks and food vans or markets within suitable locations including requirements for safety, amenity and hours of operation by 2024.

A 30.5.1 Design a markets program by 2023

In accordance with the Economic Development Strategy, Council's Economic Development Team will commence working towards these projects this quarter, and these programs will apply across Randwick City, including Kingsford.

In order to respond specifically to types of Council support or activities that would work best in the Kingsford Town Centre, it is proposed that Council engage a consultant to undertake community engagement in order to get an initial measure of place experience and performance to guide future activities and investment in the area.

The assessment will;

- Provide a baseline that will outline the values and performance expected for the area;
- provide clear direction and recommendation for hard and soft infrastructure for future investment and
- provide a baseline for performance data as the foundation for measuring change over time and track the impact of investment over time.

A place measurement score is something that has been used by other Councils in order to understand a community's expectation of a place using various indicators. It also gives Council the ability to assess priorities for an area and understand the factors that are contributing both positively and negatively to local place experience.

The place score looks at values and performance systems that measure local place experience. In order to understand what improvements the community would like to see in a Town Centre, there would be a mix of face-to-face and online surveys with a mix of demographics, and a review of the score before and after delivery of a project. The questions consider a number of elements looking at Town Centre strengths, improvement priorities and secondary priorities.

The survey considers the following:

Attributes of livability
Ease of walking around (including crossing the street, moving between destinations)
Sense of safety (for all ages, genders, day/night)
Overall look and visual character of the area
General condition of vegetation, street trees and other planning
Community benefit
Public Art, community art, water or light feature
Things to do in the evening (shopping, dining, entertainment etc)
Elements of the natural environment
Cleanliness of public spaces
General condition of businesses and shopfronts
Outdoor restaurant, café and/or bar seating
Activation / Infrastructure
Evidence of public events happening here (markets, street entertainment etc)
Local history, heritage buildings or features
Evidence of community activity (community gardening, art, fundraising etc)
Spaces suitable for specific activities (play, entertainment, exercise etc)
Unusual or unique buildings or public space design
One of a kind, quirky or unique features
General condition of buildings
Car accessibility and parking
Evidence of recent public investment (new planting, paving, street furniture etc)
A cluster of similar businesses (food, cultural traders, fashion etc)

The scope of work to conduct the Place Assessment is proposed to be undertaken as follows;

- Project set-up, define project area (proposed to be UNSW to Juniors at Kingsford, 215 Anzac Parade, Kensington to 558 Anzac Parade, Kingsford).

- Set timeline
- Online survey set up with QR code signage
- Develop communications materials and letter to businesses
- Data acquisition including social media campaign and face-to-face, 2 week data collection period
- Reporting & recommendations on Town Centre Strengths and priorities, overall Town Centre Place Strengths Values, Street improvement priority identification for each street location and what are performing well and poorly, recommendations for improvements

Following the place measurement and feedback, priority projects would be put forward for Council's consideration, together with resourcing requirements and costings. These may include the activities such as markets & buy local shop local and/or include new ideas for the activating and improving the area. This placement assessment could be a pilot for Kingsford, and potentially be carried out in other Town Centres.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering the Outcomes of the Community Strategic Plan:	
Strategy	Economic Development
Outcome	A city with diverse, active places for businesses, including vibrant town and neighbourhood centres
Objective	Ensure 86% or more of our community are satisfied* with the vitality of town centres by 2032
Delivery program commitment	Implement place management plans that reflect the unique character of town centres to guide planning, marketing and activation initiatives that nurture small business by 2030.

Resourcing Strategy implications

The Place Assessment as outlined in this report would be delivered by a consultant at a cost of \$14,500. This project can be funded through the Economic Development & Placemaking budget from Kingsford Town Centre activations, with any recommended activations put forward and endorsed would need to be funded in the 2023-24 budget.

Conclusion

The 2022-2026 delivery program for the Economic Development Strategy include designing a Markets Program and a Buy Local Shop Local campaign within the LGA, including the Kingsford Town Centre.

In order to understand the community's priorities and expectations of the Kingsford Town Centre it is important to undertake an assessment of this which will determine what soft and hard investment can be delivered to have the most impact. The Place Assessment will be based on community and business consultation around what they would like to see and what the issues currently are. Following a place assessment of the existing state and future vision, relevant elements can be considered by Council for implementation.

Responsible officer: Katie Anderson, Manager Economic Development & Place Making

File Reference: F2015/00419

Director City Planning Report No. CP61/22

Subject: Public Notification of Voluntary Planning Agreement - 18-26 Ascot Street, Kensington (DA/717/2018)

Executive Summary



- A draft Voluntary Planning Agreement (VPA) has been prepared by Marsdens Law Group on behalf of Council to provide for, and secure, public benefits in connection with the Development Consent for DA/718/2018 for the land at Nos. 18-26 Ascot Street, Kensington.
- The draft VPA has been proposed by the Developer in accordance with the provisions under Randwick Local Environment Plan 2012 and contains a monetary contribution of \$593,750 including the construction of a portion of Ascot Street Green Grid links, footpath and underground of Ascot Street overhead powerline directly adjacent to the subject site and approximately \$1.6 million of affordable housing contribution (subject to indexation).
- Relevant issues relating to the timing and adequacy of the VPA have been assessed and addressed in the preparation and review of the VPA.
- A letter of offer from the Developer was reported to the Council meeting on 25 May 2021 where Council resolved to accept the terms contained in the letter of offer subject to the Court granting approval to the development and the subsequent endorsement of a VPA.
- The subject application (DA/717/2018) was approved by the Land & Environment Court on 11 June 2021.
- In accordance with Section 7.5(1) of the Environmental Planning and Assessment Act 1979, the draft VPA was placed on public exhibition for 28 days from 15 August to 11 September 2022.
- A submission was received in response to the public exhibition.
- This report advises Council of the outcome of the public exhibition prior to Council entering into the VPA and recommends that Council enter into the deed with the Developer.

Recommendation

That Council:

- a) agree to enter into the Voluntary Planning Agreement in **Attachment 1** pursuant to Section 7.5 of the Environmental Planning and Assessment Act 1979; and
- b) authorise the General Manager to make minor drafting changes to the draft Voluntary Planning Agreement as required, prior to its execution.

Attachment/s:

1.  Voluntary Planning Agreement -18-26 Ascot Street, Kensington - DA/717/2018
2.  Explanatory Note - 18-26 Ascot Street, Kensington - DA/717/2018

Purpose

This report provides the outcome of the public exhibition of the draft Voluntary Planning Agreement (VPA) for the approved 9 storey boarding house development containing 149 rooms (including 1 manager's residence) over 1 level of basement parking containing 4 car spaces, 31 motorcycle spaces and 24 bicycle spaces, associated indoor and outdoor communal open spaces, business identification signage, landscaping and site works at Nos. 18-26 Ascot Street, Kensington, pursuant to Section 7.5(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Background

Community Infrastructure Plan

Council's Community Infrastructure Plan (CIC) for the Kensington and Kingsford town centres provides for infrastructure, public domain and physical facilities that support the growth and function of the town centres and benefit the existing and new population as well as the wider Randwick population. The total value of the infrastructure that would be provided for in the two town centres is approximately \$37 million.

The K2K strategy and its amending LEP was designed to allow additional height and density in the town centres and to capture that additional value through the CIC plan. The additional height and density were distributed across the town centres with the predominant height being 9 storeys and up to 18 storeys on the three key intersections. The CIC plan was a fundamental component of the overall strategy in that it allowed significant public benefits from the additional density.

The mechanism for delivery the Community Infrastructure items listed in the CIC Plan is through a VPA. The contributions would be made towards the construction of a portion of Ascot Street Green Grid Links, footpath and undergrounding of Ascot Street overhead powerline directly adjacent to the subject site.

Affordable Housing

The Kensington and Kingsford Town Centres affordable housing plan aims to ensure that lower income households continue to live and work locally within Randwick LGA, to facilitate a socially diverse and inclusive community; and to support the economic functions of the Randwick Education and Health Strategic Centre.

The Affordable Housing Contribution rate is to be indexed twice a year, being the first day of January and July, with reference to the most recently published median strata dwelling price in Randwick City LGA, as detailed in the NSW Government Rent and Sales Report, Table: Sales Price – Greater Metropolitan Region – Strata.

Discussion

Background

A letter of offer provided by the Developer was reported to the Ordinary Council meeting on 25 May 2021, at which Council made the following resolution:

(Matson/Da Rocha) that Council agrees to the terms contained in the attached letter of offer subject to;

- a) *the Commissioner consenting to the appeal; and*
- b) *the subsequent endorsement of a Voluntary Planning Agreement.*

On 11 June 2021, the Court granted development consent for the development at Nos. 18-26 Ascot Street, Kensington. In particular, the approved development incorporates the following components that would result in positive contribution to the public benefits of the community and the long term vitality of Kensington town centre:

- Provision of Green Grid links along Ascot Street frontage directly adjacent to the subject site.
- Provision of footpath and associated works along Ascot Street frontage.

- Provision of undergrounding of Ascot Street overhead powerline directly adjacent to the subject site.

The draft VPA contains the monetary contributions for both community infrastructure and affordable housing as required under Randwick Local Environmental Plan 2012. The monetary contribution amount of \$593,750 (being 1,250sqm of floor space payable at a rate of \$475/sqm) for the community infrastructures would be provided through works-in-kind and by monetary contributions. In relation to the affordable housing levy, the monetary contribution will be approximately \$1.6 million (subject to indexation).

The draft VPA also includes the monetary contributions under Council's Section 7.12 Contributions Plan to the value of \$601,352.55.

The total value of the contributions including the estimated affordable housing levy for the approved development is approximately \$2.8 million.

Public Exhibition

Section 7.5(1) of the EP&A Act requires that a planning agreement cannot be entered into, and a planning agreement cannot be amended or revoked, unless public notice has been given of the proposed agreement, amendment or revocation, and a copy of the proposed agreement, amendment or revocation has been available for inspection by the public for a period of not less than 28 days. Any public submission received must be considered before finalisation of the planning agreement.

The draft Voluntary Planning Agreement and the Explanatory Note for the Voluntary Planning Agreement was publicly notified in the Sydney Morning Herald and on Council's website on Your Say Randwick and Randwick eNews for 28 days, from 15 August to 11 September 2022. During this time the website had:

- 476 visits.
- 155 downloads of the VPA.
- 71 downloads of the Explanatory Note for VPA.

As a result of the public exhibition, one submission was received in relation to the draft VPA. A summary of the submission is provided below:

No.	Issue	Comment
1	Due to new developments in Kensington, public parking is becoming a nuisance. Council should work with the developer to make sure that there should be ample spaces available for the residents in the newly developed block e.g. 1 space per bedroom PLUS an additional space for parking for visitors. None of the residents should be using public parking on street for their own benefit, which should be reserved for residents living around Kensington who would like to visit the shops on Anzac Parade or the Park nearby.	<p>The approved development relates to a student accommodation and provides a total of 4 car spaces within the development (i.e. 1 space for service and delivery, 1 car share space, 1 manager/staff space and 1 accessible space), which complies with the development control under Part 21 of the K2K DCP.</p> <p>It should be also noted that proposal provides 31 motorcycle spaces and 34 bicycle spaces, which exceeds the requirements of the K2K DCP.</p>

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:

Service area	Development Assessment
Function	Assessment of Development Applications
Delivery program commitment	Assess and determine Development Applications, Modification Applications and Review Applications under the Environmental Planning and Assessment Act 1979

Resourcing Strategy implications

N/A

Policy and legislative requirements

The draft Voluntary Planning Agreement has been prepared and publicly notified in accordance with the EP&A Act and meets the principles and procedures of the Local Government Act and Council's Planning Agreement Policy.

Conclusion

The draft VPA was publicly notified in accordance with Section 7.5(1) of the EP&A Act. As a result of the public exhibition, a submission was received in relation to the draft VPA.

The draft VPA has been prepared, duly processed and publicly notified in accordance with the EP&A Act and meets the principles and procedures of the Local Government Act and Council's Planning Agreement Policy. Accordingly, the draft VPA may now be executed and entered into between the Developer and Council.

Responsible officer: Frank Ko, Manager Development Assessment

File Reference: DA/717/2018

Planning Agreement
18 – 26 Ascot Street, Kensington
(DA/717/2018)

Randwick City Council (ABN 77 362 844 121) (**Council**)

Perpetual Trustee Company Limited (ACN 000 001 007) (**Developer**)

Prepared by:

Marsdens Law Group

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Planning Agreement

18 – 26 Ascot Street, Kensington (DA/717/2018)

Parties

Council	Name	Randwick City Council
	Address	30 Frances Street Randwick NSW 2031
	ABN	77 362 844 121
Developer	Name	Perpetual Trustee Company Limited
	Address	Level 18 123 Pitt Street Sydney NSW 2000
	ACN	000 001 007

Background

- A** The Developer owns the Land.
- B** The Developer wishes to carry out the Development.
- C** The Developer has applied for the Development Consent.
- D** The Developer has agreed to make the Development Contributions on and subject to the terms of this document.

Operative Provisions

1 Agreement

The agreement of the parties is set out in the Operative Provisions of this document, in consideration of, among other things, the mutual promises contained in this document.

2 Definitions and interpretation

2.1 Defined Terms

In this document, words beginning with a capital letter that are defined in Part 1 of **Schedule 2** have the meaning ascribed to them in that schedule.

2.2 Interpretation

The interpretational rules contained in Part 2 of **Schedule 2** apply in the interpretation of this document.

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3 Application and operation of document

3.1 Planning Agreement

This document is a planning agreement:

- (1) within the meaning set out in s7.4 of the Act; and
- (2) governed by Subdivision 2 of Part 7 of the Act.

3.2 Application

This document is made in respect of the Development and applies to both the Land and the Development.

3.3 Operation

This document operates from the last to occur of the following:

- (1) the Development Consent being granted; and
- (2) the date that this document is executed by both parties.

4 Application of s7.11 and s7.12

4.1 Application

This document excludes the application of section 7.11 or section 7.12 of the Act to the Development.

4.2 Section 7.24

This document does not exclude the application of s7.24 of the Act to the Development.

5 Provision of Contributions

5.1 Contributions

The Developer must make the Contributions in the manner and at the times set out in **Schedule 3** of this Agreement.

5.2 Works

The Developer, at its cost, must:

- (1) obtain development consent, and any other form of consent required by a relevant Authority, for the construction and use of the Works;
- (2) carry out and complete the Works to the satisfaction of the Council by the time specified in **Schedule 4**; and
- (3) carry out and complete the Works:
 - (a) in accordance with the specifications (if any) referred to in **Schedule 4** for the relevant item of Work or the design and specifications agreed or determined to apply to an item of Work under clause 5.3;
 - (b) in accordance with any relevant development consent;

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- (c) in accordance with the requirements of, or consents issued by, any Authority;
- (d) ensuring that:
 - (i) all necessary measures are taken to protect people, property, and the environment;
 - (ii) unnecessary interference with the passage of people and vehicles is avoided;
 - (iii) nuisances and unreasonable noise and disturbances are prevented; and
 - (iv) all relevant laws and regulations with respect to water, air, noise and land pollution (including 'pollution incidents') as defined under the *Protection of the Environment Operations Act 1997* (NSW),
- (e) in accordance with any Australian Standards applicable to works of the same nature as each aspect of the Works; and
- (f) in a proper and workmanlike manner complying with current industry practice and standards relating to each aspect of the Works.

5.3 Design and specification of Works

- (1) This clause 5.3:
 - (a) applies to an item of Works if column 3 of **Schedule 4** indicates its application to that item of Works; and
 - (b) is subject to clause 5.8.
- (2) The Developer must:
 - (a) consult with Council with respect to the development of the detailed design and specification of the item of Works; and
 - (b) ensure that the relevant design is consistent with, and has regard to, any relevant policies of Council as identified in the Development Consent.
- (3) Before commencing construction of an item of Work, the Developer must submit to Council:
 - (a) for its approval, the detailed design and specification for that item of Work; and
 - (b) a report from a suitable qualified and experienced quantity surveyor which estimates the cost to complete the relevant item of Work in accordance with the detailed design.
- (4) The design and specification for the item of Work must be prepared by the Developer having specific regard to:
 - (a) the specification for that Work set out in column 2 of **Schedule 4**; and
 - (b) the Contribution Value of the relevant item of Work.
- (5) Within thirty (30) days of the date of the first submission referred to in paragraph (4), Council must either:

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- (a) Notify the Developer in writing of its approval of the design and specification. The Developer is then to carry out and complete the item of Work in accordance with that design and specification; or
 - (b) Notify the Developer in writing that it does not approve of the design and specification and provide the Developer with reasons for this.
 - (c) If Council notifies the Developer in writing that it does not approve of the design and specification, the Developer may:
 - (i) elect to amend the design and specification and submit to Council the amended design and specification in which case the approval process set out in this clause 5.3 applies to that amendment, save for the fact that Council must consider an amended design within ten (10) days of the date of submission; or
 - (ii) if the Developer does not agree with the modifications requested by Council, then it may refer the relevant matter for dispute resolution in accordance with this document.
 - (6) If Council fails to notify the Developer in writing that it approves or does not approve of the design and specification within the time required under paragraph (5), then Council is deemed to have accepted the relevant design.

5.4 Contribution Value

If the Developer's actual cost of carrying out the Works, including any costs incurred pursuant to this document, determined at the date on which the Works are Completed, differs from the Contribution Value, then subject to the Works having been sufficiently completed in accordance with this document, neither party will be entitled to claim credit or reimbursement, as the case may be, for the difference. The Developer is not required to disclose to Council the actual cost of carrying out the Work.

5.5 Access to the Land and location of Works

- (1) The Developer must permit the Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving 5 business days notice, in order to inspect, examine or test any of the Works.
- (2) Council must give the Developer prior reasonable notice before it enters the Land and ensure that the Council and its employees comply with all reasonable directions of the Developer and all site construction requirements including without limitation all workplace health and safety requirements and reporting to a site office or site superintendent.

5.6 Section 7.12 Monetary Contribution

- (1) The Developer must pay the Section 7.12 Monetary Contribution to Council in accordance with **Schedules 3**.
- (2) The Section 7.12 Monetary Contribution is made for the purposes of this document when Council receives the full amount of the contribution payable under this document in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council.

5.7 Affordable Housing Levy Contribution

- (1) The Developer must pay the Affordable Housing Levy Contribution to Council under **Schedules 3**, in accordance with the conditions of any Development Consent.

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- (2) The Affordable Housing Levy Contribution is made for the purposes of this document when Council receives:
 - (a) the full amount of the contribution payable under this document in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council; or
 - (b) payment in accordance with condition 107 of the Development Consent.

5.8 Payment of Community Infrastructure Contribution in lieu of carrying out the Works

- (1) If it becomes apparent during the design process for any item of the Community Infrastructure Contributions that:
 - (a) the relevant item of the Works are not feasible or cannot be conducted at a reasonable cost by the Developer; or
 - (b) if Council require a superior standard of works beyond what is proposed by the Owner,

then the Developer may at its sole discretion elect to pay the Contribution Value for the relevant item of the Works in lieu of carrying out that item (and for the purpose of clarity the relevant item of the Works is no longer required to be provided as a work).
- (2) If the Developer elects to pay the Contribution Value in accordance with clause 5.8(1), Council will use the money paid as the Contribution Value for the delivery of community infrastructure on the same land as the land on which the works the subject of the Community Infrastructure Contributions were to be carried out. However, for the purpose of clarity, Council has an absolute discretion as to which parts of that land on which it undertakes those works and is not obliged to carry out works on all of that land.
- (3) An election pursuant to paragraph (1) must be advised to Council in writing as soon as practicable.

6 Completion of Works

6.1 Completion

For the purpose of this document an item of Work is Completed when:

- (1) the Works have been accepted as, or deemed to have been, Completed in accordance with this clause 6; and
- (2) any other obligation with respect to the relevant item of Work which must be discharged prior to the Completion of that Work in accordance with this document has been discharged.

6.2 Issue of Completion Notice

If the Developer considers that any particular item of the Works is complete it must serve a notice on Council which:

- (1) is in writing;
- (2) identifies the particular item of the Works to which it relates; and
- (3) specifies the date on which the Developer believes the relevant item of the Works was completed,

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(Completion Notice).

6.3 Inspection by Council

- (1) Council must inspect the Works set out in a Completion Notice within ten (10) business days of the receipt of that notice.
- (2) If Council fails to carry out an inspection required under paragraph (1) the Works referred to in the relevant Completion Notice will be deemed to be Complete and acceptable to Council.

6.4 Rectification Notice

- (1) Within five (5) business days of inspecting the Works set out in a Completion Notice Council must provide notice in writing (**Rectification Notice**) to the Developer that the Works set out in the Completion Notice:
 - (a) have been Completed; or
 - (b) have not been Completed, in which case the notice must also detail:
 - (i) those aspects of the Works which have not been Completed; and
 - (ii) the work Council requires the Developer to carry out in order to rectify the deficiencies in those Works.
- (2) If Council does not provide the Developer with a Rectification Notice in accordance with paragraph (1), the Works set out in the Completion Notice will be deemed to have been Completed and acceptable to Council.
- (3) Where Council serves a Rectification Notice on the Developer, the Developer must:
 - (a) rectify the Works in accordance with that notice within a reasonable period of time which must be no less than twenty one (21) Business Days; or
 - (b) serve a notice on the Council that it disputes the matters set out in the notice.
- (4) Where the Developer:
 - (a) serves notice on Council in accordance with paragraph (3)(b), the dispute resolution provisions of this document apply; or
 - (b) rectifies the Works in accordance with paragraph (3)(a), it must serve upon the Council a new Completion Notice for the Works it has rectified.

6.5 Works-As-Executed-Plan

Prior to Completion of an item of Work the Developer must provide to Council a full works-as-executed-plan in respect of the item of Work.

7 Defects Liability

7.1 Defects Notice

- (1) Where any part of the Works has been Completed but those Works contain a material defect which:
 - (a) adversely affects the ordinary use and/or enjoyment of the relevant Works; or

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- (b) will require maintenance or rectification works to be performed on them at some time in the future as a result of the existence of the defect;

(**Defect**) Council may issue a defects notice (**Defects Notice**) concerning those Works but only within the Defects Liability Period.

- (2) A Defects Notice must contain the following information:
 - (a) the nature and extent of the Defect;
 - (b) the work Council requires the Developer to carry out in order to rectify the Defect; and
 - (c) the time within which the Defect must be rectified (which must be a reasonable time and not less than fifteen (15) business days).

7.2 Developer to Rectify Defects

- (1) The Developer must rectify the Defects contained within a Defects Notice as soon as practicable after receipt of the Defects Notice.
- (2) The Developer must follow the procedure set out in clause 6 in respect of the satisfaction of the Defects Notice.

7.3 Access by Developer

- (1) The Council will permit the Developer its agents and contractors, to enter, occupy and use so much of the Land that is subject to the Lease (**Premises**) as is necessary for the purpose of allowing the Developer to rectify any Defect in accordance with this clause 7.
- (2) The Developer must:
 - (a) give prior reasonable notice before it enters the Premises;
 - (b) ensure that the Developer and its employees comply with all reasonable directions of Council in relation to that access; and
 - (c) cause as little disruption to the use and enjoyment of the Premises as possible.

7.4 Right of Council to Step-In

Council, at its absolute discretion, may enter upon the Land for the purpose of satisfying the Defects Notice where the Developer has failed to comply with a Defects Notice but only after giving the Developer five (5) business days written notice of its intention to do so.

7.5 Consequence of Step-In

If Council elects to exercise the step-in rights granted to it under clause 7.4 then:

- (1) Council may:
 - (a) enter upon any part of the Land that it requires access to in order to satisfy the obligations of the Developer in accordance with the Defects Notice; and
 - (b) rectify the relevant Defects in accordance with the Defects Notice; and
- (2) the Developer must not impede or interfere with Council in undertaking that work.

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7.6 Costs of Council

Where Council exercises its step-in rights, it may call upon the Defects Security provided by the Developer pursuant to clause 10 and recover as a debt due in a court of competent jurisdiction any difference between the amount of the Defects Security and the costs incurred by the Council in rectifying the Defects.

8 Variation of scope or timing for provision of Works

8.1 Variation to the scope of an item of Work

- (1) The Developer may request that Council approve in writing a variation to the scope any item of Work.
- (2) The scope of an item of Work is not to be varied unless Council and the Developer agree in writing to the variation.
- (3) Council may refuse to agree to a variation of an item of Work at its absolute discretion.

8.2 Deferral of the timing of Completion of an item of the Works

- (1) Notwithstanding any other provision of this document, if the Developer forms the view at any time, that:
 - (a) it is unable to Complete any item of the Works by the time specified in **Schedule 3**; or
 - (b) it believes that there is a risk of damage to any item of the Works if they are delivered by the time required in **Schedule 3**,

(Deferred Works), then the Developer may seek Council's approval to defer the Completion of the relevant item of the Works by providing written notice to the Council:

 - (c) identifying the relevant item of Work that the Developer proposes to defer;
 - (d) specifying the reason for the request to defer the Completion of that item of the Works; and
 - (e) identifying the anticipated time for Completion of the relevant item of Work.
- (2) The Council, acting reasonably, must give the Developer a written notice within five (5) business days of the date upon which the Developer serves written notice upon Council in accordance with paragraph (1) stating:
 - (a) whether or not it consents to the deferral of the Deferred Works;
 - (b) the revised date for Completion required by Council; and
 - (c) any reasonable conditions Council requires with respect to the deferral.
- (3) The Developer acknowledges and agrees that:
 - (a) with respect to paragraph (2)(b), Council may require the relevant item of the Works to be completed before the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate with respect to the Development; or
 - (b) Council may require additional Security on account of that deferral provided that the amount of any such security held by Council as a result does not exceed

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one hundred and ten per cent (110%) of the then estimated cost to complete the relevant item of the Works.

- (4) If the Council consents to the deferral of the Deferred Works, then the following applies:
 - (a) The Developer must comply with any conditions required by Council under paragraph (2)(c) above.
 - (b) Provided the Developer satisfies those conditions, the Developer will not be considered to be in breach of this document as a result of a failure to achieve Completion of the relevant Deferred Works by the time for Completion specified in this document.
 - (c) The time for completion of the Deferred Works under this document is the revised date for Completion approved by Council.

9 Developer Warranties and Indemnities

9.1 Warranties

The Developer warrants to Council that:

- (1) it is legally and beneficially entitled to the Land;
- (2) it is able to fully comply with its obligations under this document;
- (3) it has full capacity to enter into this document; and
- (4) there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

9.2 Indemnity

The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Works until such time as a Completion Notice is issued for that item of Work but only to the extent that any such Claim does not arise as a result of the negligent acts or omissions of Council.

9.3 Limitation of Liability

- (1) The Developer relies upon and Council accepts the limitation of liability as outlined in **Annexure 2**.
- (2) The provisions of **Annexure 2** only apply during any period where the Developer is the owner of the Land in its capacity as Trustee of the Trust referred to in **Annexure 2**.

10 Security

10.1 Provision of Security

- (1) Subject to paragraph (2), the Developer must deliver to Council separate Bank Guarantees or other forms of security to the satisfaction of the Council:
 - (a) prior to the issue of a Construction Certificate for an item of Works, for an amount equivalent to one hundred and ten per cent (110%) of the Contribution Value for that item of Work (**Works Securities**); and
 - (b) prior to the Completion of an item of Work, for an amount equivalent to ten per cent (10%) of the Contribution Value of that item of Work (**Defects Security**),

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(collectively referred to as the **Security**).

- (2) The Developer may satisfy its obligations under paragraph (1) (either in whole or in part), by directing Council to retain any Security held by Council which is required to be released by Council under this document.
- (3) If the parties have agreed that the Developer is to pay Council a monetary contribution in lieu of carrying out any item of Work then no Security will be payable for that item of Work.

10.2 Replacement of Security

- (1) The Developer may replace any Security provided by it at any time, provided that the amount of that replacement is not less than that which is required to be provided under this document.
- (2) On receipt of a replacement Security, Council must immediately release the Security being replaced and return it to the Developer.

10.3 Council may call on Security

- (1) If the Developer commits a material or substantial breach of this document (including if the Developer becomes subject to an Insolvency Event) and has failed to rectify the breach within a reasonable period of time after having been given no less than five (5) Business Days notice Council, without limiting any other remedies available to it, may call on any Security provided by the Developer.
- (2) If Council calls on any Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the breach in paragraph (1).

10.4 Release of Works Securities

Council must release and return the Works Securities with respect to an item of Work, or any unused part of it, to the Developer no later than the last to occur of:

- (1) ten (10) business days after the date of Completion of an item of Work; and
- (2) receipt of the Defects Security for the item of Work to which the Works Securities relates.

10.5 Release of Defects Security

Council must release and return the Defects Security or any unused part of it to the Developer no later than ten (10) business days after the last to occur of:

- (1) if no Defects Notice has been issued, the end of the Defects Liability Period; or
- (2) if one or more Defects Notices have been issued, the date that all Defects have been rectified to the reasonable satisfaction of the Council in accordance with this document.

10.6 Council may withhold Subdivision Certificate

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for a Subdivision Certificate in respect of the Development if, at the date of the application, the Developer is not in breach of an obligation to make a Contribution under this document that is required to be made before that Subdivision Certificate can be issued.
- (2) Council may withhold the issue of any such Subdivision Certificate if until such time as:
 - (a) the breach is rectified; or

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- (b) Council calls upon the Security provided by the Developer in respect of the Contribution to which the breach relates.

10.7 Council may withhold Construction Certificate

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for a Construction Certificate in respect of the Development if, at the date of the application, the Developer is not in breach of an obligation to make a Contribution under this document that is required to be made before that Construction Certificate can be issued.
- (2) Council may withhold the issue of any such Construction Certificate if until such time as the breach is rectified.

10.8 Council may withhold Occupation Certificate

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for an Occupation Certificate in respect of the Development if, at the date of the application, the Developer is not in breach of an obligation to make a Contribution under this document that is required to be made before that Occupation Certificate can be issued.
- (2) Any such Occupation Certificate must not be issued until such time as:
 - (a) the breach is rectified; or
 - (b) Council calls upon the Security provided by the Developer in respect of the Contribution to which the breach relates.

11 Registration of this document

11.1 Registration of this document

The Developer acknowledges and agrees that:

- (1) this document must be registered on the title to the Land pursuant to section 7.6 of the Act; and
- (2) subject to clause 11.2, Council will undertake that registration at the cost of the Developer.

11.2 Obligations of Developer

- (1) The Developer, at its own expense, will promptly after this document comes into operation, take all practical steps, and otherwise do anything that the Council reasonably requires, to procure:
 - (a) the consent of each person who:
 - (i) has an estate or interest in the Land; or
 - (ii) is seized or possessed of an estate or interest in the Land;
 - (b) the execution of any documents; and
 - (c) the production of the relevant duplicate certificates of title,
 - to enable the registration of this document in accordance with clause 11.1.

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- (2) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:
 - (a) to allow the lodgement of this document with the Registrar-General as soon as reasonably practicable after this document comes into operation but in any event, no later than sixty (60) business days after that date; and
 - (b) to allow the registration of this document by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this document is lodged for registration.

11.3 Discharge from the Register

The Council will provide a release and discharge of this document so that it may be removed from the folios of the Register for the Land (or any part of it) when:

- (1) the obligations under this document have been satisfied; or
- (2) if this document is terminated or rescinded.

12 Assignment

12.1 Application

This clause 12 only applies during any period when this document is not registered on the title of the Land.

12.2 Restriction on Assignment

Other than in accordance with this clause 12 the Developer may not:

- (1) Assign any part of the Land; and/or
- (2) Assign their rights or obligations under this document.

12.3 Procedure for Assignment

- (1) If the Developer:
 - (a) wishes to Assign any part of the Land; and/or
 - (b) wishes to Assign its rights or obligations under this document,
 then the Developer must:
 - (c) provide a written request to Council for the consent of Council to the relevant Assignment;
 - (d) provide Council with any evidence required by Council, acting reasonably, to satisfy Council that the third party in whose favour the Assignment is to be made (**Assignee**) is reasonably capable of performing the obligations under this document that are to be Assigned to it; and
 - (e) obtain written consent of Council to the relevant Assignment; and
 - (f) at no cost to Council, procure:
 - (i) the execution by the Assignee of an appropriate deed where the Assignee agrees to be bound by the terms of this document; and

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- (ii) the provision of all Security to Council by the Assignee that the Developer is required to provide under this document (and any additional securities if required by Council acting reasonably) at the same time as, or prior to, entering into that deed.

13 Dispute Resolution

13.1 Notice of dispute

- (1) If a dispute or lack of certainty between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:
 - (a) is in writing;
 - (b) adequately identifies and provides details of the Dispute;
 - (c) stipulates what the First Party believes will resolve the Dispute; and
 - (d) designates its representative (**Representative**) to negotiate the Dispute.
- (2) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person to negotiate the Dispute (the representatives designated by the parties being together, the **Representatives**).

13.2 Conduct pending resolution

The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

13.3 Further steps required before proceedings

Subject to clauses 13.14 and 13.15 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 13.5 or determination by an expert under clause 13.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 13.1(2) is served.

13.4 Disputes for mediation or expert determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 13.5 or expert resolution under clause 13.6.

13.5 Disputes for mediation

- (1) If the parties agree in accordance with clause 13.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (2) If the mediation referred to in paragraph (1) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 13.6.

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13.6 Choice of expert

- (1) If the Dispute is to be determined by expert determination, this clause 13.6 applies.
- (2) The Dispute must be determined by an independent expert in the relevant field:
 - (a) agreed between and appointed jointly by the parties; or
 - (b) in the absence of document within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- (3) If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- (4) The expert appointed to determine a Dispute:
 - (a) must have a technical understanding of the issues in dispute;
 - (b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - (c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- (5) The parties must promptly enter into an document with the expert appointed under this clause 13.6 setting out the terms of the expert's determination and the fees payable to the expert.

13.7 Directions to expert

- (1) In reaching a determination in respect of a dispute under clause 13.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.
- (2) The expert must:
 - (a) act as an expert and not as an arbitrator;
 - (b) proceed in any manner as the expert thinks fit without being bound to observe the rules of natural justice or the rules of evidence;
 - (c) not accept verbal submissions unless both parties are present;
 - (d) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
 - (e) take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - (f) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);

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- (g) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
 - (h) issue a final certificate stating the expert's determination (together with written reasons); and
 - (i) act with expedition with a view to issuing the final certificate as soon as practicable.
- (3) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
- (a) a short statement of facts;
 - (b) a description of the Dispute; and
 - (c) any other documents, records or information which the expert requests.

13.8 Expert may commission reports

- (1) Subject to paragraph (2):
 - (a) the expert may commission the expert's own advisers or consultants (including lawyers, accountants, bankers, engineers, surveyors or other technical consultants) to provide information to assist the expert in making a determination; and
 - (b) the parties must indemnify the expert for the cost of those advisers or consultants in accordance with clause 13.6(5) of this deed.
- (2) The parties must approve the costs of those advisers or consultants in writing prior to the expert engaging those advisers or consultants.

13.9 Expert may convene meetings

- (1) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (2) The parties agree that a meeting under paragraph (1) is not a hearing and is not an arbitration.

13.10 Other courses of action

If:

- (1) the parties cannot agree in accordance with clause 13.4 to refer the matter to mediation or determination by an expert; or
- (2) the mediation referred to in clause 13.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation,

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

13.11 Confidentiality of information provided in dispute resolution process

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- (1) The parties agree, and must procure that the mediator and the expert agree as a condition of his or her appointment:
- (a) subject to paragraph (2), to keep confidential all documents, information and other material disclosed to them during or in relation to the mediation or expert determination;
 - (b) not to disclose any confidential documents, information and other material except:
 - (i) to a party or adviser or consultant who has signed a confidentiality undertaking; or
 - (ii) if required by Law or any Authority to do so; and
 - (c) not to use confidential documents, information or other material disclosed to them during or in relation to the mediation or expert determination for a purpose other than the mediation or expert determination.
- (2) The parties must keep confidential and must not disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:
- (a) views expressed or proposals or suggestions made by a party or the mediator or the expert during the expert determination or mediation relating to a possible settlement of the Dispute;
 - (b) admissions or concessions made by a party during the mediation or expert determination in relation to the Dispute; and
 - (c) information, documents or other material concerning the dispute which are disclosed by a party during the mediation or expert determination unless such information, documents or facts would be discoverable in judicial or arbitral proceedings.

13.12 Final determination of expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

13.13 Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

13.14 Remedies available under the Act

This clause 13 does not operate to limit the availability of any remedies available to Council under the Act.

13.15 Urgent relief

This clause 13 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

14 Termination, Rescission or Determination**14.1 Termination**

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This document terminates in the following events:

- (1) The parties agree in writing to terminate the operation of this document at any time.
- (2) The Development Consent lapses.

14.2 Consequence of termination

Upon termination of this document:

- (1) all future rights and obligations of the parties are discharged; and
- (2) all pre-existing rights and obligations of the parties continue to subsist.

14.3 Determination

This document will determine upon the Developer satisfying all of the obligations imposed on it in full.

15 Position of Council

15.1 Consent authority

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

15.2 Document does not fetter discretion

This document is not intended to operate to fetter, in any unlawful manner:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion,
(Discretion).

15.3 Severance of provisions

- (1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 15 is substantially satisfied; and
 - (b) in the event that paragraph (1)(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
 - (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

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15.4 No Obligations

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.

16 Confidentiality

16.1 Document not Confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

16.2 Other Confidential Information

- (1) The parties acknowledge that:
 - (a) Confidential Information may have been supplied to some or all of the parties in the negotiations leading up to the making of this document; and
 - (b) The parties may disclose to each other further Confidential Information in connection with the subject matter of this document.
 - (c) Subject to paragraphs (2) and (3), each party agrees:
 - (i) not to disclose any Confidential document received before or after the making of this document to any person without the prior written consent of the party who supplied the Confidential Information; or
 - (ii) to take all reasonable steps to ensure all Confidential Information received before or after the making of this document is kept confidential and protected against unauthorised use and access.
- (2) A party may disclose Confidential Information in the following circumstances:
 - (a) in order to comply with the Law, or the requirements of any Authority; or
 - (b) to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.
- (3) The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

17 GST

17.1 Defined GST Terms

Defined terms used in this clause 17 have the meaning ascribed to them in the GST Law.

17.2 GST to be Added to Amounts Payable

- (1) If GST is payable on a Taxable Supply made under, by reference to or in connection with this document, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- (2) This clause does not apply to the extent that the Consideration for the Taxable Supply is expressly agreed to be GST inclusive.

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- (3) Unless otherwise expressly stated, prices or other sums payable or Consideration to be provided under or in accordance with this document are exclusive of GST.

17.3 GST Obligations to Survive Termination

This clause 17 will continue to apply after expiration of termination of this document.

18 General

18.1 Obligation to act in good faith

The parties must at all times:

- (1) cooperate and use their best endeavours to profitably and professionally give effect to their rights and obligations set out in this document;
- (2) not unreasonably delay any action, approval, direction, determination or decision which is required of them;
- (3) make approvals or decisions that are required of them in good faith and in a manner consistent with the completion of the transactions set out in this document; and
- (4) be just and faithful in their activities and dealings with the other parties.

18.2 Legal costs

The Developer agrees to:

- (1) pay or reimburse the reasonable legal costs and disbursements of Council of the negotiation, preparation, execution, and stamping of this document;
- (2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within ten (10) business days of receipt of a Tax Invoice from Council; and
- (3) pay or reimburse the legal costs and disbursements of Council arising from the ongoing administration and enforcement of this document including any breach or default by the Developer of its obligations under this document.

19 Administrative provisions

19.1 Notices

- (1) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
 - (a) delivered to that person's address;
 - (b) sent by pre-paid mail to that person's address; or
 - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
 - (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - (b) if sent by pre-paid mail, on the third Business Day after posting; and

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- (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

19.2 Entire Document

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

19.3 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

19.4 Cooperation

Each party must sign, execute and deliver all agreements, documents, instruments and act reasonably and effectively to carry out and give full effect to this document and the rights and obligations of the parties under it.

19.5 Counterparts

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

19.6 Amendment

This document may only be amended or supplemented in writing signed by the parties.

19.7 Unenforceability

Any provision of this document which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this document or affecting the validity or enforceability of that provision in any other jurisdiction.

19.8 Power of Attorney

Each attorney who executes this document on behalf of a party declares that the attorney has no notice of:

- (1) the revocation or suspension of the power of attorney by the grantor; or
- (2) the death of the grantor.

19.9 Governing law

The law in force in the State of New South Wales governs this document. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and

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- (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.
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Schedule 1– Requirements under s7.4

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
Planning instrument and/or development application – (Section 7.4(1)) The Developer has: (a) sought a change to an environmental planning instrument. (b) made, or proposes to make, a Development Application. (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) No (b) Yes (c) Not applicable
Description of land to which this agreement applies – (Section 7.4(3)(a))	1) Lot 1 DP166466, 2) Lot C DP178926, 3) Lot B DP178926, 4) Lot A DP178926. 5) Lot 2 DP319141 6) Lot 6 DP15942
Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))	Not applicable
Application of section 7.11 of the Act – (Section 7.4(3)(d))	Does not apply
Applicability of section 7.12 of the Act – (Section 7.4(3)(d))	Does not apply
Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))	See clause 4.
Mechanism for Dispute resolution – (Section 7.4(3)(f))	See clause 13.
Enforcement of this agreement (Section 7.4(3)(g))	See clause 10.
No obligation to grant consent or exercise functions – (Section 7.4(3)(9))	See clause 15.

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Schedule 2 – Defined Terms and Interpretation

Part 1 – Definitions

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
Affordable Housing Levy Contributions	means the Contribution identified as such in Schedule 3 .
Assign	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.
Authority	means (as appropriate) any: <ol style="list-style-type: none"> (1) federal, state or local government; (2) department of any federal, state or local government; (3) any court or administrative tribunal; or (4) statutory corporation or regulatory body.
Bank Guarantee	means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks: <ol style="list-style-type: none"> (1) Australia and New Zealand Banking Group Limited. (2) Commonwealth Bank of Australia. (3) Macquarie Bank. (4) National Australia Bank Limited. (5) St George Bank Limited. (6) Westpac Banking Corporation. (7) Any other financial institution approved by the Council, in its absolute discretion, in response to a request from the Developer.
Claim	against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
Completed	means completed in accordance with the requirements of this document.
Completion Notice	has the meaning ascribed in clause 6.2.
Community Infrastructure Contributions	means the Works specified as such in Schedules 3 and 4 .

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Confidential Information	<p>means any information and all other knowledge at any time disclosed (whether in writing and orally) by the parties to each other, or acquired by the parties in relation to the other's activities or services which is not already in the public domain and which:</p> <ol style="list-style-type: none"> (1) is by its nature confidential; (2) is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise); (3) any party knows or ought to know is confidential; (4) is information which may be reasonably considered to be of a confidential nature.
Construction Certificate	has the same meaning as in section 6.4(d) of the Act.
Contributions	means the Works, the Monetary Contributions (including the Affordable Housing Levy Contribution and Section 7.12 Monetary Contribution).
Contribution Value	means the amount specified in Schedules 3 in the column headed "contribution value" for each item of the Contributions.
Defect	has the meaning ascribed to it in clause 7.1.
Defects Notice	has the meaning ascribed to it in clause 7.1.
Defects Liability Period	means with respect to an item of Work, a period of twelve (12) months commencing on the date of Completion of the relevant item of Work.
Defects Security	has the meaning ascribed to it in clause 10.
Development	means the development generally described in development application DA/717/2018 consisting of lot consolidation, demolition of existing structures, and construction of a 9 storey boarding house comprising 152 beds (sleeping a maximum of 176) across 149 rooms (including 1 manager's residence with private open space), basement parking containing 4 car spaces, 31 motorcycle spaces and 34 bicycle spaces, with communal space on the ground floor, signage, landscaping and associated works.
Development Application	means an application for the Development Consent.
Development Consent	means a consent issued under the Act for the Development.
Dispute	has the meaning ascribed to it in clause 13.1.
Encumbrance	<p>means an interest or power:</p> <ol style="list-style-type: none"> (1) reserved in or over an interest in any asset; (2) arising under, or with respect to, a Bio-Banking Agreement; (3) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement,

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covenant, lease, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or

- (4) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.

Encumber means to grant an Encumbrance.

GST Law

means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Insolvency Event

means the happening of any of the following events:

- (1) Application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order or an order is made that a body corporate be wound up.
- (2) An application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order appointing a liquidator or provisional liquidator in respect of a body corporate or one of them is appointed, whether or not under an order.
- (3) Except to reconstruct or amalgamate while solvent, a body corporate enters into, or resolves to enter into, a scheme of arrangement, agreement of company arrangement or composition with, or assignment for the benefit of, all or any class of its creditors, or it proposes a reorganisation, moratorium or other administration involving any of them.
- (4) A body corporate resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention to do so, except to reconstruct or amalgamate while solvent or is otherwise wound up or dissolved.
- (5) A body corporate is or states that it is insolvent.
- (6) As a result of the operation of section 459F(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**), a body corporate is taken to have failed to comply with a statutory demand;
- (7) A body corporate is or makes a statement from which it may be reasonably deduced that the body corporate is, the subject of an event described in section 459C(2)(b) or section 585 of the *Corporations Act*.
- (8) A body corporate takes any step to obtain protection or is granted protection from its creditors, under any applicable legislation or an administrator is appointed to a body corporate.
- (9) A person becomes an insolvent under administration as defined in section 9 of the *Corporations Act* or action is taken which could result in that event.
- (10) A receiver, manager or receiver and manager is appointed to the Company.
- (11) A claim is filed in a court against a person that is not defended, released or otherwise settled within twenty eight (28) days of the date of its filing at the court.

	(12) Anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.
Land	means the "Land" set out in Schedule 1 .
Law	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
Location Plan	means the plan that is attached as Annexure 1 .
Monetary Contributions	means the monetary contributions specified or described in Schedule 3 .
Occupation Certificate	has the same meaning as in section 6.4(c) of the Act.
Planning Legislation	means the Act, the <i>Local Government Act 1993</i> (NSW) and the <i>Roads Act 1993</i> (NSW).
Quantity Surveyor	means a person who: <ol style="list-style-type: none"> (1) is a member of their respective professional organisation and has been for at least five (5) years; (2) practises as a quantity surveyor for works of the same nature as the relevant Works; (3) is active as a quantity surveyor at the time of his appointment; (4) has at least three (3) years experience in valuing works of the same nature as the relevant Works; and (5) undertakes to act fairly and promptly in accordance with the requirements of this document.
Rectification Notice	has the meaning ascribed to it in clause 6.4.
Section 7.12 Monetary Contribution	means the Contribution identified as such in, and calculated in accordance with, Schedule 3 .
Security	means collectively the Work Securities and the Defects Security.
Subdivision Certificate	has the same meaning as in section 6.4(d) of the Act.
Works	means the works specified or described in Schedule 4 .
Works Securities	has the meaning ascribed to it in clause 10.

Part 2 - Interpretational Rules

clauses, annexures and schedules	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
reference to statutes	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
singular includes plural	the singular includes the plural and vice versa.

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Person	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
executors, administrators, successors	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
Dollars	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
calculation of time	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
reference to a day	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
accounting terms	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
reference to a group of persons	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
meaning not limited	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
next day	if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
next Business Day	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
time of day	time is a reference to Sydney time.
Headings	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
Agreement	a reference to any agreement, document or instrument includes the same as varied, supplemented, novated or replaced from time to time.
Gender	a reference to one gender extends and applies to the other and neuter gender.

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Schedule 3 – Contributions

Item	Contributions	Public Purpose	Timing	Contribution Value
Section 7.12 Contributions:				
1	Section 7.12 Monetary Contribution	Public infrastructure in the Kensington and Kingsford community as provided for under the <i>Section 7.12 Development Contributions Plan: Kensington and Kingsford Town Centres</i> adopted by Council on 10 December 2019.	Prior to the issue of the third Construction Certificate in respect of the Development.	\$601,352.55 as indexed in the same manner as the monetary contribution specified in condition 14 of the Development Consent.
Community Infrastructure Contributions (CIC):				
2	Community Infrastructure Monetary Contribution	Improvement of local infrastructure and recreation facilities in accordance with the <i>Kensington Town Centres Community Infrastructure Contributions Plan</i> adopted by Council on 10 December 2019.	Payable prior to the issue of the third Construction Certificate in respect of the Development.	\$462,319.13
3	Construction of Ascot Street footpaths and roads (directly adjacent to subject site) shown as 'Area 1' in the Location Plan.	Improvement of local infrastructure and recreation facilities	Payable prior to the issue of an Occupation Certificate in respect of the Development.	\$131,430.87
Affordable Housing Contribution (AHC):				
5	Affordable Housing Levy Contribution	Provision of affordable housing	Prior to the issue of an Occupation Certificate in respect of the Development.	The amount of the contribution is calculated in accordance with Clause 6.18 of the Randwick Local Environmental Plan 2012, the Kensington and Kingsford Town Centres Affordable Housing Plan adopted by the Council on 10 December 2019

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				and is based on an Affordable Housing Contribution Rate of \$324.38, payable in accordance with the conditions of the Development Consent
	TOTAL CONTRIBUTIONS			\$1,195,102.55 (as indexed where applicable) plus any Affordable Housing Levy Contribution

Schedule 4 – Works

Item of Works	Specification	Application of specification and design approval (clause 5.3)
Construction of a portion of Ascot Street 'Green Grid Links'	<p>All works listed below will be delivered as per the final approved plans and as per Council's standards. The works will include but will not be limited to the following items;</p> <ul style="list-style-type: none"> Provide new trees as nominated, <ul style="list-style-type: none"> 4 x 400L Lagerstromea Indica 36 x 150mm Dianella revoluta 36 x 300mm Westringia 'mundi 36 x 200mm Rosmarinus officinalis Retain and protect existing trees as nominated on approved plans, Provide soft landscaping zones and irrigation Incorporation of environmentally sustainable initiatives in line with the Green Star Design and Build requirements as nominated in K2K DCP. 	Yes
Construction of Ascot Street footpaths and roads (directly adjacent to subject site) as 'Area 1' in the Location Plan.	<p>All works listed below will be delivered as per the final approved plans and as per Council's standards. The works will include but will not be limited to the following items;</p> <ul style="list-style-type: none"> Remove existing pavement finishes and excavate to reduced levels as required, Relocate and reinstate existing utility service infrastructure as required, Supply and install gravel paving type P5 including 100mm DGB road base, 50mm coarse washer river sand to engineers' specifications, Incorporation of environmentally sustainable initiatives in line with the Green Star Design and Build requirements as nominated in K2K DCP. Construction of proposed new cycleway along Ascot Street, Integral kerb and gutter in plain concrete Construction of concrete driveway crossover Provide public domain lighting to 'Area 1'. 	Yes

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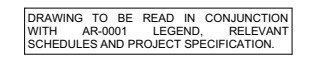
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Undergrounding of Ascot Street overhead powerline zones (directly adjacent to subject site) as 'Area 1' in the Location Plan	<p>All works listed below will be delivered as per the final approved plans and as per Council's standards. The works will include but will not be limited to the following items;</p> <ul style="list-style-type: none">• Underground existing overhead cables fronting Ascot Street directly in front of the subject site.• Undergrounding of HV & LV cables for installation and connection of substation.	Yes
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Annexure 1 – Location Plan

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[illegible]

CLIENT

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ARCHITECT

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SCA CONSULTANT	<input type="checkbox"/>	CUSTOM DEVELOPMENT CERTIFICATIONS T +61 2 7228 7901

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SCAPE ASCOT


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KENSINGTON NSW 2033
AUSTRALIA

DRAWING TITLE
**VPA - PUBLIC DOMAIN
PLAN**

FOR INFORMATION

DATE 13/05/2022	PLOT DATE 13/05/2022	SCALE 1:100 @A1
DRAWN MA	CHECKED MA	

JOB NO.
20262



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Annexure 2 – Limitation of Liability

- (a) Perpetual Trustee Company Limited ACN 000 001 007 (**Trustee**) enters into this document in its capacity as trustee of the Perpetual Trustee Company Ltd ATF Scape Australia (Ascot) Trust (**Trust**) and in no other capacity.
- (b) The parties acknowledge that the Trustee incurs the Trustee Liabilities solely in its capacity as trustee of the Trust and agree that (to the maximum extent permitted by law) the Trustee will cease to have any Trustee Liability if the Trustee ceases for any reason to be trustee of the Trust.
- (c) A Trustee Liability may be enforced against the Trustee only to the extent to which:
- (i) the Trustee is actually indemnified in respect of that Trustee Liability out of the property of the Trust (provided the Trustee has taken necessary steps to enforce its right of indemnity as trustee of the Trust); and
 - (ii) there is sufficient property held by the Trustee as trustee at the time, which is available to meet that indemnity (after all Trust assets have been allocated to meet the indemnity and any other valid claims).
- (d) Subject to clause (e) of this Annexure 4, no person will be entitled to:
- (i) claim from or commence proceedings against the Trustee in respect of any Trustee Liability in any capacity other than as trustee of the Trust;
 - (ii) enforce or seek to enforce any judgment in respect of any Trustee Liability against any property of the Trustee other than property held by the Trustee as trustee of the Trust;
 - (iii) take any steps to procure or support the appointment of a liquidator, administrator or any other similar office holder to the Trustee on the basis of a Trustee Liability, or prove in any liquidation, administration or arrangement of or affecting the Trustee; or
 - (iv) in respect of a Trustee Liability, appoint or take any steps to procure or support the appointment of a receiver or receiver and manager to any property of the Trustee, other than property which is held by it in its capacity as trustee of the Trust.
- (e) The restrictions in clauses (c) and (d) of this Annexure 4 do not apply to any Trustee Liability to the extent to which there is, whether under the deed or constitution of the Trust or by operation of law, a reduction in the extent of the Trustee's indemnification, or in respect of which the Trustee is not entitled to be indemnified, out of the property of the Trust, as a result of the Trustee's fraud, negligence or breach of trust.
- (f) Each other party to this document agrees that no act or omission of the Trustee (including any related failure to satisfy any Trustee Liabilities) will constitute fraud, negligence or breach of trust of the Trustee for the purposes of clause (e) of this Annexure 4 to the extent to which the act or omission was caused or contributed to by any failure of that party to fulfil its obligations relating to the Trust or by any other act or omission of that party.
- (g) No attorney, agent or other person appointed under this document has authority to act on behalf of the Trustee in a way which exposes the Trustee to any personal liability, and no act or omission of such a person will be considered fraud, negligence or breach of trust of the Trustee for the purposes of clause (e) of this Annexure 4.
- (h) This limitation of the Trustee's Liability applies despite any other provisions of this document and extends to all Trustee Liabilities of the Trustee in any way connected with any representation, warranty, conduct, omission, agreement or transaction related to this document or its performance.
- (i) The Trustee is not obliged to do or refrain from doing anything under this document (including incur any liability) unless the Trustee's liability is limited in the same manner as set out in clauses (a) to (h) of this Annexure 4.
- (j) In this Annexure 4, '**Trustee Liability**' means any liability or obligation (of any kind including, without limitation, for negligence, in tort, in equity, or under statute) of the Trustee which arises in any way under or in connection with this document or its performance, or any representation, warranty, conduct, omission, agreement or transaction made under or in connection with this document or its performance.

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Execution page

Executed as a deed

Dated:

Signed and delivered by **Randwick City Council** by its General Manager

General Manager (Signature)

Name of General Manager (Print Name)

Signed, sealed and delivered by **Perpetual Trustee Company Limited** (ACN 000 001 007) (**Developer**) in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

Director/Secretary (Signature)

Director (Signature)

Name of Director/Secretary (Print Name)

Name of Director (Print Name)

Explanatory Note Planning Agreement 18-26 Ascot Street, Kensington (DA/717/2018)

1 Introduction

- (1) The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a proposed Voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**).
- (2) This Explanatory Note has been prepared jointly between the parties as required by clause 205 of the *Environmental Planning and Assessment Regulation 2021* (**Regulations**).
- (3) This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Randwick City Council (ABN 77 362 844 121) (**Council**); and
- (2) Perpetual Trustee Company Limited (ACN 000 001 007) (**Developer**).

3 Description of the Land to which the Planning Agreement applies

The Planning Agreement applies to the land comprising Lot 1 Deposited Plan 166466, Lot C Deposited Plan 178926, Lot B Deposited Plan 178926, Lot A Deposited Plan 178926, Lot 2 Deposited Plan 319141 and Lot 6 Deposited Plan 15942 located at 18-26 Ascot Street, Kensington (**Land**).

4 Description of the Development to which the Planning Agreement applies

The Planning Agreement relates to the development generally described in development application DA/717/2018 (**Development Consent**) consisting of lot consolidation, demolition of existing structures, and construction of a 9 storey boarding house comprising 152 beds (sleeping a maximum of 176) across 149 rooms (including 1 manager's residence with private open space), basement parking containing 4 car spaces, 31 motorcycle spaces and 34 bicycle spaces, with communal space on the ground floor, signage, landscaping and associated works (**Development**).

5 Summary of Public Benefit, Objectives, Nature and Effect of the Planning Agreement

The Developer is required to provide the following Public Benefit in accordance with the Planning Agreement.

The Developer will provide:

- (1) a Monetary Contribution to the value of the Contribution Value set out in Item 1 of Part 1 of **Schedule 1** for the payment of section 7.12 contributions;
- (2) a Community Infrastructure Contribution (**CIC**), being:
 - (a) Works as set out in Part 2 of **Schedule 1** (or Monetary Contributions to the value of the Contribution Value as set out in Item 3 of Part 2 of **Schedule 1** for any Works not completed); and

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- (b) Monetary Contributions to the value of the Contribution Value as set out in Item 2 of Part 1 of **Schedule 1**; and
- (3) an Affordable Housing Contribution, being a Monetary Contribution to the value of the Contribution Value as set out in Item 4 of Part 1 of **Schedule 1**.

If it becomes apparent during the design process that any of the CIC Works set out in Part 2 of **Schedule 1** are not feasible, cannot be conducted at a reasonable cost by the Developer, or Council requires a superior standard of work beyond the value of the Contribution Value for those Works as set out in Item 3 of Part 1 of **Schedule 1**, then the Developer may elect to provide that Contribution Value as a Monetary Contribution instead. In that regard, Council must use that Monetary Contribution for community infrastructure on any land upon which the Works as set out in Part 2 of Schedule 1 were intended to be carried out.

The **objective** of the Planning Agreement is to provide a material public benefit to be applied towards community infrastructure.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Public Benefit.

The **effect** of the Planning Agreement is that the Developer will provide the Public Benefit in the manner provided for by the Planning Agreement (as applicable).

6 Assessment of the Merits of the Planning Agreement and Impact on the Public

The Planning Agreement promotes:

- (1) the public interest; and
- (2) the Objects of the Act.

The Planning Agreement will provide a material public benefit to be applied towards community infrastructure and also provides a benefit by way of monetary contributions, including towards affordable housing.

7 Identification of how the Planning Agreement promotes the public interest

The Planning Agreement supports the public interest in the following ways:

- (1) By facilitating the improvement of public infrastructure to be utilised by the broader community.
- (2) By promoting the social and economic welfare of the community and a better environment.
- (3) By providing increased opportunity for community participation in environmental planning and assessment.
- (4) To promote the orderly and economic use and development of land.
- (5) To promote the delivery and maintenance of affordable housing.

8 How the Planning Agreement promotes the Guiding Principles for Councils

The Planning Agreement promotes a number of the Guiding Principles for Councils under section 8A of the *Local Government Act 1993* (NSW), as follows:

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- (1) To plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (2) To manage land and other assets so that current and local community needs can be met in an affordable way.
- (3) To act fairly, ethically and without bias in the interests of the local community.
- (4) To recognise diverse local community needs and interests.
- (5) To have regard to the long term and cumulative effects of its decisions on future generations.
- (6) Transparent decision-making and active engagement with local communities, through the use of the integrated planning and reporting framework and other measures.
- (7) Providing strong and effective representation, leadership, planning and decision-making.
- (8) Applying the integrated planning and reporting framework in carrying out functions so as to achieve desired outcomes and continuous improvements.
- (9) Working with others to secure appropriate services for local community needs

9 Identification of whether the Planning Agreement conforms with the Council's local infrastructure delivery plan

The Planning Agreement conforms with Council's local infrastructure delivery plans in meeting the development objectives for the establishment, ongoing management and development of infrastructure on community land, which are consistent with the community expectations for local infrastructure.

Schedule 1: Contributions**Part 1: Contributions**

Item	Contributions	Public Purpose	Timing	Contribution Value
1	Section 7.12 Monetary Contribution	Public infrastructure in the Kensington and Kingsford community as provided for under the <i>Section 7.12 Development Contributions Plan: Kensington and Kingsford Town Centres</i> adopted by Council on 10 December 2019.	Prior to the issue of the third Construction Certificate in respect of the Development.	\$601,352.55 as indexed in the same manner as the monetary contribution specified in condition 14 of the Development Consent.
Community Infrastructure Contributions (CIC):				
2	Community Infrastructure Monetary Contribution.	Improvement of local infrastructure and recreation facilities in accordance with the <i>Kensington Town Centres Community Infrastructure Contributions Plan</i> adopted by Council on 10 December 2019.	Payable prior to the issue of the third Construction Certificate in respect of the Development.	\$462,319.13
3	Construction of Ascot Street footpaths and roads (directly adjacent to subject site) shown as 'Area 1' in the Location Plan.	Improvement of local infrastructure and recreation facilities	Payable prior to the issue of an Occupation Certificate in respect of the Development.	\$131,430.87
Affordable Housing Contribution (AHC):				
4	Affordable Housing Levy Contribution	Provision of affordable housing	Prior to the issue of an Occupation Certificate in respect of the Development.	The amount of the contribution is calculated in accordance with Clause 6.18 of the Randwick Local Environmental Plan 2012, the Kensington and Kingsford Town Centres Affordable Housing Plan adopted by the Council on 10 December 2019 and is based on an Affordable Housing Contribution Rate of \$324.38, payable in accordance with the conditions of the Development Consent
TOTAL CONTRIBUTIONS				\$1,195,102.55 (as indexed where applicable) plus any Affordable Housing Levy Contribution

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Part 2: Works

Item of Works	Specification	Application of specification and design approval
Construction of a portion of Ascot Street 'Green Grid Links'	<p>All works listed below will be delivered as per the final approved plans and as per Council's standards. The works will include but will not be limited to the following items;</p> <ul style="list-style-type: none"> • Provide new trees as nominated, <ul style="list-style-type: none"> ○ 4 x 400L Lagerstromea Indica ○ 36 x 150mm Dianella revoluta ○ 36 x 300mm Westringia 'mundi' ○ 36 x 200mm Rosmarinus officinalis • Retain and protect existing trees as nominated on approved plans, • Provide soft landscaping zones and irrigation • Incorporation of environmentally sustainable initiatives in line with the Green Star Design and Build requirements as nominated in K2K DCP. 	Yes
Construction of Ascot Street footpaths and roads (directly adjacent to subject site) as 'Area 1' in the Location Plan.	<p>All works listed below will be delivered as per the final approved plans and as per Council's standards. The works will include but will not be limited to the following items;</p> <ul style="list-style-type: none"> • Remove existing pavement finishes and excavate to reduced levels as required, • Relocate and reinstate existing utility service infrastructure as required, • Supply and install gravel paving type P5 including 100mm DGB road base, 50mm coarse washer river sand to engineers' specifications, • Incorporation of environmentally sustainable initiatives in line with the Green Star Design and Build requirements as nominated in K2K DCP. • Construction of proposed new cycleway along Ascot Street, • Integral kerb and gutter in plain concrete • Construction of concrete driveway crossover • Provide public domain lighting to 'Area 1'. 	Yes.
Undergrounding of Ascot Street overhead powerline zones (directly adjacent to subject site) as 'Area 1' in the Location Plan	<p>All works listed below will be delivered as per the final approved plans and as per Council's standards. The works will include but will not be limited to the following items;</p> <ul style="list-style-type: none"> • Underground existing overhead cables fronting Ascot Street directly in front of the subject site. • Undergrounding of HV & LV cables for installation and connection of substation. 	Yes

Director City Planning Report No. CP62/22

Subject: Swimming Pools Inspection Program

Executive Summary

- The *Swimming Pools Act 1992*, is the relevant legislation that provides for the restricted access to privately owned swimming pools via child resistant barriers and imposes statutory duties and functions on councils to, *inter alia*, carryout mandatory swimming pool barrier inspections and investigate complaints relating to compliance with the subject Act.
- Randwick City Council has an adopted a mandatory swimming pools inspection program as required by s. 22B of the *Swimming Pools Act 1982*.
- The legislation also provides for the referral of non-compliant swimming pool barrier inspections following the issue of *Certificates of Non-Compliance* by private-sector Registered Certifiers to Council, which generates a significant level of inspections and subsequent regulatory actions.
- An analysis of Randwick City Council's swimming pools inspection program has disclosed that Council is not currently fulfilling these swimming pools inspection requirements and Council's adopted swimming pools inspection program.
- This Report recommends an increase in swimming pools inspection resources.
- This Report also recommends that Council advocate to the NSW Government for fairer cost recovery provisions being provided to councils to administer their mandatory swimming pool barrier inspection programs.

Recommendation

That:

- a) funding be allocated in the budget for Council's Swimming Pool Inspection Program, as outlined in this Director City Planning Report, to undertake inspections of swimming pool barriers and meet Council's regulatory obligations under the *Swimming Pools Act 1992* and Council's Swimming Pool Barrier Program, and
- b) Council advocate to the NSW Government for the introduction of fairer cost recovery provisions being provided to councils to administer their mandatory swimming pool barrier inspection programs.

Attachment/s:

1.  Swimming Pool Barrier Inspection Program

Purpose

The information contained in this Report is provided to Council for the purpose of comprehending the current and future resourcing challenges for Randwick City Council in discharging its statutory mandatory swimming pool barrier inspection responsibilities under the *Swimming Pools Act 1992*.

This Report also recommends an increase in resources so that Council can more effectively discharge its mandatory swimming pool barrier inspection program as required by the *Swimming Pools Act 1992*, including advocating to the NSW Government for the introduction of fairer cost recovery provisions being provided to councils to administer their mandatory swimming pool barrier inspection programs.

Discussion

In 2021-22, three hundred and thirty-nine (339) people drowned in Australia. Seventeen (17) were children aged 0 – 4 years down from 24 children who drowned in 2020/21. This is a decrease of 29% on last year's fatalities and a 23% decrease in the 10-year average of 22 drownings per year for this age group¹.

Backyard swimming pools are still the highest child drowning location in Australia accounting for 35% of all drownings in the for the 0 – 4 years age group. Added to this is that 42% of all non-fatal swimming pool drowning incidents also occur in this age group.²

Non-compliant child resistant pool barriers have and continue to be a major contributing factor in backyard swimming pool drownings. In 2014, feedback from the top 20 local government areas with the highest number of registered pools, councils and private certifiers indicated that over 95% of pools were non-compliant at first inspection and the time taken to finalize inspections was between 6 and 12 weeks³.

Anecdotally, it is Randwick Council's experience that pool barrier non-compliance rates remain stubbornly high and around 98% of pool barriers are found to be non-compliant at the time of the first inspection by Council's current Swimming Pool Compliance Officer. In addition, officers are typically required to undertake four or more site inspections, meeting with owners and contractors, to achieve full compliance with the Act, Regulations and Australian Standards.

Adding to Council's inspections demand is the pool barrier certification pathway through the use of private Registered Certifiers⁴. Pool owners will typically engage a private certifier to apply for a *Certificate of Compliance* when a property with a pool is sold or leased as required by NSW conveyancing and tenancy laws introduced in 2015.⁵

Where the pool barrier is found to be non-compliant (which is highly likely to be the case) a *Certificate of Non-compliance* is issued by the certifier, which (in most cases) fulfils the contract for sale requirements. However, the SP Act requires a copy of the *Certificate of Non-compliance* to be forwarded to the local Council to be followed up by Council.

Council currently has 130 referrals or notifications from certifiers in progress and it is estimated that approximately 80 additional premises will be required to be actioned per year as a result of these referrals, multiplied by up to four inspections per premises. These additional inspections, to be carried out by Council, were never contemplated when calculating resource requirements at the time when mandatory inspections commenced in 2013. It is also likely that the number of referrals or notifications received via private certifiers will increase as a result of the increased level of scrutiny and auditing of certifiers by NSW Fair Trading.

¹ Royal Life Saving National Drowning Report 2022, p. 8

² Australian Water Safety Council (2021) Australian Water Safety Strategy 2030, p. 16

³ Inquest into the death of Sebastien YEOMANS: 17 – 18 March 2015 - Armidale Local Court - Date of findings: 1 April 2015 at [178].

⁴ A swimming pool inspector is a class of registration under the *Building and Development Certifiers Regulation 2020*

⁵ See cl. 46 of the *Standard Form Agreement at Schedule 1 of the Residential Tenancies Regulation 2019*, and cl. 15 of Schedule 1 Prescribed document of the *Conveyancing (Sale of Land) Regulation 2017*

It is also noted that when Council's pool inspection program was first developed in 2013, there was approximately 3500 registered swimming/spa pools within the LGA and according to the NSW Government Swimming Pool Register there are currently 4805 registered pools in the Randwick LGA as at the 28 September 2022 (circa 15% of residential land parcels in the Randwick LGA have a pool).

Of the 4805 registered pools in the LGA, only 654 pools have a current valid Certificate of Compliance (less than 15%). Also of significance is that pool registrations are increasing by 4.48% per annum (five-year trend). If this trend continues, by 2025 the number of backyard swimming pools will exceed 5200 and by 2030 there could be in excess of 6000 privately owned pools across the City.

It is also reasonable to infer that the drivers behind the annual increase in pool registrations are not temporal and will continue at the current rate over the long term. This is because the per annum increase is predominately tied to, or concomitant with, 'drivers' that are permanent fixtures of the housing market: additional pools are being built in conjunction with new residential development, the registration of existing pools the result of being identified through the mandatory inspection and certification requirements when a property with a swimming pool sells or is rented, and to a lesser degree pools that identified by other means such as through the making of a development or other application, a complaint or when an application for a Swimming Pool Certificate is made to Council.

Legislation

In NSW it is the *Swimming Pools Act 1992* (SP Act), that is the applicable legislation that regulates the construction and maintenance of child resistant barriers for privately owned swimming pools. The *Swimming Pools Regulation 2018* (SP Reg) is the subordinate regulation to the SP Act.

The SP Act, unlike other legislation that Council administers, contain provisions which mandate when councils MUST inspect a swimming pool. The circumstances whereby councils must conduct a pool inspection are:

- Within 72 hours of receiving a complaint⁶
- When a pool is subject to the 'mandatory' inspection provisions⁷ (ie. Tourist and Visitor Accommodation, Multi Unit Housing, etc.)
- Within 10 business days of receiving an application for a Certificate of Compliance for a premises that is to be sold or leased⁸

Further to the above mandatory statutory swimming pools inspection requirements, Council also carries out pool inspections resulting from the issue of a *Certificate of Non-compliance* by a Registered Certifier, where the non-compliance is deemed to be a "significant risk"⁹ as a requirement under the *Health Building & Regulatory Services Swimming Pool Barrier Inspection Program – 14 November 2019*.

Inspections

The inspection of swimming pool barriers or fencing predominantly arises from one of the following activities.

- Mandatory inspections for swimming pools in multi-unit developments and tourist accommodation
- Referrals or notifications via a private Registered Certifier (following the issue of a Certificate of Non-Compliance or a s.22E Notice)
- Applications for Certificates of Compliance

⁶ See s. 29A of the *Swimming Pools Act 1992*

⁷ See s. 22B of the *Swimming Pools Act 1992*, and the *Health Building & Regulatory Services - Swimming Pool Barrier Inspection Program – 14 November 2019* at p. 7

⁸ See s. 22C of the *Swimming Pools Act 1992*, and cl. 17 of the *Swimming Pools Regulation 2018*

⁹ See s. 22E of the *Swimming Pools Act 1992*, cl. 21 of the *Swimming Pools Regulation 2018* and cl. 5.4.e. of the *Health Building & Regulatory Services Swimming Pool Barrier Inspection Program – 14 November 2019*, at p. 7

- Applications for an Exemption
- Customer requests or complaints
- Other applications, regulatory inspections and certificates

The nature of swimming pool barrier assessment is highly technical and complex which requires specialist knowledge of the application of 3 different 'point in time' Swimming Pool Regulations and 3 versions of the relevant Australian Standard (depending on the date of the installation of the pool), as well as the application BCA (National Construction Code) relating to child resistant swimming pool barrier standards.

It is also important to note that due to the very high rate of non-compliance, to achieve compliance with these requirements, each pool is currently required to be inspected, at least, four (4) times – one initial Inspection, two follow-up inspections or meetings with contractors and one or more final inspections.

Operational Resources

Council's Health Building and Regulatory Services department is responsible for administering the Swimming Pools Inspection Program. The implementation of the program and inspections are carried out by Council's Senior Swimming Pools Compliance Officer. However, additional operational resources (including additional staff) are required to enable Council to satisfy its obligations under the SP Act and Council's Swimming Pool Barrier Inspection Program now and into the future.

In recent discussions with other Councils, they also advise that they are experiencing the same challenges as Randwick City Council, particularly having regard to the resources required to undertake the inspections, complexity of the provisions, referrals or notifications from private certifiers and the continual increase in the number of pools being constructed in their areas.

Ability for Cost Recovery

Unlike private Certifiers that carry out swimming pool inspections, a Council can only charge a (maximum) fee of \$250 for carrying out inspection/s associated with an application to issue a Certificate of Compliance¹⁰ or, a \$250 fee for an application for a swimming pool barrier Exemption. In both cases, the fee only represents a very small proportion of the actual costs for these services.

Importantly, Councils are unable to charge a fee for its regulatory inspections, where an application for a Certificate of Compliance or Exemption has not been made to Council e.g. inspections resulting from private certifier's Certificates of Non-Compliance or s.22E Notices, resident complaints, other applications and regulatory inspections.

The current inability for Council to recover its full costs associated with carrying its mandatory pool inspections is a significant issue in properly funding the Program. In this regard, the Swimming Pools legislation should be amended to allow Councils to be able to recover its reasonable and realistic costs associated with administering its mandatory swimming pools inspection programs similar to the way it is able to 'charge' the consumer for other building certification services it is required to provide.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

¹⁰ Council swimming pool inspection fees are 'capped' at a maximum of \$250 as prescribed by cl. 19 of the *Swimming Pools Regulation 2018*.

Delivering services and regulatory functions:

Service area	Health, Building & Regulatory Services
Function	Regulation and Compliance
Delivery program commitment	Implement Council's key regulatory functions, responsibilities and services relating to buildings, development, use of premises and land, public places and the natural environment.

Resourcing Strategy implications

A regulated maximum fee of \$250 applies to applications for Certificates of Compliance or Exemptions, which generates limited income.

Council is unable to charge a fee to undertake its regulatory functions (e.g. undertaking inspections in relation to Certificates of Non-Compliance issued by Registered Certifiers, resident complaints and where inspections are not related to an application).

To meet its obligations under the Swimming Pools Act and Inspection Program, would require additional funding:

- Additional resources - \$163,124 per annum
- Vehicles for inspections - \$90,000 (first year), plus annual running costs

Should the recommendations be approved, the additional costs will be included as a negative variation within the next quarterly budget review. A future funding strategy will have to be determined in the 2023/24 budget deliberations.

Policy and legislative requirements

The *Swimming Pools Act 1992* and Council's (mandatory) Swimming Pool Barrier Inspection Program (14 November 2019)

Conclusion

Council is currently unable to fulfil its current and future swimming pool barrier inspection requirements and obligations, principally due to the resources required to meet these obligations, together with the referral of non-compliant swimming pool barriers to Council by certifiers and a substantial increase in the number of swimming pools since the provisions were introduced in 2013.

To address this deficiency and potential risk, it is proposed to engage additional Swimming Pool Compliance Officers and required resources.

It is also proposed to raise Council's concerns about the costs and resource implications of these provisions with the NSW government.

Responsible officer: Allan Graham, Coordinator Regulatory Services

File Reference: F2018/00216

CP62/22

HEALTH, BUILDING & REGULATORY SERVICES

Swimming Pool Barrier Inspection Program

14 November 2019

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1. Purpose

On 29 October 2012, the *Swimming Pools Act 1992* ("the Act") was amended¹ to require all NSW councils to develop and implement a Swimming Pool Barrier Inspection program.

Councils are required to inspect privately owned swimming pools situated in their local government area in accordance with the adopted program, to ensure compliance with the requirements of Part 2 of the Act, which relates to access to swimming pools and swimming pool barriers.

Council's Swimming Pool Barrier Inspection program aims to increase pool safety awareness and compliance in the Randwick City Council local government area and to explain the scope of Council's inspection program, to ensure compliance with the Act and relevant Standards.

1.1. Relevant Legislation and Standards

The Legislation, Regulation and Standards that apply to this Swimming Pool Barrier Inspection Program include the following, as may be amended from time-to-time:

- *Swimming Pools Act 1992*
- *Swimming Pools Regulation 2018*
- *Conveyancing (Sale of Land) Amendment (Swimming Pools) Regulation 2016*
- *Residential Tenancies Amendment (Swimming Pools) Regulation 2016*
- Building Code of Australia
- Australian Standard AS1926 - Swimming Pool Safety, Part 1: Safety barriers for swimming pools (2012)
- Australian Standard AS1926 - Swimming Pool Safety, Part 2: Location of safety barriers for swimming pools (2007)

1.2. Introduction

A number of important changes have been made to the *Swimming Pools Act* and *Residential Tenancies Regulation* regarding swimming pool safety and the sale or lease of properties with a swimming pool, including:

- a. The establishment of a state-wide on line register of all private swimming pools in NSW where pool owners may self-register their pools and certify to the best of their knowledge whether or not their pool complies with the relevant requirements;
- b. A requirement that all councils in NSW develop and adopt a locally appropriate and affordable inspection program in consultation with their communities;
- c. A requirement that all councils in NSW conduct mandatory periodic inspections of pools associated with tourist and visitor accommodation and multi-dwelling properties; and
- d. Requirements relating to inspections and certificates prior to the sale or lease of a property containing a swimming pool.

Under the Act, Councils are required to carry out an inspection of swimming pools associated with *tourist and visitor accommodation*, as well as properties that contain more than two (2) dwellings (i.e. includes pools in hotels, motels, serviced apartments, backpacker accommodation, residential flat buildings), every three years.

¹ The *Swimming Pools Amendment Act 2012*, which commenced on the 29 October 2012, is an Act to amend the *Swimming Pools Act 1992* and other legislation with respect to the registration, inspection and certification of swimming pools; and for other purposes.

1.3. The Importance of Pool Safety

Private swimming pools offer additional social amenity to properties upon which they are situated. With this, however, comes a statutory obligation on the owner of the property to maintain the pool and its barrier in a safe and compliant condition.

The regulatory regime for pools situated on privately owned property has been the subject of ongoing legislative review and reform for the last decade. This reform has been as a result of an increase in infant and toddler injuries and fatalities that have occurred, predominantly, in backyard swimming pools.

Children 4 years of age and under are the most vulnerable. They are completely dependent on their parents or carers for their safety. The personal and social cost associated with the death of a child is enormous and cannot be adequately described. The death of a young child in circumstances that could have been prevented is a tragedy for all.

While it is recognised that the most effective way to prevent drownings is for children to be adequately supervised by a parent or other responsible adult it is also acknowledged that there is a need for the installation and maintenance of appropriately designed swimming pool safety barriers.

To this end, the NSW State Coroner has made recommendations to the NSW Government on a number of occasions for a mandatory pool inspection program requiring an ongoing inspection regime to assess statutory swimming pool safety barrier compliance. This has been endorsed by organisations such as Royal Life Saving Society, Australian Resuscitation Council, Westmead Children's Hospital - Kids Safe, NSW Commission for Children and Young Adults.

In his commentary the Coroner said:

*"I have no doubt that the children involved in this inquest, if they were able to have their say, would ask that all efforts be taken to ensure that the numbers of children who follow them be reduced. The loss of even one innocent life is too many."*²

A local council swimming pool barrier inspection program aims to increase the level of compliant swimming pool barriers.

2. State-wide Swimming Pool Register

In accordance with the Act, the NSW Government, has introduced an "on-line" state-wide Swimming Pool Register [<http://www.swimmingpoolregister.nsw.gov.au/>].

All owners of a residential premises or tourist and visitor accommodation on which a swimming pool is located must register their pools on the state-wide Register. A pool owner who fails to register their pool is guilty of an offence which attracts a maximum penalty of \$2200. Alternatively a \$220 penalty infringement notice may be issued for the offence.

The Swimming Pools Register will record whether or not a swimming pool has been inspected by Council or an Accredited Certifier and if a current certificate of compliance has been issued.

Councils are provided with access to the Swimming Pools Register to assist with the administration of councils' swimming pool barrier inspection programs.

Council will rely upon the NSW Swimming Pools Register to determine what swimming pools are required to be inspected in accordance with this program.

² State Coroner's Report, delivered 30 April 2010 – Inquest touching deaths of 8 Children who drowned in backyard swimming pools between June 2006 & January 2009

3. Sale and Lease Provisions

In accordance with the *Swimming Pools Amendment (Inspections) Regulation 2016*, a contract for the sale of land for a property with a swimming pool must have one of the following attached:

- A Certificate of Compliance; or
- A relevant Occupation Certificate and a Certificate of Registration; or
- A Certificate of Non-compliance.

Properties with swimming pools that are being 'leased' after 29 April 2016, must have a valid swimming pool Certificate of Compliance, issued by an Accredited Certifier or Council.

These provisions however, do not apply to properties with more than two dwellings and a shared pool, such as units in strata complexes or community schemes.

4. Certificates of compliance & Certificates of non-compliance

4.1. What is a Swimming Pool Certificate of Compliance?

The owner of a pool may apply to an Accredited Certifier or Council for a swimming pool *certificate of compliance*.

If the swimming pool meets the requirements of Part 2 of the Act, including the *Swimming Pools Regulation 2018* and relevant Australian Standard, the Accredited Certifier or Council will issue a *certificate of compliance*.

A *certificate of compliance* is valid for three years as long as the pool barrier remains compliant with the requirements of the Act and relevant Standards.

A *certificate of compliance* is not required to be obtained if a *relevant occupation certificate* has been issued which authorises the use of the swimming pool and compliance with the Act.

An *Occupation Certificate* certifying compliance with the Act will also remain valid for three (3) years from the date of issue as long as the swimming pool safety barrier remains compliant with the Act and there are no grounds for a 'direction' to be issued by Council.

A pool owner who obtains a certificate from an *accredited certifier* should ensure that their Certifier promptly updates the information on the statewide on-line Swimming Pool Register.

Premises with a current *certificate of compliance* or *relevant occupation certificate* do not require a Council inspection unless Council receives a complaint or is made aware that the swimming pool barriers may be non-compliant.

4.2. What happens if a Certificate of Compliance cannot be issued?

A *certificate of compliance* cannot be issued if the swimming pool barrier does not comply with the requirements of Part 2 of the Act. In these circumstances the Accredited Certifier or Council will issue:

- a notice specifying the works required to be undertaken to bring the swimming pool barrier into compliance with the Act; and
- a *certificate of non-compliance* (if the application relates to the sale of a property).

If the works are not undertaken and the swimming pool does not comply with the Act and relevant standards, Council may take regulatory action as provided for by the Act, which includes issuing a direction to carry out specified works and/or a penalty notice or, commencing Court proceedings (see Part 3 for information on the sale or lease of properties with swimming pools).

4.3. What is a Certificate of Non-Compliance?

If an application for a *certificate of compliance* is made in relation to the sale of a property and the swimming pool barrier has been inspected and found not to comply with Part 2 of the Act, the Accredited Certifier or Council (as applicable), will issue a *certificate of non-compliance*.

A *certificate of non-compliance* is valid for one year. However, if the property is sold, the purchaser of the property has 90 days from the date of 'settlement' to bring the pool barrier into compliance.

These provisions do not apply to properties that are part of a strata or community scheme that comprise more than 2 lots.

Failure to undertake the necessary works within the specified timeframe is an offence, which may result in penalties and issue of a direction to comply with the requirements of the Act.

4.4. What is a Relevant Occupation Certificate?

A relevant occupation certificate means an occupation certificate issued under the *Environmental Planning and Assessment Act 1979* that is less than 3 years old and that authorises the use of the swimming pool.

4.5. What is the “applicable standard” that applies?

A swimming pool barrier must comply with Part 2 of the Act. In general terms, this means that access to the swimming pool must be restricted by a compliant child-resistant barrier.

It is important to recognise that swimming pool barrier “standards” have changed a number of times since the Act commenced in 1992. In certain circumstances a swimming pool may not be required to comply with the current pool safety standards depending on when the pool was built and if and when the pool barrier or access to the pool was substantially altered or rebuilt.

However, there are circumstances where swimming pool barriers will be required to be brought into compliance with the current standard. For example, if the pool barrier did not comply and has not continued to comply with the relevant standard that applied at the time the pool was installed. Or, if the pool barrier did not comply with the relevant Standards at the time the Act, Regulation or Standard was introduced, amended or replaced.

Relevant Standards, which may apply:

- AS 1926 – 1986, Fences and gates for private swimming pools
- AS 1926.1 – 2007, Swimming pool safety, Part 1: Safety barriers for swimming pools
- AS 1926.1 – 2012, Swimming pool safety, Part 1: Safety barriers for swimming pools.

The rules that determine what pool barrier standards apply are complex and can only be determined on a “pool-by-pool” basis by an authorised Council officer or Accredited Certifier, at the particular time.

The specific requirements and relevant Standards which apply may also change at a future date, due to the regulatory provisions, standards and site conditions and pool barrier considerations which apply at the time of the inspection and assessment.

5. Council’s Inspection Program

5.1. Aim of the inspection program

The primary aim of a swimming pool barrier inspection program is to increase the levels of swimming pool barrier compliance.

Research suggests that the non-compliant swimming pool barrier rate is over 50%. However, based on feedback from other councils and recent inspections of properties with a swimming pool by Council officers, the non-compliance rate has been found to be much higher. Therefore pool owners should not

wait for a council inspection and should take immediate steps to ensure their swimming pool barriers are compliant.

From October 2013 all councils across New South Wales were required to have in place a program for the inspection of privately owned swimming pools. The purpose of inspections is to assess whether or not pool barriers comply with relevant pool safety requirements. Where a swimming pool complies with these requirements, a *Certificate of Compliance* is required to be issued, which remains valid for a period of three (3) years.

Council's swimming pool inspections will be carried out by Council officers that are duly authorised by the General Manager in accordance with the *Swimming Pools Act 1992*.

5.2. Types of swimming pools required to be inspected every three years

The Act requires properties with swimming pools that are *tourist and visitor accommodation* or that contain more than 2 dwellings (includes hotels, motels, serviced apartments, backpacker accommodation, residential flat buildings and dual occupancies) to be inspected every three (3) years. Council's swimming pools inspection program must include the inspection of swimming pools on these properties.

5.3. Inspection of other private swimming pools

From 29 April 2016 all properties with a swimming pool being sold must have a *certificate of compliance* or a *certificate of non-compliance* attached to the contract of sale. If a property is being leased it must have a current swimming pool *certificate of compliance*. Therefore, the pool barrier must comply with the *Swimming Pools Act 1992* and relevant Standards to obtain a *certificate of compliance* and be able to lease a property with a swimming pool. Where a property with a swimming pool is being sold or leased, the property owner must request an inspection from an *accredited certifier* or Council so the appropriate certificate can be issued beforehand (see Part 4 for further information).

5.4. Implementation of a proposed inspection program

It is estimated that there are in excess of 3,500 pools located within the boundaries of the Randwick City Council local government area.

A risk-based inspection program is proposed to be implemented in order to improve the levels of compliance relating to swimming pool fencing and to satisfy Council's obligations under the Act.

Council's inspection program will consist of a mandatory component and a pro-active component, comprising:

- a. A mandatory three year inspection regime, for pools situated on land used for tourist and visitor accommodation, residential flat buildings and properties containing more than two dwellings;
- b. Upon receipt of an application made to Council for an inspection and *certificate of compliance* in relation to the sale or lease of a property containing a swimming pool, in accordance with the *Conveyancing (Sale of Land) Regulation 2010* and the *Residential Tenancies Regulation 2010*;
- c. Upon receipt of an application by the owner of a property containing a swimming pool for an inspection and *certificate of compliance* under section 22C of the Act;
- d. In response to a report or complaint made to the Council concerning an inadequately fenced or unauthorised swimming pool on a specific property;
- e. In response to receiving notification from an Accredited Certifier, under section 22E (4) of the Act, who is unable to issue *certificate of non-compliance* e.g. if the Accredited Certifier is of the opinion that the swimming pool poses a significant risk to public safety;
- f. Swimming pools on properties for which an application has been made to Council for a Building Information Certificate (made pursuant to the *Environmental Planning and Assessment Act 1979*);
- g. Proactive observations, where it has been identified (i.e. by a Council officer) that the swimming pool barrier appears to be deficient or may otherwise not be compliant with the Act, Regulations or Standards.

Subject to operational and resource constraints the following criteria could be used as an inspection priority for other private swimming pools in the area:

- Swimming Pools that have an “exemption” pursuant to s. 22 of the Act
- Swimming pools constructed or installed before 1 August 1990
- Swimming pools constructed or installed after 1 August 1990

The above inspection program does not apply to swimming pools the subject of an *Occupation Certificate* or a *Swimming Pool Certificate of Compliance* that has been issued within the past three (3) years. Unless Council receives a complaint or is made aware that the swimming pool barriers are non-compliant.

It is important that Councils and Accredited Certifiers record such certificates on the statewide Swimming Pool Register to ensure that the register contains up-to-date information about the property and swimming pool.

Council’s Swimming Pool Barrier Inspection Program will be based on the properties identified in the NSW Swimming Pool Register as having a swimming pool or spa pool upon the property.

Inspections of swimming pools will be carried out in accordance with relevant prescribed timeframes (subject to arrangements being made for access to the premises to undertake the inspection).

6. Fees

6.1. Registration Fee

All privately owned swimming pools must be registered on the NSW Swimming Pool Register as prescribed by Part 3A of the Act.

A pool owner (or agent) who registers their pool on the on-line NSW Swimming Register under Part 3A of the Act does so free of charge.

The *Swimming Pool Regulation 2018* (amended in April 2013) prescribes that a maximum fee of \$10 is payable where a pool owner requests Council to register the swimming pool on statewide Swimming Pool Register. The charging of this fee is at the discretion of Council.

6.2. Inspection Fee

A pool inspection fee applies for conducting inspections under the pool inspection program. The maximum fee which may be charged by Council under the *Swimming Pool Regulation 2018* is:

- \$150 fee for the initial inspection, and
- \$100 fee for the second (re-inspection).

The current maximum fee payable to Council is \$250, including necessary re-inspections.

The inspection fee includes the issue of a *certificate of compliance* if the pool complies with the relevant pool safety standards.

The initial application fee is payable with the application for a certificate of compliance and any required additional fees are payable prior to determination of the application.

A total fee of \$250 may be paid upon lodgement of the application to cover the complete assessment of the application and all necessary inspections, for expediency.

Should the Regulation specify a greater maximum inspection and/or reinspection fee, the maximum regulated fee shall apply.

Fees for applications made to an accredited certifiers are not regulated and are determined by the individual Accredited Certifier.

7. The Role of Certifiers

The Act provides that a pool owner may apply to an *accredited certifier* to provide a *certificate of compliance* for the swimming pool. *Accredited certifiers* will set their own application and inspection fees.

Once inspected, if the pool does not meet the applicable standard, the *accredited certifier* may allow a pool owner 6 weeks to rectify the deficiencies before advising Council. If the pool is considered to pose a significant risk to public safety the certifier may notify Council immediately. Upon notification, Council may undertake an inspection and issue a penalty notice for any breach of the Act and/or Council may issue a notice or direction to carry out specified works to meet the requirements of the Act and relevant Standards.

Under such circumstances Council's fees for inspection identified in section 6.2 will also be required to be paid.

Certifiers are accredited by the NSW Building Professionals Board and are subject to the provisions of the *Building Professionals Act 2005*. Any concerns or complaints regarding accredited certifiers should be referred directly to the Building Professionals Board for their investigation and action.

8. Exemptions

The owner of a property with a swimming pool may apply to the Council for an exemption from all or any of the requirements of Part 2 of the Act.

An exemption can only be granted in very specific limited circumstances as specified in section 22 of the Act and as outlined in Practice Note No. 17, issued by the NSW Office of Local Government, March 2014.

Applications for an exemption must include comprehensive details of the proposal, reasons and supporting documentation (e.g. a report from an Accredited Building Surveyor or Swimming Pool Certifier), together with the applicable application fee, currently \$250.

Council's office will consider and determine applications for an exemption in accordance with the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*. If the application is approved, specific conditions may be imposed and any exemption is limited to a maximum period of three years. If the application is refused, the applicant has the right of appeal to the Land & Environment Court.

9. Education and Awareness

Pool owner education and awareness is an important contributing factor in lifting swimming pool safety compliance rates.

Regular community education and awareness program will be delivered through community publications, media releases, web based information, owner self-assessment checklists and customer enquires with Council officers during the inspection process. The importance of pool barrier maintenance and adult supervision are the core pool safety messages.

The overall rate of pool barrier compliance is expected to progressively rise as a result of the inspection program and as a result of greater community awareness of swimming pool safety requirements.

10. Enforcement

In addition to pool safety education and awareness, the enforcement of pool safety laws is an essential element in addressing non-compliant pool fencing. In this regard, the Act provides Council's authorised officers powers of entry and the power to give "notices" and "directions" to require swimming pool safety work to be carried out.

The Land and Environment Court of New South Wales has jurisdiction to hear appeals against decisions of Council in respect to the following:

- a. refusal to grant an exemption under section 22 in accordance with the terms of the relevant application;
- b. imposition of a condition on an exemption under section 22;
- c. refusal to grant a certificate of compliance under section 22D; and
- d. issue of a direction under section 23.

Appeals must be made within 28 days after the date on which the decision was made or is taken to have been made.

11. Offences and Penalties

The Act provides that failing to comply with swimming pool safety requirements may constitute an offence under the Act. In addition to the authority to issue notices and directions to undertake specific work to comply with the requirements of the Act or Standards, Council's authorised officers have the power to issue a Penalty Notice for certain offences. The Act also confers jurisdiction on the Local Court to hear and dispose of proceedings brought by Council for offences against the Act.

Refer to Annexure 1 attached for further details and current penalties.

The enforcement action initiated or the penalties issued will be determined in accordance with Council's adopted *Compliance & Enforcement Policy*.

12. Review period

This policy document is to be reviewed within five (5) years of being adopted by Council.

Annexure 1

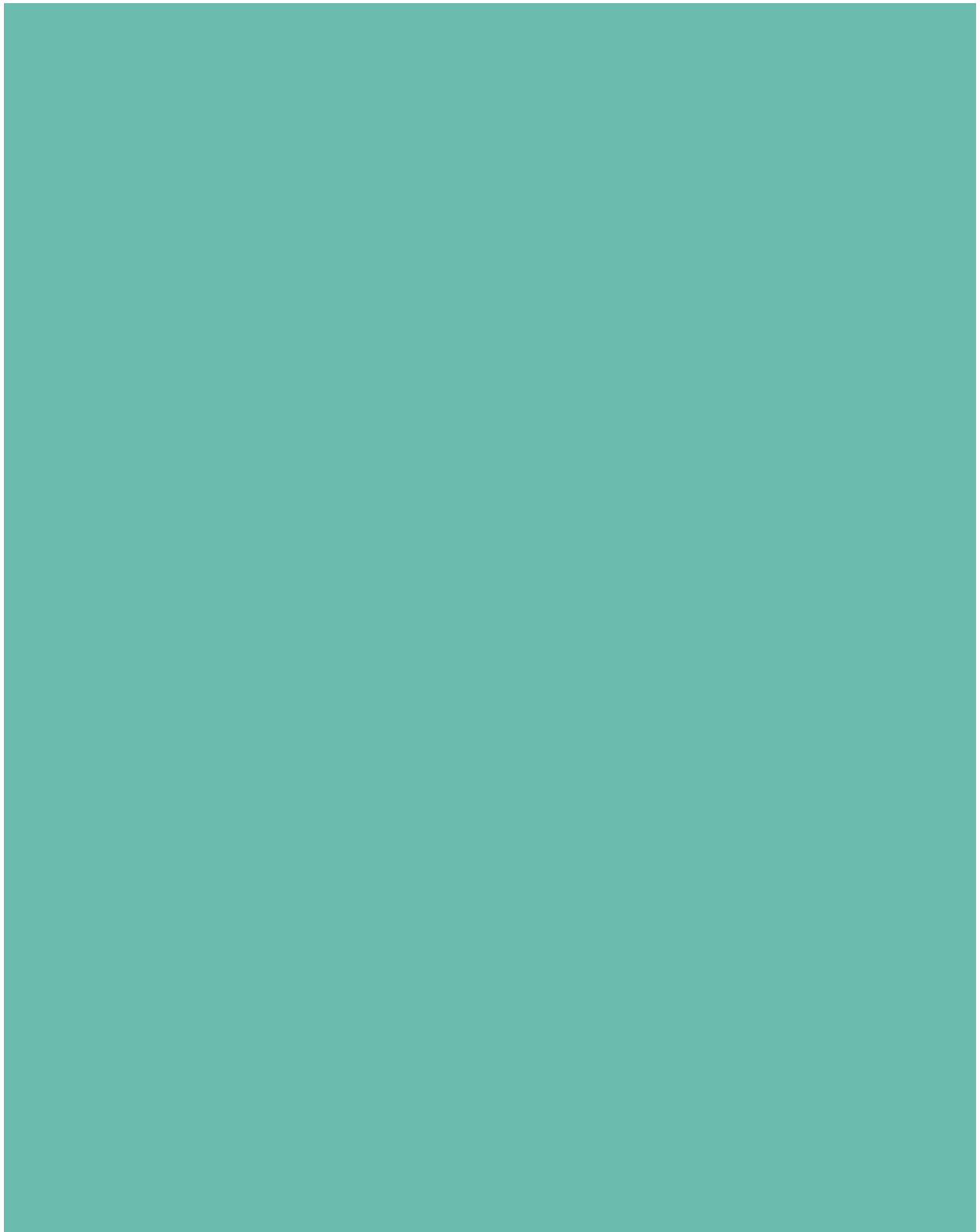
The following Table describes the offences and current corresponding penalty amounts under the Act.

Offence under the Act	Penalty Notice (issued by Council)	Court Maximum Penalty
Section 7 (1): Failure to comply with general requirements for outdoor pools associated with dwelling	\$550	50 penalty units = \$5,500
Section 12: Failure to comply with general requirements for outdoor pools associated with movable dwelling and tourist and visitor accommodation	\$550	50 penalty units = \$5,500
Section 14: Failure to comply with general requirements for indoor pools	\$550	50 penalty units = \$5,500
Section 15 (1): Failure to maintain child-resistant barrier	\$550	50 penalty units = \$5,500
Section 16: Failure of Occupier to keep access to pool securely closed	\$550	50 penalty units = \$5,500
Section 17 (1): Failure to display or maintain prescribed warning notice near pool	\$110	5 penalty units = \$550
Section 23 (3): Failure to comply with direction (pool safety order)	\$550	50 penalty units = \$5,500
Section 30B (1): Failure to register a pool	\$220	20 penalty units = \$2,200

Revenue NSW – Local Court – Fixed Penalty Handbook - Swimming Pools Act 1992

Offence Code	Reg. Code	SL	Short Title	Issue To	\$	Section/ Clause
General requirements for outdoor swimming pools						
6609	QAJ	6	Residential pool not have complying barrier - Owner	N	550	7(1)
6610	QBA	6	Movable dwelling pool not have complying barrier - Owner	N	550	12
77982	QDE	6	Not surround tourist and visitor pool with barrier	N	550	12
Indoor swimming pools						
6613	QBD	6	Fail to restrict access to indoor pool – Owner	N	550	14
General						
70830	LQO	6	Fail to maintain child-resistant barrier effective and safe	N	550	15(1)
6615	QBF	6	Not keep access to pool securely closed – Occupier	N	550	16
6617	QBH	6	Fail to erect prescribed warning notice – Occupier	N	110	17(1)
6616	QBG	6	Not comply with written direction - Owner	N	550	23(3)
Registration of swimming pools						
78032	UBS	6	Fail to ensure registration information entered on Register	N	220	30B(1)

The abovementioned penalties may also be subject to change as provided for in the current legislation.



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Director City Services Report No. CS55/22

Subject: Proposed new fee - Electric vehicle charging facility with advertising component

Executive Summary

- Approaches have been made to the Council by companies wishing to install electric vehicle charging facilities, associated with advertising components.
- These companies' main focus is the income generated by the advertising.
- Ultimately, the Council will be seeking to enter arrangements to share the income from such advertising.
- In the interim, it is proposed that a \$1,000 per car space, per year fee be imposed upon applicants seeking to install electric vehicle charging facilities, associated with advertising components.

Recommendation

That:

- a) the Council advertise a proposed interim annual fee, of \$1,000 per car space, for the introduction of approved electric vehicle charging facilities which are associated with advertising components.
- b) provided that no substantive objections are received, this fee is endorsed for such applications, and
- c) Council continues discussions with SSROC councils in order to formulate a common longer-term approach, regarding possible revenue sharing, for such applications.

Attachment/s:

Nil

CS55/22

Purpose

The Council has received some applications for the introduction of electric vehicle charging facilities associated with advertising panels. Generally, these have been positioned alongside Ausgrid electrical kiosks, but may also be 'stand-alone' applications away from electrical kiosks. This report proposes an interim annual fee of \$1,000 per car space for such facilities.

Discussion

Agencies applying to install electric vehicle charging facilities, supported with nearby advertising panels, have recognised the income stream created by the advertising panels. They offer the installation of the charging facility "at no cost" to the Council. However, they are seemingly motivated by the income stream generated by the advertising panels.

Longer term, Randwick Council is working with other members of the Southern Sydney Region of Councils (SSROC) on a possible 'revenue-sharing' arrangement for Councils and the applicants. Once this arrangement is formulated a further report would be brought back to Council.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering the Outcomes of the Community Strategic Plan:	
Strategy	Integrated Transport
Outcome	A city with a transport network where sustainable transport options are the preferred choice for people
Objective	Achieve an ownership rate of over 5000 electric or hybrid vehicles by 2031
Delivery program commitment	Provide 5 new publicly accessible electric vehicle charging stations per year until 2031.

Resourcing Strategy implications

There are no resourcing implications arising from this report.

Conclusion

It is considered appropriate for the Council to apply a fee upon an applicant wishing to install electric vehicle charging facilities associated with advertising. It is further considered appropriate to continue discussions with SSROC councils in order to formulate an appropriate long-term approach, regarding possible revenue sharing, with such applications.

Responsible officer: Tony Lehmann, Manager Integrated Transport

File Reference: F2019/00761

Director City Services Report No. CS53/22

Subject: Off-leash Dog Facilities - Review and Nomination of Off-leash Dog Beach for Trial

Executive Summary



- A review of Council's off-leash dog facilities has been undertaken in accordance with the strategic approaches in the Open Space and Recreation Strategy.
- The review identifies new open space locations suitable for off-leash dog areas, opportunities to install fenced exercise areas and nominates a beach for which to conduct a trial for off-leash dog exercise.
- The report seeks council's endorsement of the proposal for community consultation.

Recommendation

That:

- a) the review of Randwick Council's off-leash dog facilities be noted.
- b) Council endorses the proposal to retain existing facilities and the new off-leash dog parks at Kensington Rotary Reserve, Anzac Parade Median - Kingsford, Emily McCarthy Park – South Coogee, Latham Park – South Coogee, and Muraborah Reserve - Maroubra, for community consultation.
- c) Council endorses Yarra Bay Beach to trial it as an off-leash dog beach.
- d) the off-leash dog beach trial does not commence until an environmental assessment is completed.
- e) Council endorses the proposed plan for future installation of fenced dog exercise areas at Anzac Parade Median – Kingsford, Snape Park – Maroubra, Latham Park – South Coogee, Muraborah Reserve – Maroubra, and Pioneers Park, Malabar for community consultation.
- f) a report be brought back outlining the outcomes of the community consultation.

Attachment/s:

1.  Proposed new off-leash dog parks
2.  Proposed future fenced off-leash dog exercise areas

Purpose

A review of the current off-leash dog facilities has been undertaken in line with the strategic approaches in the Open Space and Recreational Strategy. The report proposes adding additional open spaces as off-leash dog parks, upgrades to existing nominated parks, nominates potential fenced off-leash dog parks in each ward and nominates an off-leash dog beach for a trial,

Discussion

Background

The Open Space and Recreation Strategy identifies the need to provide off-leash dog facilities to meet community needs and includes strategic approaches as follows:

Strategic Approach (3.6)

Undertake an investigation on the introduction of fenced off-leash dog facilities and identify off-leash dog areas for suburbs with greater than 25% high density dwellings including South Coogee, Kensington and Kingsford and one beach location (limited hours).

Strategic Approach (3.7)

Identify an appropriate location and implement a trial on a beach location for dog off leash times.

Existing Facilities

Randwick Council currently has 14 off-leash dog parks throughout the local government area. The Companion Animal Act, 1998 requires council to provide at least 1 off-leash dog park. The locations of our existing off-leash dog parks, throughout the LGA are shown in Image 1 and include the following locations:

1. Baker Park, Coogee
2. Bangor Park, Coogee
3. Bardon Park, Coogee
4. Blenheim Reserve, South Coogee
5. Broadarrow Reserve, Maroubra
6. Burrows Park, Clovelly
7. Coral Sea Park, Maroubra
8. Ella Reserve, Malabar
9. Nagle Park, Maroubra
10. Paine Reserve, Randwick
11. Pioneers Park, Malabar
12. Snape Park, Maroubra
13. Trennery Reserve, Coogee
14. Woomera Reserve, La Perouse

The off-leash dog parks are not fenced and there are no time restrictions on when dogs can be exercised. These conditions allow our parks to be used for a mix of recreational activities and permitted a high number of parks to be available for off-leash exercise for the community benefit.

Randwick Council, currently, does not have an off-leash dog beach.

It should be noted that one third of Centennial Park is designated for off-leash dog exercise. Further, Queens Park and Varna Reserve within the Waverley LGA are off-leash dog parks to the north of the RCC LGA.

Just to the west of the RCC LGA boundary, Bayside Council has an off-leash dog park at Astrolabe Park, Daceyville, south of Kingsford and Firmstone Reserve, Pagewood.

Off leash parks in Randwick City



Image 1 – Off-leash Dog Parks

Legislative Context

Companion Animal Act, 1998

The key issues and requirements outlined in the Act relevant to off-leash dog parks are outlined below.

- Council is required to promote awareness of the Act to owners
- A dog that is in a public place must be under the effective control of some competent person
 - chain, chord, or leash that is attached to the dog and that is being held by the person
- A local authority can by order, declare a public place to be an off-leash area

- can be limited so as to apply during a particular period or periods of the day or to different periods of different days
- Dogs are prohibited in some public places (unless signposted otherwise):
 - Children's play areas - within 10 metres
 - Food preparation and consumption areas, such as public barbeque facilities
 - Recreation areas that have been designated as 'dogs prohibited'
 - Sport and recreation areas, such as sports fields, memorial parks, ovals, pitches, and courts (subject to Council determination and signage) – Practical implementation
 - Public bathing areas where dogs are prohibited – e.g., Beaches and pools (including beach pools)
 - Childcare centres
 - Shopping complexes
 - Wildlife protection areas including Bushcare sites (subject to Council determination and signage)
- Requirements around dogs defecating in a public place
 - Councils required to provide sufficient rubbish receptacles for the proper disposal of dog faeces

Environmental Planning and Assessment Act, 1979

Decisions with respect to dog on and off-leash areas under the Companion Animals Act are subject to the Environmental Planning and Assessment Act, 1979 (EPA Act).

In most instances, dog on and off-leash areas will be within a public reserve for public recreation purposes for which continuing lawful use protections under the EPA Act apply.

A council will need to consider the environmental impacts of creating or varying dog on or off-leash areas of the activity under Part 5 of the Environmental Planning and Assessment Act, 1979. Council will be required to make an affirmative decision about whether the proposed activity will, or is likely to, have a significant effect on the environment. Generally, this assessment will involve undertaking a Review of Environmental Factors (REF) for each location where off-leash dog exercise is proposed.

Council must ensure that those measures or controls outlined in an REF are implemented to avoid the risk of its approval being set aside.

Review of RCC Off-Leash Dog Parks

Randwick Council is currently complying with the Companion Animal Act, 1998 by providing a significant number of off-leash dog parks, signposting public open spaces with relevant regulatory requirement, provision of waste receptacles and provision of enforcement for compliance.

Randwick Council has been able to provide a high number of off-leash dog parks because the locations a multi-use rather than specific to one activity.

A review of the off-leash dog parks has been undertaken to determine whether:

- the number of facilities and locations are adequate to meet community needs
- there are adequate provisions at each of the off-leash dog parks
- requests for upgraded facilities are feasible
- there are practices that conflict with other activities at certain locations
- there are parks where the community is unofficially using them as off-leash dog parks that can be formalised

Key Considerations

Key considerations associated with provision of off-leash dog parks include:

Health and Environmental Impacts

Dogs urinate and defecate in public places. Whilst dog owners are required to pick up faeces, unfortunately, residue or uncollected faeces can get washed into the stormwater and eventually enter the ocean. Council currently provides bags and waste receptacles at dog parks to encourage owners to clean up after their dog.

Off-leash dog parks have greater contamination. Further, for these reasons, it is desirable to prohibit dogs from certain locations, e.g., sportsfields.

Operational and Park Maintenance

The activity of off-leash dog exercise has an impact on the condition of the surface. The surface is dug up, becomes undulating and it is difficult to maintain turf coverage. It is desirable to prohibit dogs off-leash on designated sportsfields because of the potential for injuries during sport activities and in civic parks due to the visual presentation of the space.

Enforcement

To manage resourcing associated with enforcement, it is desirable to setup regulations and provision of facilities that are self-regulating.

Shared Spaces

Community land is intended to cater for a multitude of recreational activities. Provision of facilities should be balanced between the needs of all users and community needs. It is desirable to avoid potential conflict between off-leash dog exercise and other recreational activities

Risk management

The risk of dog attacks to humans and to other dogs needs to be considered in how we provide and manage facilities. Dogs behave differently depending on circumstances and may become aggressive when in close proximity to other dogs. To address this risk, any fenced dog park must be of adequate size to minimise / avoid dog attacks.

Existing Off-Leash Dog Parks

To assess the existing off-leash dog parks, we have reviewed feedback from the community, sought feedback from our operational staff responsible for maintenance of our open spaces and sought feedback from our Ranger Services.

Overall, the current provisions for off-leash exercise areas are meeting community needs. We have received requests for certain locations to be improved by installing fencing that prevents dogs from running onto the road. These locations include Baker Park, Bangor Park, and Broadarrow Reserve.

Our operational team has advised that dog owners are currently using the sportsfields at Snape Park which is impacting the surface. It is proposed to create a fenced off-leash dog section within Snape Park to address these concerns. Additional detail about this proposal is available in the proposal to create future fenced dog parks.

Additional Off-Leash Dog Parks

As per the Strategic Approach 3.6, new locations were investigated in Kensington, Kingsford and South Coogee. In general, open space in these suburbs consists of smaller pocket parks and neighbourhood parks in close proximity to dwellings.

Kensington Oval - Assessment

Council has received numerous requests for Kensington Park to be designated as an off-leash dog park with many community members exercising their dogs on Kensington Oval. Kensington oval is a designated Sportsfield that is maintained to a high standard for sporting events. For reasons outlined above relating to surface damage by dogs, the use of Kensington Oval for dog exercise is not supported.

The open space within Kensington Park surrounding Kensington Oval has a grandstand, playground, outdoor gym and has a significant number of trees. The eastern portion of the park

has the Kensington Community Centre, car park, basketball court and civic lawn area. There is no clear open that is considered suitable as a designated off-leash dog park.

Proposed new Off- Leash Dog Parks

Following a review of our existing open spaces and taking into consideration key factors to providing off-leash dog parks, we have identified several new off-leash dog parks as listed in Table 1 below. An arial image of each location is shown in Attachment 1.

Park / Reserve	Location	Comment
Kensington Rotary Reserve	Gardeners Road, Kingsford	Whole of park
Anzac Parade Median	At Bass Street, Kingsford	Will need to be a fenced off-leash area
Emily McCarthy Park	Elphinstone Road, South Coogee	Whole of park
Latham Park	Lower near Henning Avenue, South Coogee	Can be upgraded to a fenced off-leash area in future
Muraborah Reserve	Wride Street, Maroubra	Can be upgraded to a fenced off-leash area in future

Table 1 - Proposed new off-leash dog parks

Fenced Off-Leash Dog Exercise Areas

Council regularly receives requests for fenced off-leash dog exercise areas from dog owners. Reasons provided for the request include that the dog has not had adequate training to respond to verbal commands and to safeguard against dogs that run out onto an adjacent roadway.

Fenced dog exercise areas isolate the open space to this specific activity. Due to the concentration of the activity within the fenced area, the surface is dug up, is contaminated, becomes undulating and it is difficult to maintain a turf surface.

On this basis, the review identified suitable but limited locations that may be proposed as fenced off-leash dog exercise areas in the future. An arial image of each location is shown in Attachment 2.

Park / Reserve	Location	Ward	Comment
No suitable location		North	
Anzac Parade Median	At Bass Street, Kingsford	West	Will need to be a fenced off-leash area
Snape Park	Snape Street, Maroubra	West	A designated fenced off-leash area in the north, west part of the park
Latham Park	Off Henning Avenue, South Coogee	East	A new fenced off-leash area adjacent to the tennis courts
Muraborah Reserve	Wride Street, Maroubra	Central	Creation of a fenced area in the north, west part of the park
Pioneers Park	Anzac Parade, Malabar - Upper	South	Fencing of current off-leash area at the upper part of the park

**Table 2 - Proposed new fenced off- leash dog exercise areas
Off-Leash Dog Beach**

Strategic Approach 3.7 seeks to identify a suitable location for an off-leash dog beach for which a trial is proposed to be implemented.

There are 4 off-leash dog beaches in adjoining Council LGAs as follows:

- Bayside Council – Lady Robinson Beach, Kyeemagh and Foreshore Beach, Botany
- Sutherland Shire Council - Greenhills Beach and Silver Beach, Kurnell
- Woollahra Council - Rose Bay Foreshore

To identify a suitable location, objectives were developed following consideration of key issues with implementation of an off-leash dog beach.

Objectives

- Avoid crowded and high activity beaches to minimise conflict between users. For example, some beaches have high visitation, volleyball courts, nippers, fishers, commercial fitness trainers or provide access for wheelchairs
- There is low fishing activity
- Adequate parking – the selected location may require travel by car to the beach from many users
- Direct access to area – avoids the need to walk dogs past beach users to reach a specific part of a beach
- Preferable to not avoid restrictions to minimise the enforcement required

Key considerations

Beach cleaning

Due to the nature of an off-leash area and the sand environment, it may not be possible for dog owners to locate and clean up after their dogs. Our beach cleaning operations will potentially bury dog waste in the sand.

For this reason, it is considered that the nomination location should be a designated off-leash dog beach with low demand for swimming from the community.

Environmental impact on waterway

Dog urinating and fouling in the sand or water has the potential to contaminate the water. It is important that we undertake an environmental impact assessment, in particular to determine any potential impact on the marine environment.

Timed Restrictions

It is preferable to avoid restrictions for an activity to limit enforcement of the activity. Ideally, the nominated trial site should be available at all times.

Nominated Location

The beach location within the Randwick LGA that has been assessed as meeting the objectives for an off-leash dog beach is the northern section of Yarra Bay Beach. The location is shown in image 2 below.



Image 2 – Nominated location for Off-leash Dog Beach Trial

Next Steps

Should council endorse the proposed changes to the off-leash dog facilities in the Randwick LGA, it is proposed to conduct community consultation to seek feedback on the proposals.

Concurrently, it is proposed to begin the environmental assessment for all the off-leash dog parks including existing locations.

A further report will be brought back to council to outline the outcomes of the consultation and to endorse the plan.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering the Outcomes of the Community Strategic Plan:	
Strategy	Open Space and Recreation
Outcome	A community where everyone has the opportunity to participate in sport and recreation
Objective	75% or above satisfaction with new open space and recreation facilities within 2 years of implementation
Delivery program commitment	Identify off-leash dog areas for suburbs with greater than 25% high density dwellings including South Coogee, Kensington and Kingsford and one beach location (limited hours).

Delivery program commitment	Identify an appropriate location and implement a trial on a beach location for dog off-leash times.
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Resourcing Strategy implications

Community consultation associated with the review of our off-leash dog facilities will be undertaken by Council staff and funded from the operational budget. Funding for the environmental assessment is included in the adopted capital works budget. Capital upgrades will be nominated in future capital works programs.

Policy and legislative requirements

Local Government Act, 1993
Companion Animal Act, 1998

Conclusion

A review of the off-leash dog facilities has been undertaken in accordance with the strategic approaches in the Open Space and Recreation Strategy.

The review identified proposed new locations, including nomination of an off-leash dog park and future opportunities to install fenced off-leash exercise areas.

Responsible officer: Joe Ingegneri, Manager Technical Services

File Reference: F2011/00200

Attachment 1 - Proposed new off-leash dog parks**Kensington Rotary Reserve - Gardeners Road, Kingsford****Anzac Parade Median - At Bass Street, Kingsford - Fenced**

Emily McCarthy Park - Elphinstone Road, South Coogee



Latham Park – Off Henning Avenue, South Coogee



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Muraburah Reserve – Wride Street Maroubra



CS53/22

Attachment 2 - Proposed future fenced off-leash dog exercise areas**WEST WARD - Anzac Parade Median - At Bass Street, Kingsford - Fenced****WEST WARD - Snape Park - Snape Street, Maroubra**

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EAST WARD - Latham Park – Off Henning Avenue, South Coogee

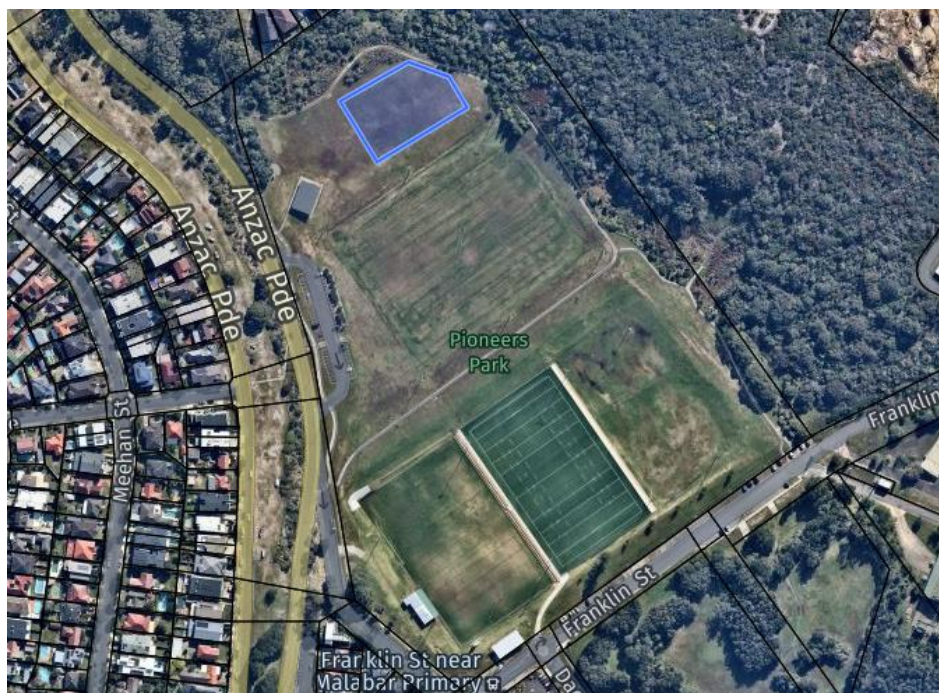


CENTRAL WARD - Muraburah Reserve – Wide Street Maroubra



CS53/22

SOUTH WARD – Pioneers Park, Anzac Parade, Malabar



CS53/22

Director City Services Report No. CS54/22

Subject: Float to Survive Campaign - Pilot Study

Executive Summary





- In 2022, Australia recorded its highest drowning rates in the last 10 years. At Randwick, we experienced one of the worst years in record with 5 fatalities along our coastline. As such some of our beaches are now classified as some of the most dangerous in the country.
- In August 2022, Surf Educators International (SEI) approached both Randwick City Council ("Randwick") and Waverley Council ("Waverley") seeking interest in the support of a pilot study regarding a new "Float to Survive" Campaign. SEI is dedicated to reducing drowning rates around the world.
- Internationally, A similar "Float to Live" campaign in the UK has been delivered by the Royal National Lifeboat Institution.
- Interest has been expressed from the Federal Government in the Float to Survive Campaign however further validation is required on testing the "Float to Survive" message on Australia's Coastline.
- A collaborative partnership is proposed between both Randwick and Waverley in support of the UNSW Beach Safety Research Group to test the message over the 2023 Summer Period (November 2022 to April 2023) and provide the results to the Federal Government for further national consideration.
- Professor Rob Brander (UNSW) (aka 'Dr RIP') has developed an "*Evaluation of 'Float to Survive' Pilot Study Campaign: Proposed Study*"
- The *Float to Survive* message will be promoted alongside and complement the tradition beach safety message of SLSNSW's 'always swim between the red and yellow flags' and Rock Fishing Safety Campaign for the coming summer.
- SLSNSW have taken carriage of the "rock fishing safety campaign" for both our LGA and NSW. It is suggested that the Float to Survive message is transferable and relevant in the Rock Fishing Safety messaging and as such may complement this strategic approach.
- The study will allow analysis on whether the promotional campaign was successful in terms of improving beachgoer **awareness and acceptance** of the message by comparing responses from those who live in the Randwick/Waverley LGAs or travel to these LGAs and those who do not.

Recommendation

That Council:

- a) note the record high drowning statistics in Australia in 2022;
- b) support the "Float to Survive" Campaign – Evaluation Pilot Study in a collaboration with Waverley Council;
- c) allocate the 50% contribution of \$8,000 from the existing rock fishing safety funding allocation in the 2022-23 Operational Budget;
- d) note a subsequent report will be brought back to Council outlining the results of the study.

Attachment/s:

1.  Float to Survive - Information Sheet
2.  National Drowning Report 2022
3.  UNSW Beach Safety Group - Float to Survive Campaign - Proposed Study
4.  SLSNSW Rock-Fishing-Safety-Factsheet-English

CS54/22

Purpose

In 2022, Australia recorded its highest drowning rates in the last 10 years. at Randwick, we experienced one of the worst years in record with 5 fatalities along our coastline. As such some of our beaches are now classified as some of the most dangerous in the country.

This report aims to inform Council of a new *Float to Survive Campaign* developed by Surf Educators International (SEI). It is recommended that a collaborative partnership is developed between both Randwick and Waverley Councils to rollout the campaign's pilot study in support of UNSW to determine the effectiveness of the "Float to Survive" message in our community.

Discussion

Background

In August 2022, Surf Educators International (SEI) President Bruch 'Hoppe' Hopkins and Founder Craig Riddington, and Ken Holloway approached both Randwick City Council ("Randwick") and Waverley Council ("Waverley") seeking interest in the support of a pilot study regarding a new "Float to Survive" Campaign (See Attachment 1).

Surf Educators International Inc (SEI) is dedicated to reducing drowning rates around the world. It has evolved from a need for more consistent surf education messages and programs. Formed in Australia in 2010, it now invites global membership from associations, industry groups and professionals committed to the same goal of saving lives in our waterways.

Royal Lifesaving Australia's *National Drowning Report 2022* (Attachment 2) shows in the last year Australia experienced our worst rate of drownings on record with 339 deaths (with over 50% in NSW) and an estimated further 686 people experiencing a non-fatal drowning incident.



Figure 1 - Remoteness of Drowning Location - National Drowning Report 2022

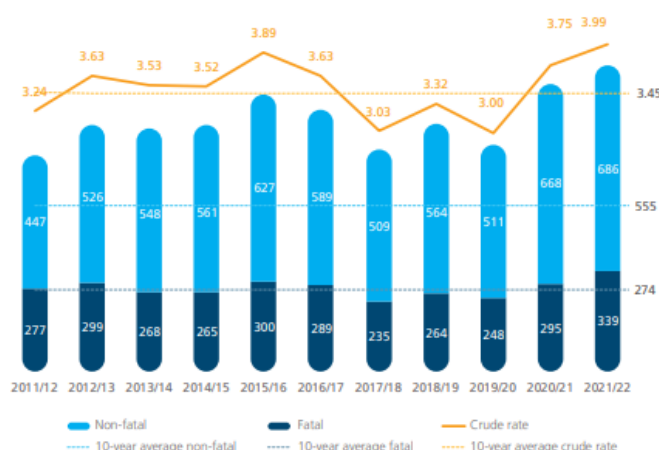


Figure 2 - Comparison of Fatal and Non-Fatal Drowning Incidents and Averages over 10 years - National Drowning Report 2022



Locally, the *Coastal Operational Update* reported by the Manger Public Safety and Aquatics to the September Randwick Coastal Advisory Committee showed whilst visitation was down at our patrolled beaches by 6% in 2021/22 our rescues were significantly higher at 540 (30% increase from 2021). Additionally, Randwick experienced 5 deaths along our coastline in 2022 now labelling Randwick and Waverley's beaches some of the most dangerous in the Country.

In consideration of this confronting reality, The Campaign looks to reduce these shocking statistics by teaching people one simple skill – to float to survive, a skill that can be adapted to all water safety initiatives worldwide.

Internationally, a similar “Float to Live” campaign in the UK has been delivered by the National Water

Safety Forum – Royal National Lifeboat Institution. It has been suggested that in the time the campaign has been live, the rate of drownings has decreased.

Float to Survive Campaign – Pilot Study Proposal

Interest has been expressed from the Federal Government in the Float to Survive Campaign however further validation is required on testing the “Float to Survive” message on Australia's Coastline.

A collaborative partnership is proposed between both Randwick and Waverley in support of the UNSW Beach Safety Research Group to test the message over the 2023 Summer Period (December 2022 to April 2023) and provide the results to the Federal Government for further national consideration.

Professor Rob Brander (UNSW) (aka ‘Dr RIP’) has developed an “*Evaluation of ‘Float to Survive’ Pilot Study Campaign: Proposed Study*” (See Attachment 3). The overview of the study notes the *Float to Survive* message will be promoted alongside and complement the traditional beach safety message of SLSNSW's ‘always swim between the red and yellow flags’ and Rock Fishing Safety Campaign for the coming summer.



The Study

The study will involve both visual and text-based safety information presented in physical form located at beaches and public locations where practical, within brochures; and digital formats including various social media platforms and as part of a short public service announcements.

Dissemination of the campaign will be restricted to within the Randwick and Waverley LGAs in summer with dates to be determined.

Prior to the roll out of the campaign, a short anonymous survey questionnaire (5 minutes or less) will be developed that will be disseminated via iPad/Smartphone(s) at popular beaches in the Randwick and Waverley LGAs and some control areas over a two-week period.

Once the campaign has been implemented/promoted, online, anonymous surveys of beachgoers at the same Randwick/Waverley beaches and control beaches will be done on two occasions over a period of two weeks.

Goal

The overall goal of an evaluation of the 'Float to Survive' message is to see if the campaign/message:

- i) is recognised, understood and recalled by the general public/beachgoers; and
- ii) has altered public/beachgoer self-reported knowledge and behaviour in relation to how to react if they find themselves in trouble in the water.

Outcome

The study will allow analysis on whether the promotional campaign was successful in terms of improving beachgoer **awareness** and acceptance of the message by comparing responses from those who live in the Randwick/Waverley LGAs or travel to these LGAs and those who do not.

Limitations

It is strongly emphasized that it will likely be difficult to determine the effectiveness of the message in influencing the behaviour/reactions of those who were caught in rips/or in trouble due to what will likely be a small sample size.

As the survey will be anonymous, it will not be possible to compare responses for specific individuals prior to, during, and after the campaign.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering the Outcomes of the Community Strategic Plan:	
Strategy	Open Space and Recreation
Outcome	A community that is healthy and active
Objective	Maintain a community satisfaction* rating for coastal open spaces, coastal walkway, playgrounds and parks of 97%
Delivery program commitment	Review and strengthen the rock fishing safety campaign and on-site infrastructure (i.e. signage) to raise awareness and increase rock fishing safety including in multiple community languages, working with NSW Parks and Wildlife Service.

It should be noted by Council that SLSNSW have taken carriage of the "rock fishing safety campaign" for both our LGA and NSW. Randwick will support SLSNSW (See attachment 4) in the largest rock fishing campaign in the states history rather than developing ourselves as was originally intended with the development of this strategic approach.

It is suggested that the Float to Survive message is transferable and relevant in the Rock Fishing Safety messaging and as such may complement this strategic approach.

Delivering services and regulatory functions:	
Service area	Public Safety & Aquatic Services
Function	Water Safety

Delivery program commitment	Implement water safety initiatives to help maintain the safety and wellbeing of people using Council's beaches, coastline and Aquatic Centre.
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Resourcing Strategy implications

Several sessions have been facilitated by Officers at both Randwick and Waverley and collaborative support for the study has been suggested by way of:

Material	Cost		Sub - Total
	In-Kind	Direct Cost	
Graphics Development	\$0	-	\$0
E-News Etc	\$0	-	\$0
Media Campaign	\$0	-	\$0
Social Media Campaign	-	\$1,000	\$1,000
Video Content	-	\$5,000	\$5,000
Handouts (print cost)	-	\$1,000	\$1,000
Visual Messaging Boards (Digital Boards)	\$0	-	\$0
Beach Smart Screens	\$0	-	\$0
Verbal Messaging*	\$0	-	\$0
Study Contribution		\$9,000	\$9,000
TOTAL			\$16,000

* to be completed by Lifeguards over PA and Waverley Beach Ambassadors

The total amount by way of funding support for the evaluation study is \$16,000 with 50% to be contributed by each Council. The financial impact to Randwick is \$8,000.

As noted above, Randwick has the strategic approach of the development of the Rock Fishing Campaign and as such allocated \$20,000 in the current 2022-23 Operational Plan and Budget. As the Float to Survive Campaign is complementary and highly relevant to the rock fishing campaign it is recommended that the \$8,000 is funded from the existing budget.

Council should also be aware that a further \$20,000 has been considered each year to 2025 in our Long Term Financial Plan to support our Rock Fishing Campaign and onsite infrastructure.

Policy and legislative requirements

Local Government Act 1993
NSW Rock Fishing Safety Act 201

Conclusion

The drownings on Australia's coastline are at an all-time high. Locally, some of both Randwick and Waverley's Beaches are now classified as some of the most hazardous and dangerous in the country based on fatality rates. Surf Educators International (SEI) are seeking support in the development of a 'Float to Survive' Campaign to reduce drownings.

It is recommended that both Randwick and Waverley Council's in support of UNSW collaborate to implement the pilot study. The results of the study will be reported back to Council in mid-2023.

Responsible officer: Todd Clarke, Director City Services

File Reference: F2020/00714

FLOAT TO SURVIVE
SURF EDUCATORS INTERNATIONAL INC.

PAGE 04

**“RIPS DON’T DROWN PEOPLE,
PEOPLE DROWN IN RIPS”**
BRUCE “HOPPO” HOPKINS.

HOW DO WE REACH THE PUBLIC?

Bruce ‘Hoppo’ Hopkins as the face of Float to Survive, presents a rare marketing opportunity. Together with his team of lifeguards, they have been educating millions of people worldwide through the hit television series, Bondi Rescue - now shown in 100 counties and in its 16th series.

Ironman legend Craig Riddington, also known as ‘one of the greatest ocean swimmers of all time’, brings his profile and knowledge to SEI. He has decades of experience delivering successful surf education and surf skills programs to thousands of school children every year through his own business SEA Australia.

As two high profile faces of the industry, SEI is well positioned to deliver a dynamic, targeted and cost effective water safety ‘Float to Survive’ campaign. This will make a difference to the drowning toll in Australia and worldwide.

A DIFFERENT APPROACH

By utilising SEI’s expertise which includes:

- Bondi Rescue as a marketing tool, which can bring the SEI Float to Survive team to a pool or beach near you.
- Existing SEI water safety programs as templates to be adapted to any aquatic location. These programs include practical school surf education and surf sport programs & surfing schools
- SEI’s published research paper in collaboration with surf science – Approaches for Beach Safety and Education in Ghana: A Case Study for Developing Countries with a Surf Coast - (in development)
- Collaboration with other water safety organisations and initiatives using this most important message
- Aquatic safety consultation

Practical sessions are complemented by SEI’s other components:

- **Virtual Reality**

This exciting technology is currently still in development stage, but our aim is to enable people to experience what it is like to be caught in a ‘virtual’ rip. This portable and cutting edge technology could be taken to schools, community groups and exhibitions.

- **School Education Programs**

In Australia, our specially designed education campaigns are tailored for students from kindergarten to Year 12. These are non-selective and cater for all students regardless of their swimming and physical ability.

We currently teach around 30,000 students per annum but, with funding we could help educate as many as 500,000 youngsters every year – providing a lifelong message to ‘Float to Survive’.

Other ways to spread the Float to Survive message: Children’s TV show - Kangaroo Beach

Each episode has an important water safety message, and consulting on water safety information will be through consultation with Surf Educators International Inc.



CONTACT

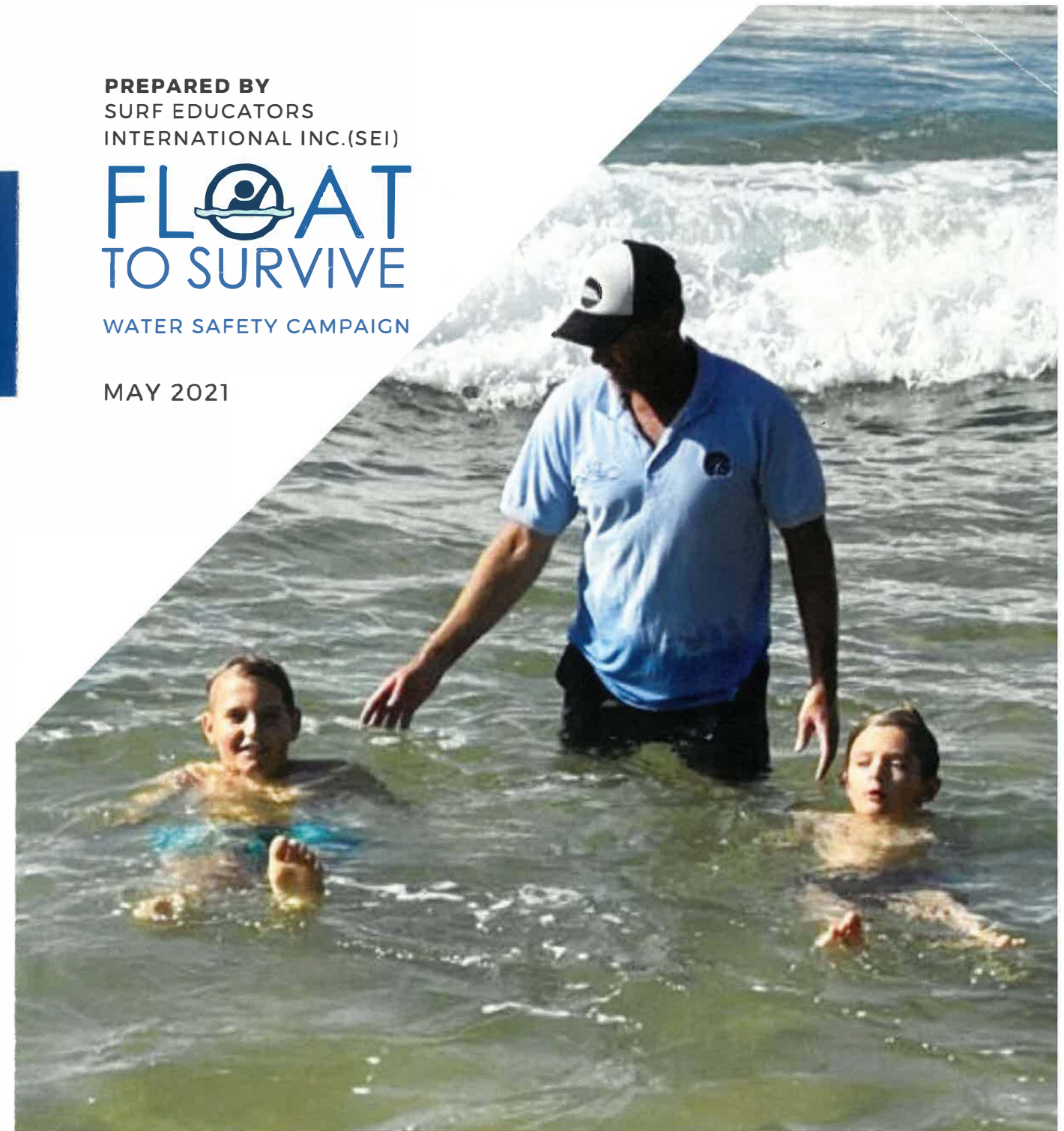
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PREPARED BY
SURF EDUCATORS
INTERNATIONAL INC.(SEI)

**FLOAT
TO SURVIVE**

WATER SAFETY CAMPAIGN

MAY 2021



Surf Educators International Inc (SEI) is dedicated to reducing drowning rates around the world. It has evolved from a need for more consistent surf education messages and programs. Formed in Australia in 2010, it now invites global membership from associations, industry groups and professionals committed to the same goal of saving lives in our waterways.

SEI
SURF EDUCATORS INTERNATIONAL

CS54/22

FLOAT TO SURVIVE

SURF EDUCATORS INTERNATIONAL INC.

PAGE 02

ALMOST EVERYDAY THIS PAST
SUMMER SOMEONE DROWNED IN
AN AUSTRALIAN WATERWAY

Almost every day this summer someone drowned in an Australian waterway.

An unacceptable national tragedy. We can reduce this shocking statistic by teaching people one simple skill – to float and survive, a skill that can be adapted to all water safety initiatives worldwide.

Bondi Rescue star and Waverley Council's head lifeguard – Bruce – “Hoppo” Hopkins and former Iron Man – Craig Riddington know that many lives lost in rips, rivers and waterways could be saved by this simple strategy.

As part of Surf Educators International – a not for profit organisation – they have launched ‘Float to Survive’ a water safety initiative to reduce the number of unnecessary deaths caused by drownings in Australia and worldwide each year. SEI is seeking support and partnership to deliver this ground breaking program.



“Nobody goes to the beach expecting to drown. It's sudden, silent and in many cases avoidable.”

Bruce ‘Hoppo’ Hopkins, Surf Educators International President

HOW DOES FLOATING SAVE LIVES?

Floating is a calming movement in water to remain buoyant, not an extreme call to action like swim. Individuals have varying abilities in the water and there are many ways to float to survive. We need to work on basic water movement, water feel, and strengthening the correct muscles to enable individuals to float and move through the water within their comfort zone, whether it be floating on their back, stomach or treading water – the key is to keep their airways above the water.

WHY IS FUNDING NEEDED?

The Float to Survive program can be delivered to any existing pool or beach controlled by Local Councils. Combined funding from the State and Federal Governments, or corporate will help everybody in Australia to learn how to float and survive.

“I’ve been teaching surf education for 20 years. It’s exciting to work alongside Hoppo to deliver a water safety program, which will make a difference.”

Craig Riddington, Surf Educators International Founder



FLOAT TO SURVIVE

SURF EDUCATORS INTERNATIONAL INC.

PAGE 03

MEN ALSO HAVE A HIGHER RISK
OF DROWNING WITH TWICE THE
OVERALL MORTALITY RATES OF
FEMALES.

WHY DO WE NEED TO ACT?

There has never been a more important time than now to educate people to ‘Float to Survive’. Australia recorded 86 drowning deaths during a shocking 2020/2021 summer period – a 30 percent increase from the same time last year*. The highest number of fatalities were recorded in NSW, followed by Queensland and Victoria. And it is not just on the coast where people are losing their lives. Almost 30 percent of drowning over summer occurred in rivers, lakes and dams.

WHY ‘FLOAT TO SURVIVE’ GOES BEYOND AUSTRALIA

According to the World Health Organisation, an estimated 320,000 people drown every year globally. It is the third leading cause of unintentional injury death worldwide. Research by SEI is being used to help low and middle income countries, such as the West African nation of Ghana, where drowning is a common occurrence due to lack of education. Often there are no swim teachers, no lifeguards outside of privately owned areas and no signage to warn of hazardous conditions. The message to ‘Float to Survive’ is universal and could save countless lives. SEI is also committed to increasing education about rip hazards and lifeguard services.

WHO IS AT RISK?

Globally, the highest drowning rate is among children aged 1-4 years, followed by those aged 5-9 years. Men also have a higher risk of drowning, says the World Health

Organisation, with twice the overall mortality rates of females.

Research shows this is because men have a higher exposure to water through activities such as boating or fishing and are more likely to swim alone or drink alcohol before entering the water.

Other risk factors include lower socioeconomic status, being a member of an ethnic minority, lack of higher education and rural populations.

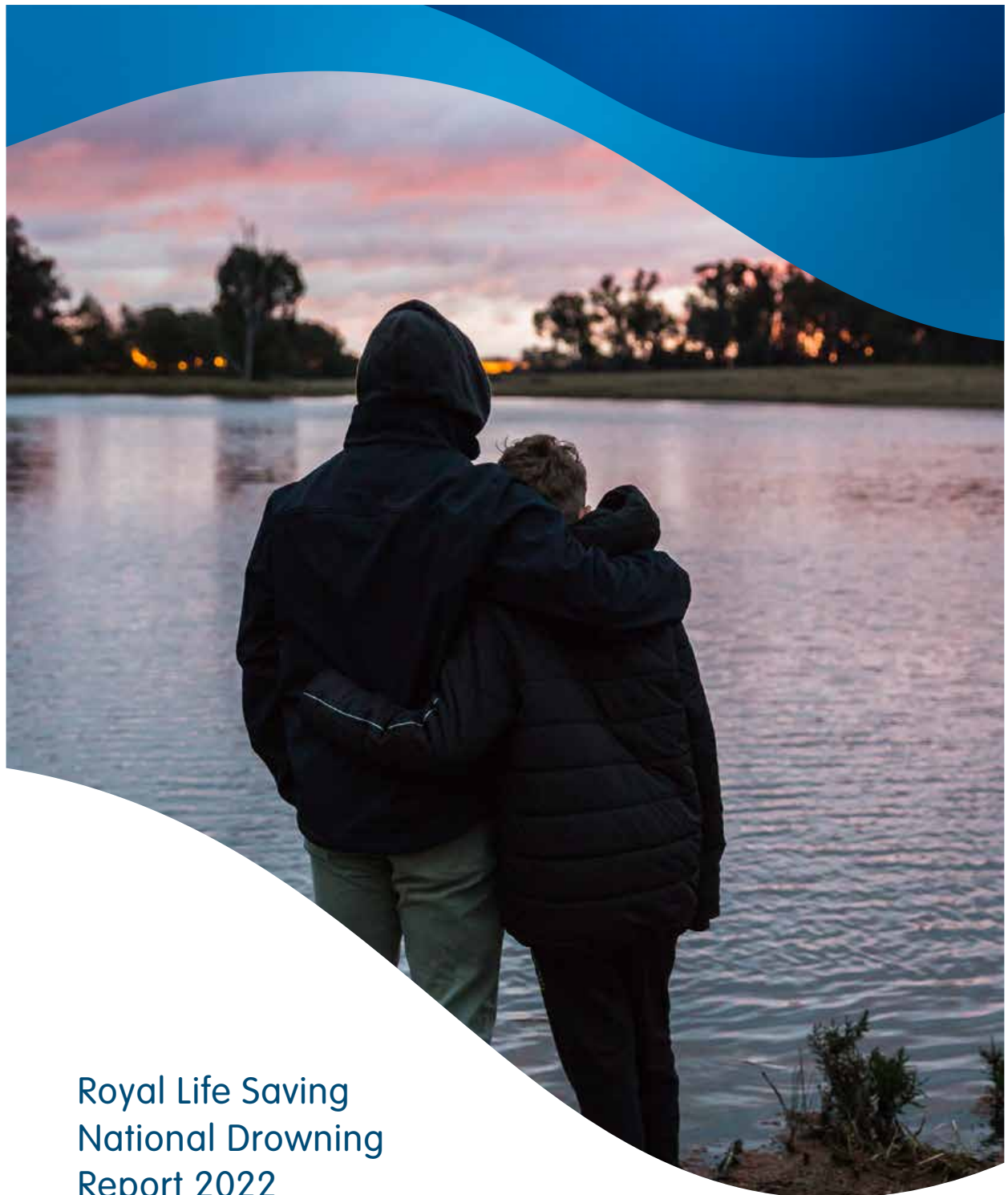
SEI wants to target those at risk and spread the message of ‘Float To Survive’.

- It take as little as 5 minutes to learn to float
- While floating doesn't replace swimming, it is the most vital lifesaving skill.
- Floating keeps the airways above the water.
- The longer a person floats, the increased chance of survival.



*source: Media Analysis of Summer Drowning in Australia – Royal Lifesaving Australia

CS54/22



Royal Life Saving National Drowning Report 2022

339 people drowned
in Australian waterways



ROYAL LIFE SAVING
AUSTRALIA

SUPPORTED BY



Australian Government

> FOREWORD

As we present the National Drowning Report for 2022, we remain ever mindful of the people whose lives have been lost or impacted by drowning, including the many families affected by the loss or long-term injury of a loved one.

The COVID-19 pandemic has left a mark on families, workplaces and communities. Changes to routines, livelihoods and leisure will take time to process and move past. The temporary closure of aquatic facilities and swim schools during the worst of the pandemic is likely to impact Australians for years to come, with children missing long periods of swimming and water safety education, the aquatic industry now struggling to recruit instructors and lifeguards.

New behaviours have also emerged, with Australians increasingly seeking out secluded and often unpatrolled waterways to visit or finding a new enthusiasm for domestic tourism taking them further away from the safety of their local pool or patrolled beach.

This report presents our analysis of fatal and non-fatal drowning across Australia between 1st July 2021 and 30th June 2022. During this time, 339 people lost their lives to drowning and we estimate a further 686 people experienced a non-fatal drowning incident.

This is terribly sad and confronting, especially given this reported figure reverses years of progress.

This year's findings show that:

- > Drowning deaths increased by 15% compared to the previous year, but 24% compared to the 10-year average
- > 82% of drowning deaths were males
- > There were 17 drowning deaths among children aged 0-4 years; this is a 29% decrease on last year and a 23% decrease on the 10-year average, an improvement after a rising tragically during covid lockdowns
- > 15 drowning deaths occurred in children aged 5-14 years, a 7% increase on last year and a 36% increase on the 10-year average, perhaps a reflection of children missing out on swimming lessons
- > 94 drowning deaths occurred in people aged over 65 years, 34% increase on last year and a 57% increase on the 10-year average. 28% of drowning occurred in people over 65 years
- > 114 drowning deaths occurred in rivers and creeks; 39 were flood related
- > Rivers and creeks were the leading location for drowning (34%), followed by beaches (21%) and ocean/harbour locations (13%)

> OUR VISION

**A water-loving nation
free from drowning.**

CS54/22

Rivers and creeks

Rivers and creeks were the leading location for drowning in 2021/22. In part, this was due to significant flooding in New South Wales and Queensland as a result of intense rainfall. Climate change will continue to impact drowning in Australia. Predictions of increased extreme heat events and more intense heavy rainfall events are likely to result in increased drowning risk. Royal Life Saving Australia is committed to supporting emergency management agencies and those organisations responsible for flood response and recovery.

National Water Safety Summit

Recognising that Summer 21/22 was tragic, and that next summer is fast approaching, we convened more than 200 water safety experts from across Australia and New Zealand for the National Water Safety Summit in August 2022. The Summit was designed around the key at-risk groups identified in the Australian Water Safety Strategy 2030. Presenters included researchers, water safety experts, state and local governments and educators. Over two days of intense discussion, the key themes that emerged were prevention, collaboration, co-design, and the value of working together. Core issues of concern raised included the effects of COVID-19 on children learning to swim, and the ongoing workforce pressures after many young people were forced to leave the industry over the past two years. The program also focused on accessibility of swimming locations, with investment into harbour and river swimming locations to enable more Australians to enjoy the water.

Swimming skills

It has been clear, over many years, that swimming skills are critical to safety and our enjoyment water activities. We remain concerned about all the children who missed lessons due to pandemic related health and economic factors. We should be doing everything possible to ensure that these children don't become a generation of non-swimmers. Equally, we see adults rediscovering water recreation, but needing to first refresh their swimming skills. Some of these incidents are a consequence of poor decision making like combining drugs and alcohol with swimming or boating. In other cases, a simple health check may have alerted a strong lifelong swimmer to a medical issue posing risk in the water. In all cases, swimming and water safety skills are so critical to enjoying our waterways safely.

Justin Scarr

Chief Executive Officer
Royal Life Saving Society – Australia

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- 64 Research and Policy 2021/22 Highlights



ACKNOWLEDGEMENT OF COUNTRY

Royal Life Saving Society – Australia acknowledges the Aboriginal and Torres Strait Islander people of this nation. We pay our respects to their Elders past, present and emerging recognising their continued connection to land, waters and communities.



ROYAL LIFE SAVING
AUSTRALIA

SUPPORTED BY



Australian Government

> NATIONAL DROWNING REPORT 2022 SNAPSHOT

CS54/22

339

PEOPLE DROWNED IN AUSTRALIAN WATERWAYS
1 July 2021 to 30 June 2022

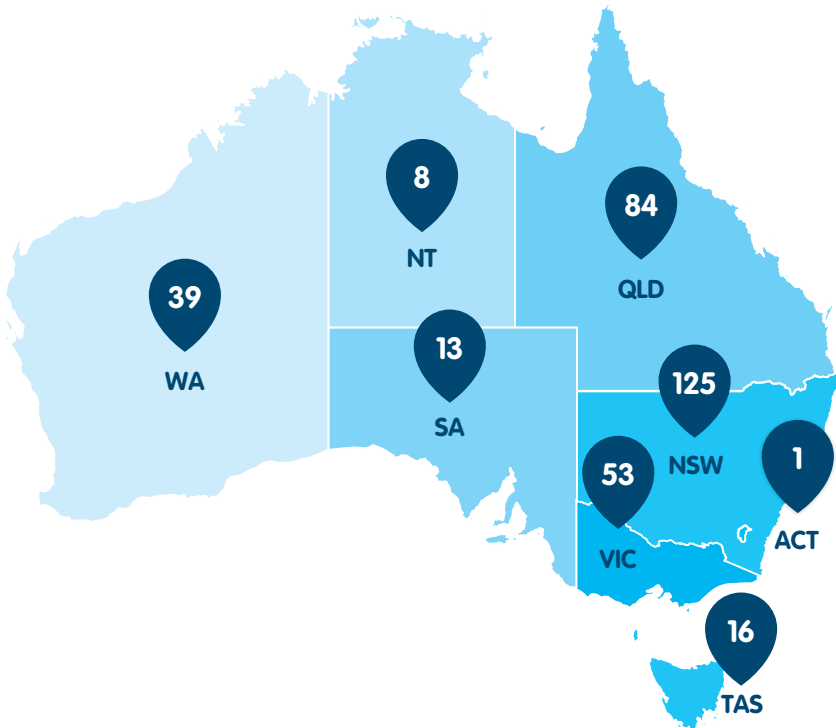


82%
of all drowning deaths
were males



13%
of all drowning deaths
were flood-related

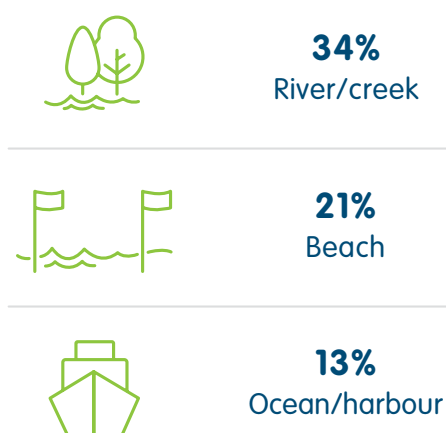
State and Territory breakdown



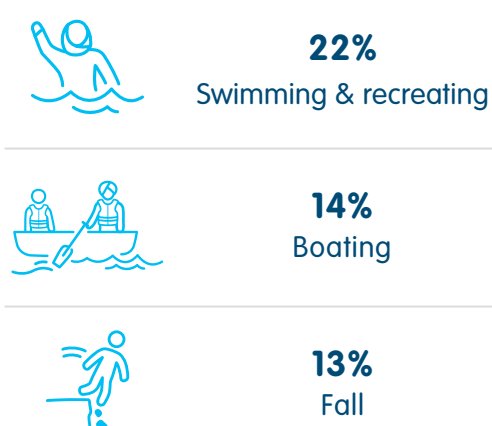
Top 3 age groups



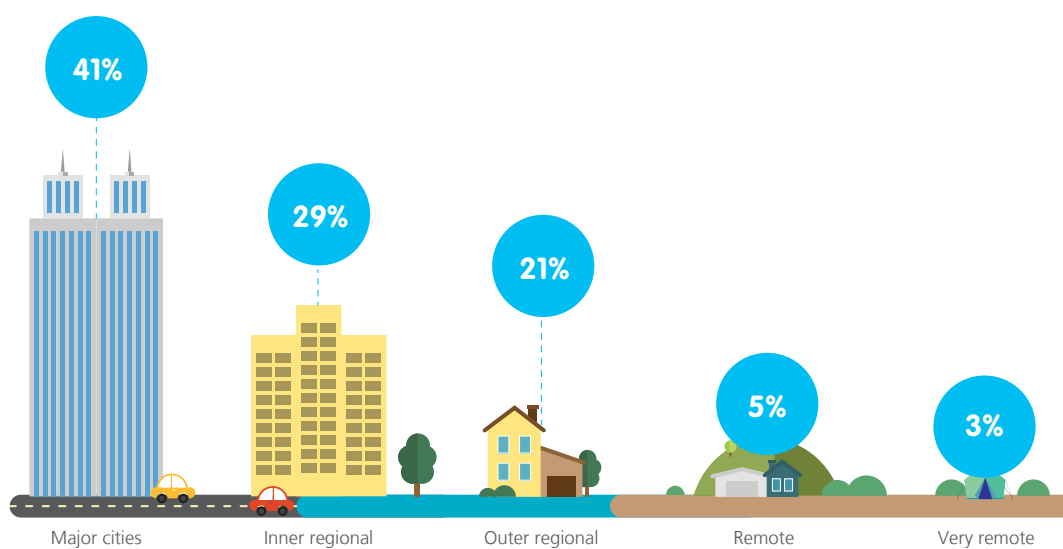
Top 3 locations



Top 3 activities

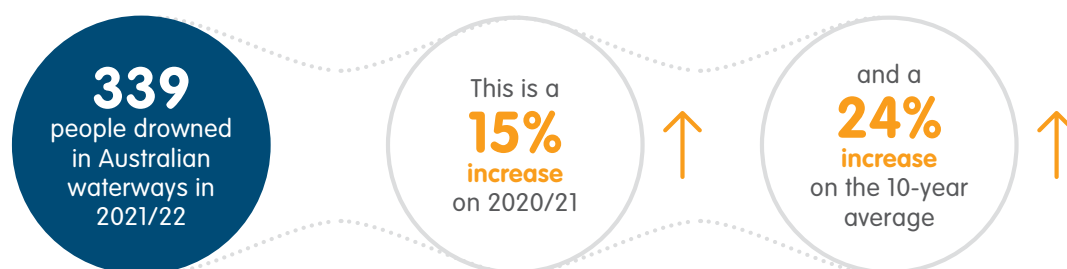


Remoteness of drowning location

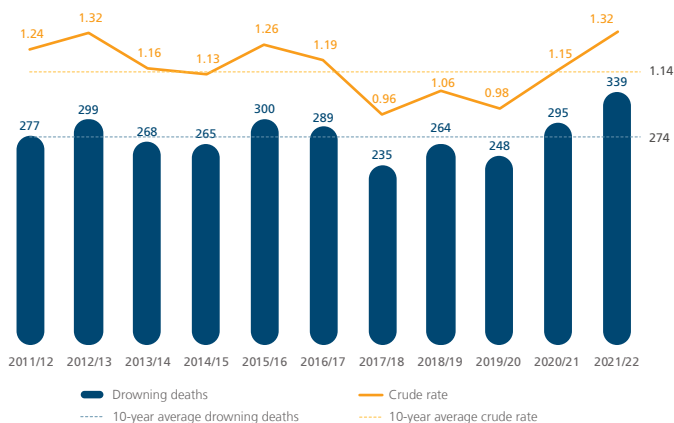


➤ FATAL AND NON-FATAL DROWNING IN AUSTRALIA

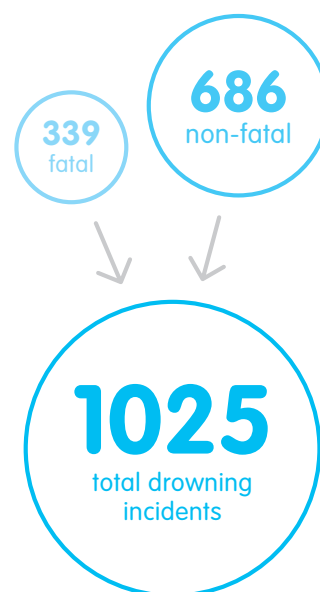
CS54/22



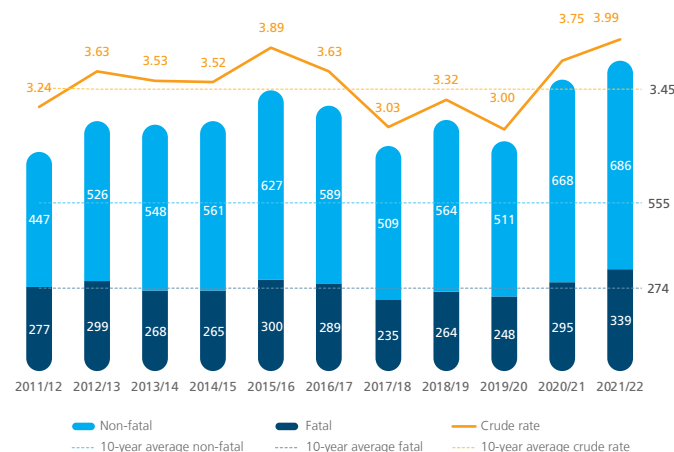
Unintentional drowning deaths and death rates from 2011/12 to 2021/22 and the 10-year average



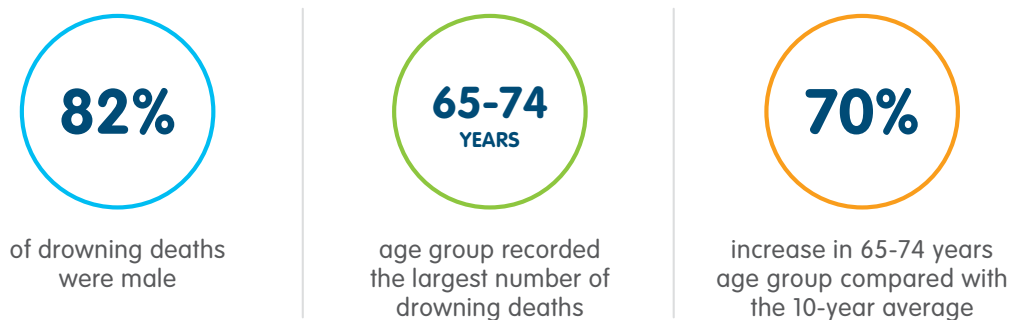
When fatal and non-fatal drowning incidents are combined, a total of 1025 drowning incidents occurred in Australia, representing a crude drowning rate of 3.99 drowning incidents per 100,000 population.



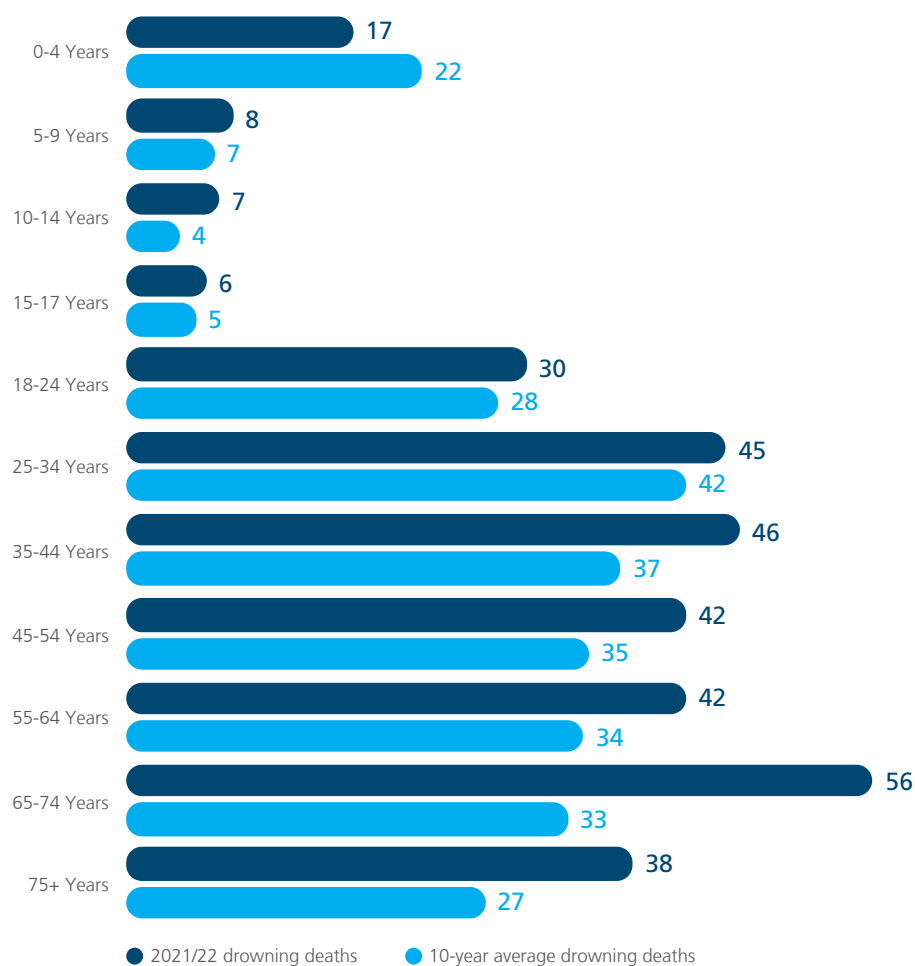
Comparison of fatal and non-fatal incidents and crude rate of drowning incidents from 2011/12 to 2021/22 and the 10-year average



> WHO DROWNS?



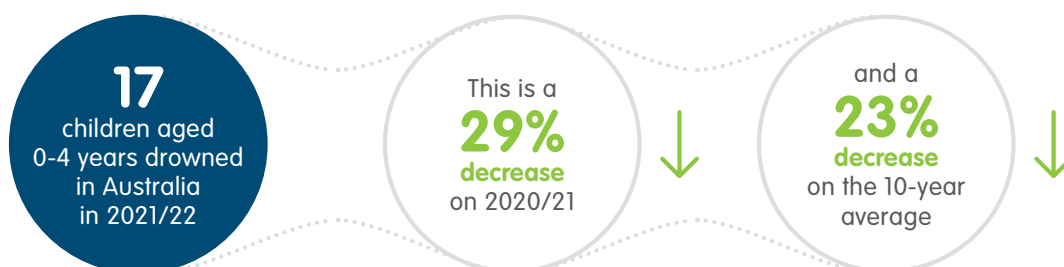
Drowning deaths by age group in 2021/22 compared with the 10-year average



*Age unavailable for two deaths in 2021/22

> DROWNING DEATHS BY LIFE STAGES: CHILDREN AGED 0-4 YEARS

CS54/22

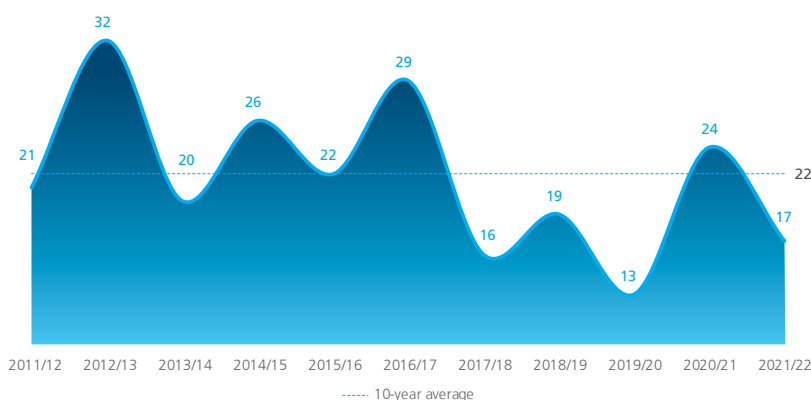


65%
of all drowning deaths in this age group were males

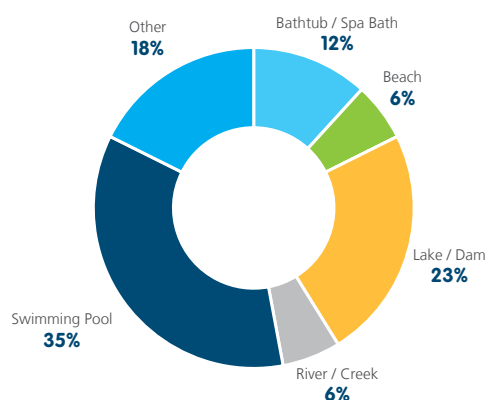


0%
of drowning deaths were flood-related

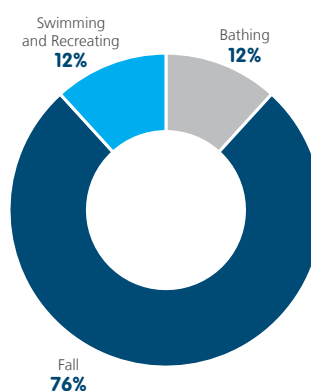
Drowning deaths of children aged 0-4 years from 2011/12 to 2021/22 and the 10-year average



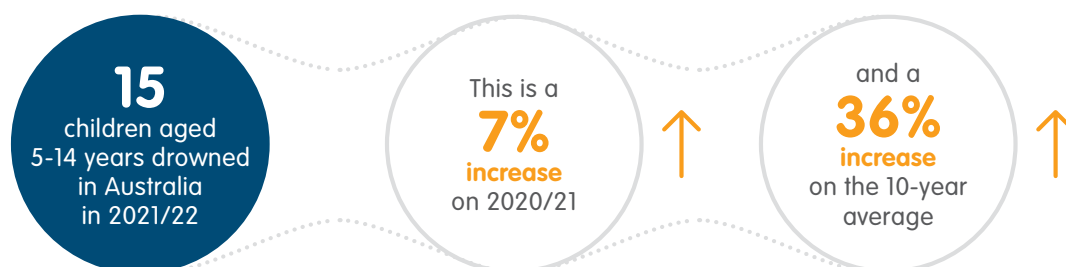
Drowning deaths of children aged 0-4 years by location, 2021/22



Drowning deaths of children aged 0-4 years by activity, 2021/22



> DROWNING DEATHS BY LIFE STAGES: CHILDREN AGED 5-14 YEARS

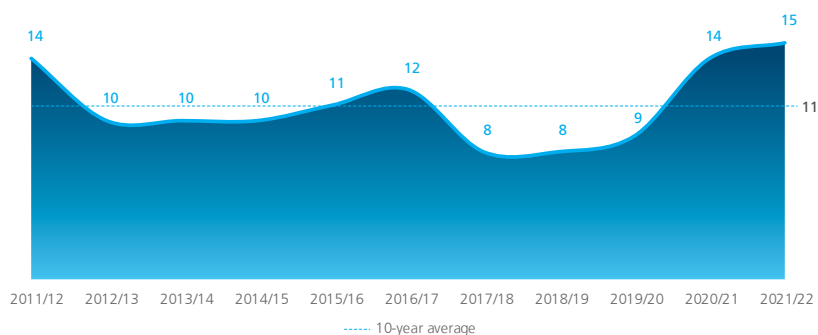


73%
of all drowning deaths in this age group were males

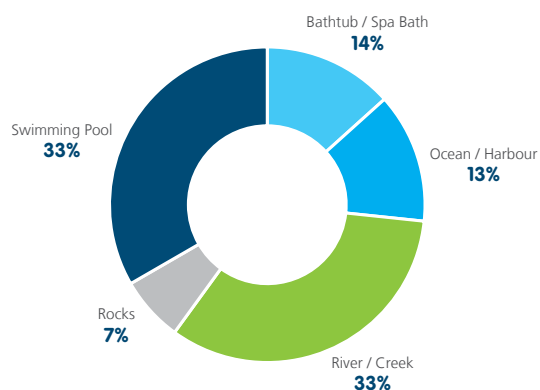


7%
of drowning deaths were flood-related

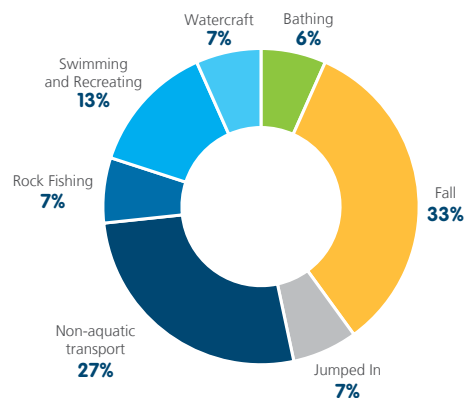
Drowning deaths of children aged 5-14 years from 2011/12 to 2021/22 and the 10-year average



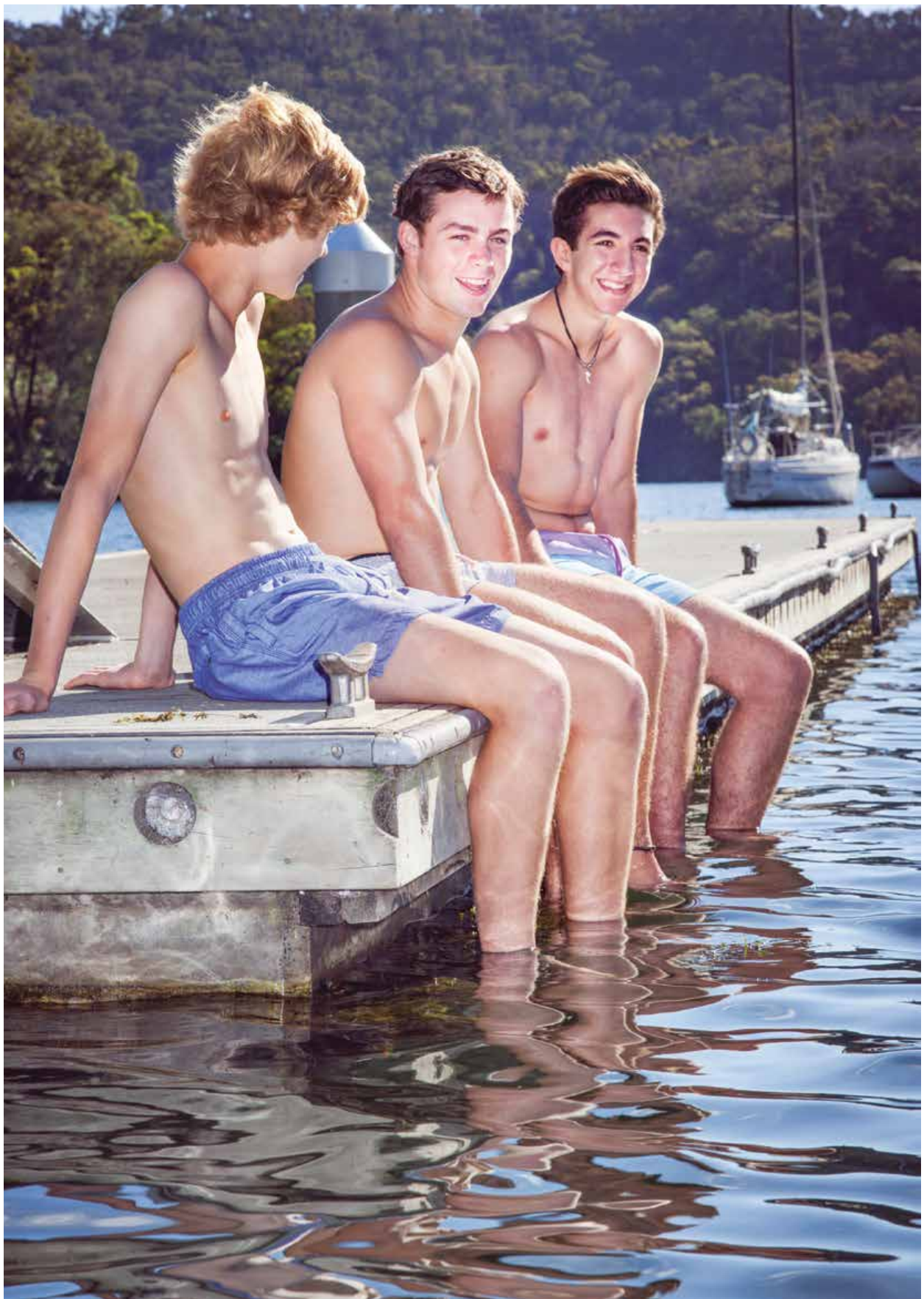
Drowning deaths of children aged 5-14 years by location, 2021/22



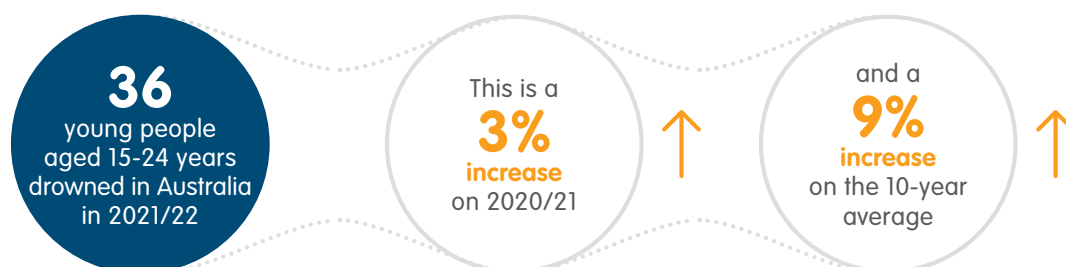
Drowning deaths of children aged 5-14 years by activity, 2021/22



CS54/22



> DROWNING DEATHS BY LIFE STAGES: YOUNG PEOPLE AGED 15-24 YEARS

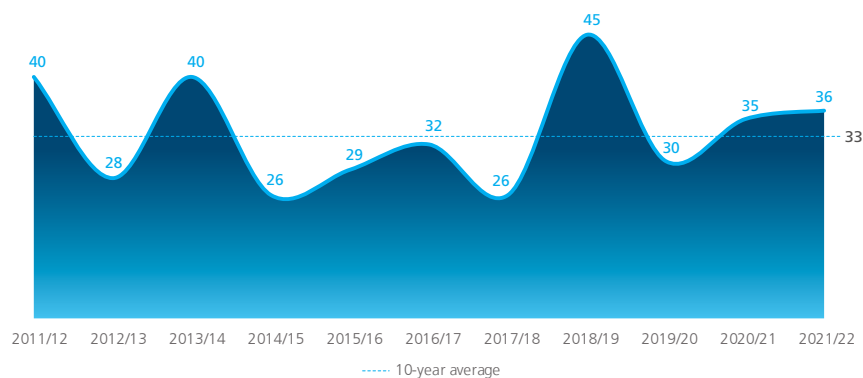


75% of all drowning deaths in this age group were males

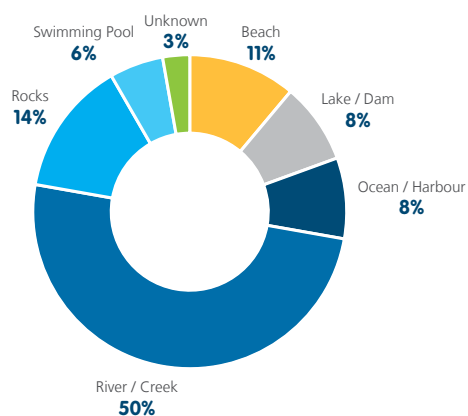


3% of drowning deaths were flood-related

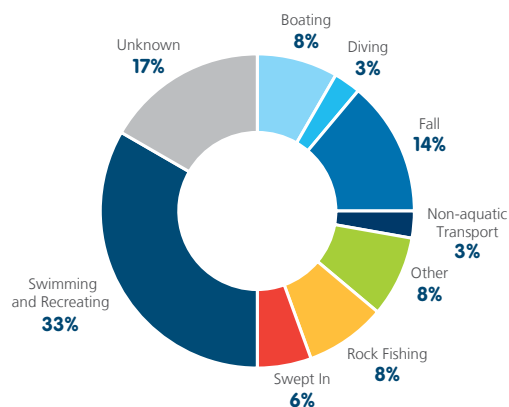
Drowning deaths of young people aged 15-24 years from 2011/12 to 2021/22 and the 10-year average



Drowning deaths of young people aged 15-24 years by location, 2021/22

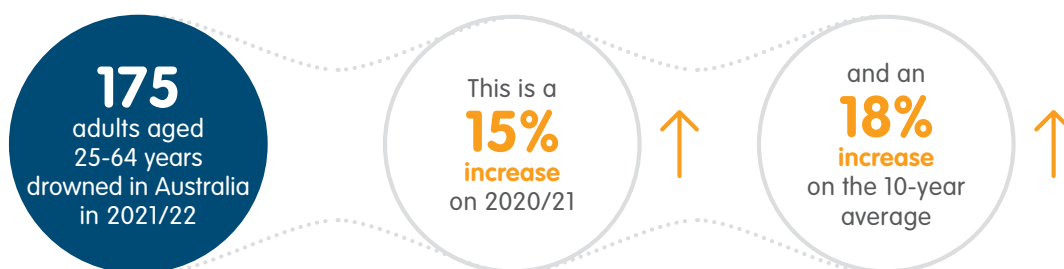


Drowning deaths of young people aged 15-24 years by activity, 2021/22



> DROWNING DEATHS BY LIFE STAGES: ADULTS AGED 25-64 YEARS

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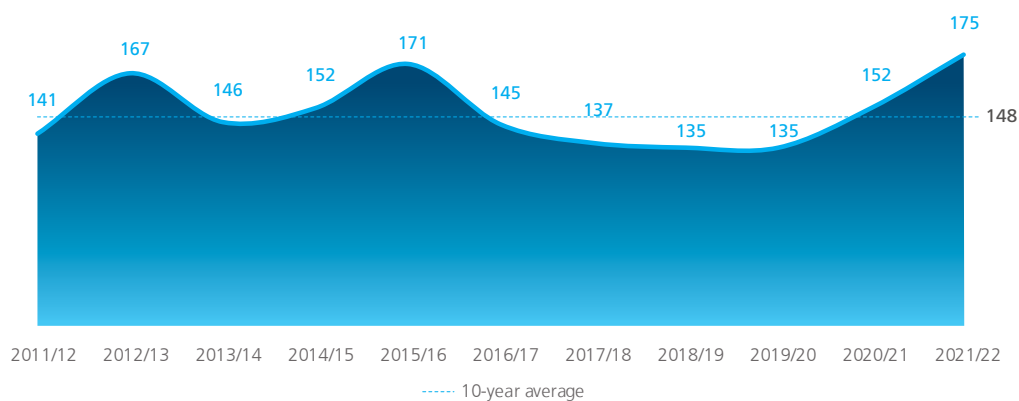


85%
of all drowning deaths in this age group were males

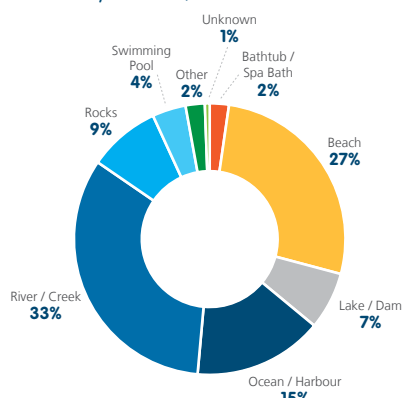


16%
of drowning deaths were flood-related

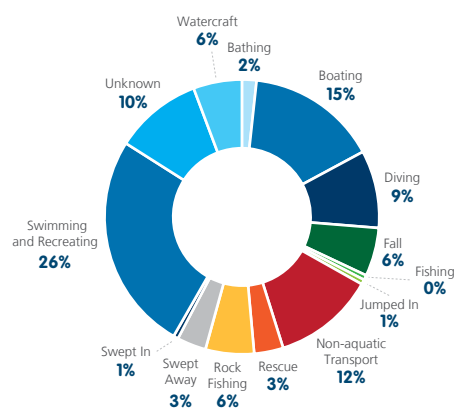
Drowning deaths of adults aged 25-64 years from 2011/12 to 2021/22 and the 10-year average



Drowning deaths of adults aged 25-64 years by location, 2021/22



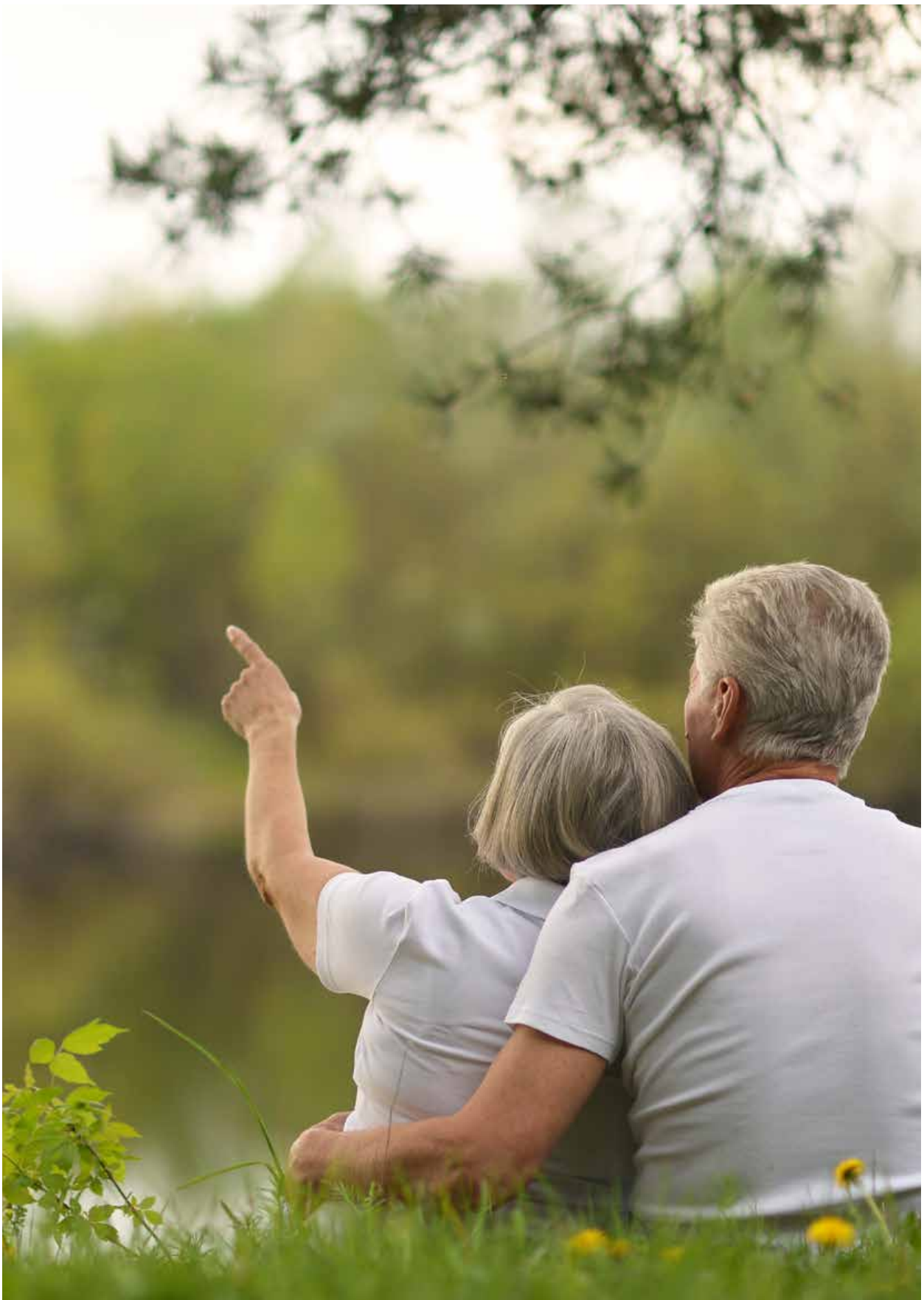
Drowning deaths of adults aged 25-64 years by activity, 2021/22



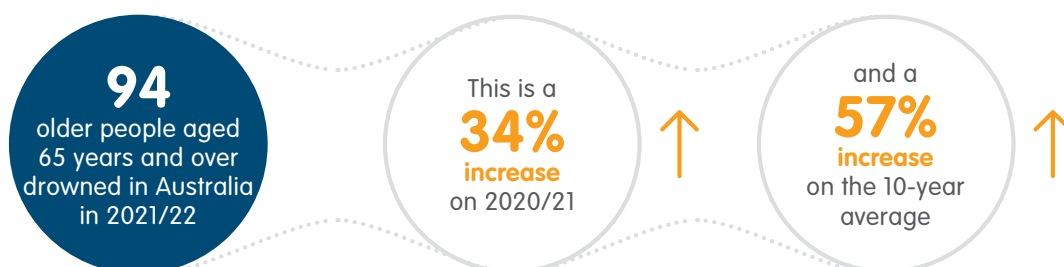


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> DROWNING DEATHS BY LIFE STAGES: OLDER PEOPLE AGED 65 YEARS AND OVER

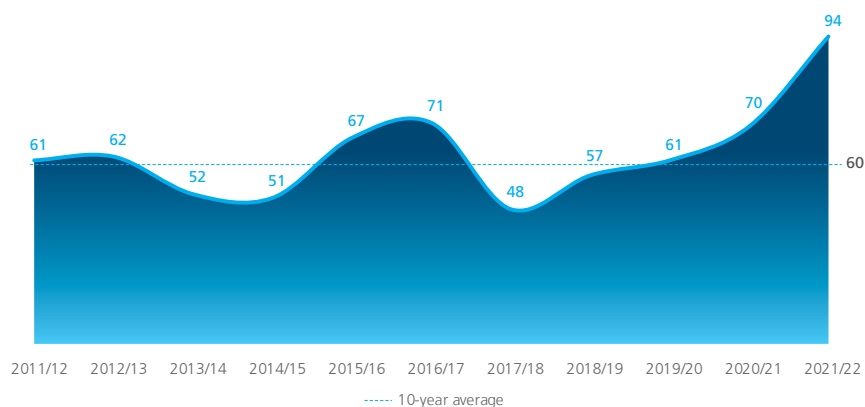


82%
of all drowning deaths in this age group were males

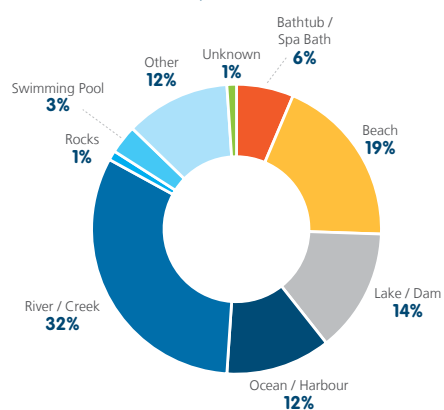


14%
of drowning deaths were flood-related

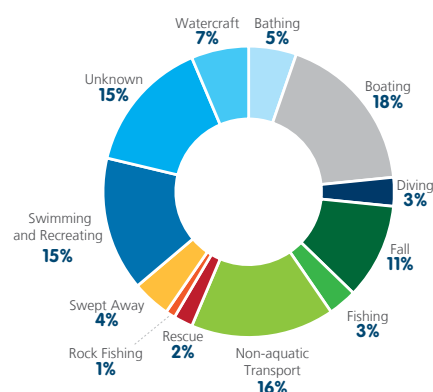
Drowning deaths of older people aged 65 years and over from 2011/12 to 2021/22 and the 10-year average



Drowning deaths of older people aged 65 years and over by location, 2021/22

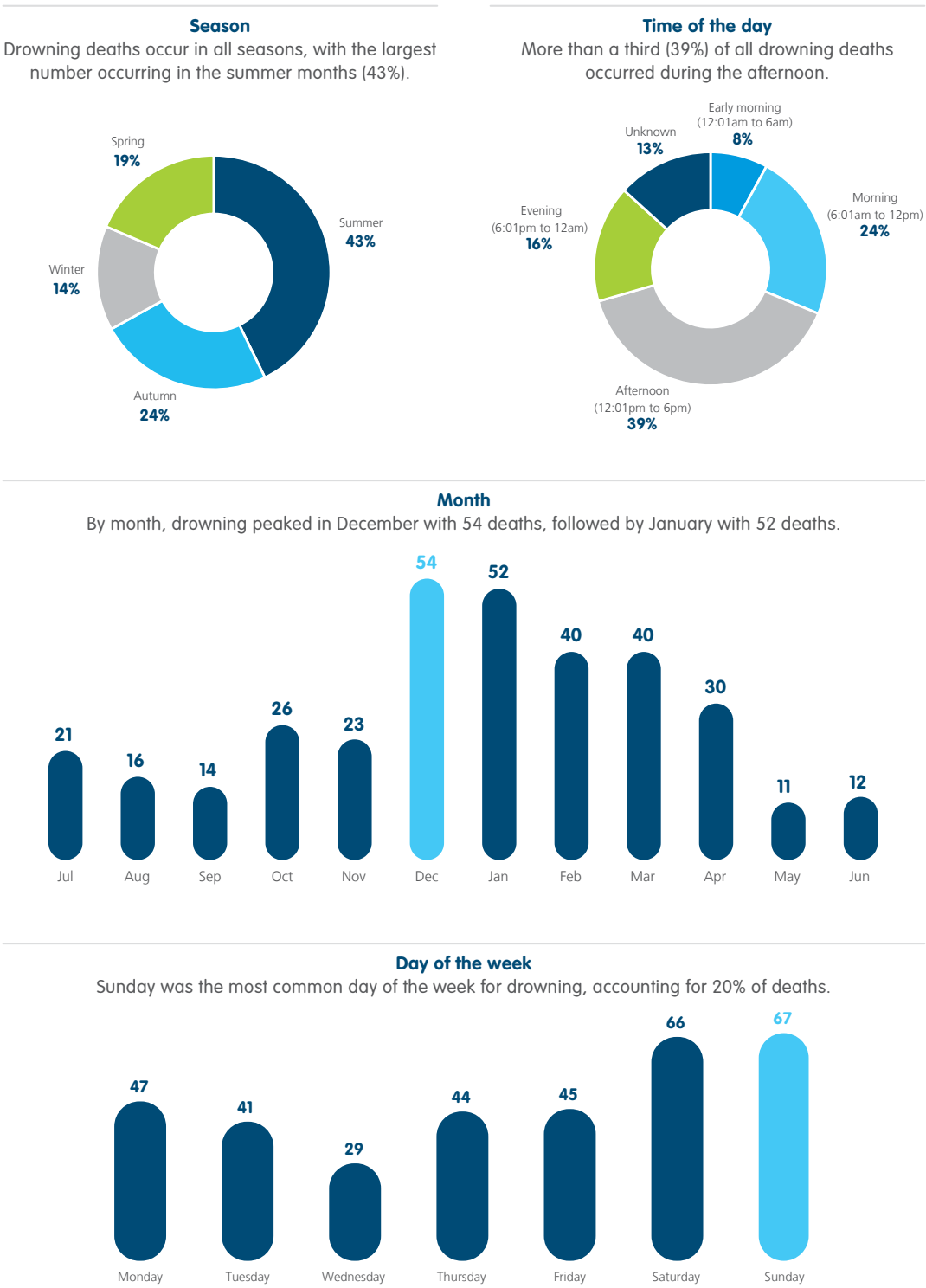


Drowning deaths of older people aged 65 years and over by activity, 2021/22



> WHEN DO DROWNING DEATHS OCCUR?

CS54/22





> IN FOCUS

Summer drowning deaths

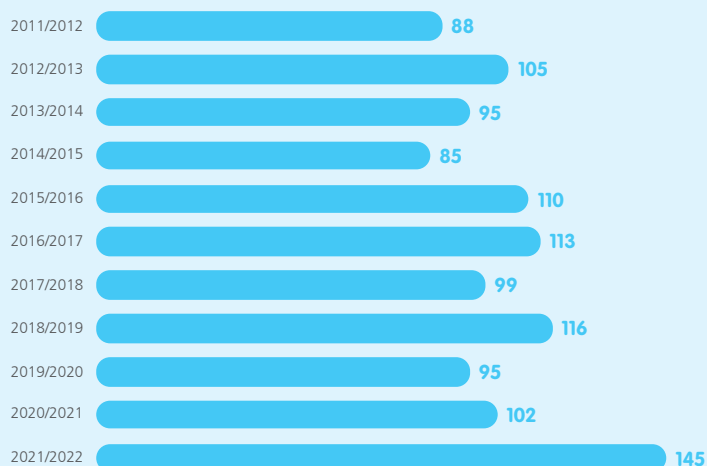
There were 145 drowning deaths over summer in 2021/22. This is a 44% increase on the 10-year average of 101 deaths.

In 2021/22, half of all beach and lake/dam drowning deaths occurred during summer (50%).

More than half of all deaths while swimming and recreating occurred during the summer months (56%).

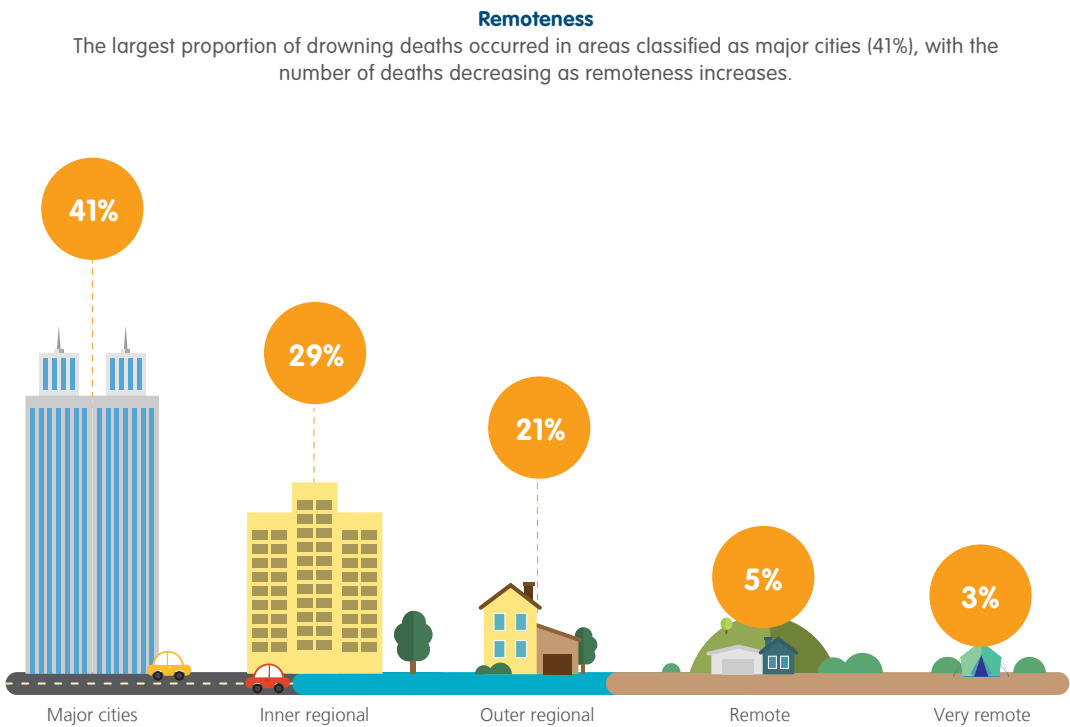
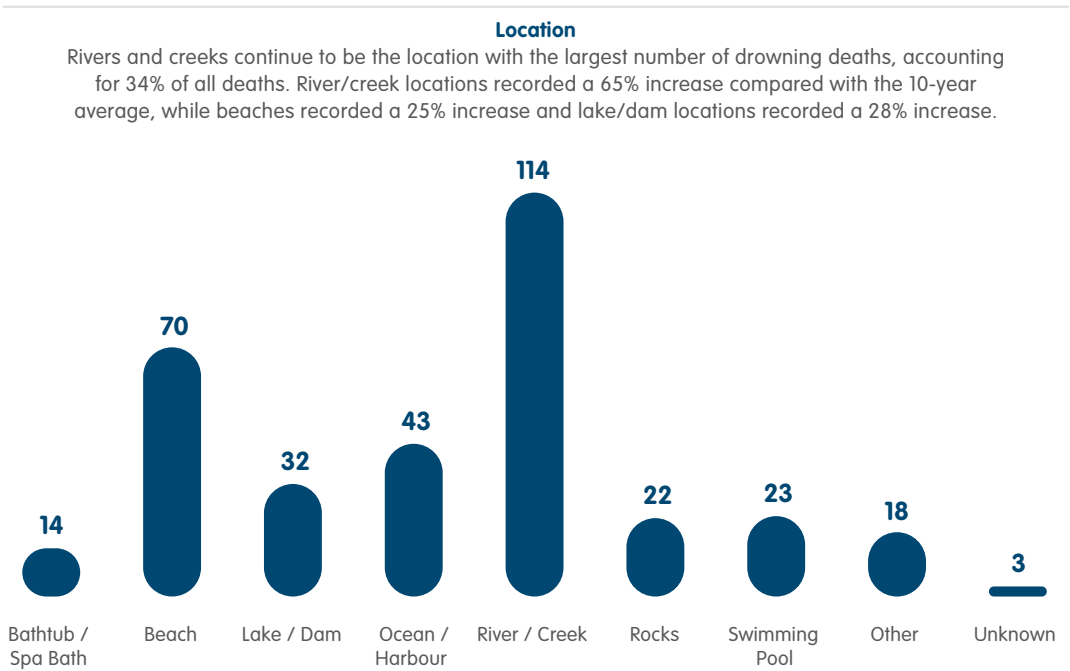
Royal Life Saving research has shown an increased risk of drowning during public holidays and school holidays. During summer there are three national public holidays (Christmas Day, Boxing Day and Australia Day), as well as individual State/Territory public holidays and school holiday periods.

Drowning deaths in summer from 2011/12 to 2021/22



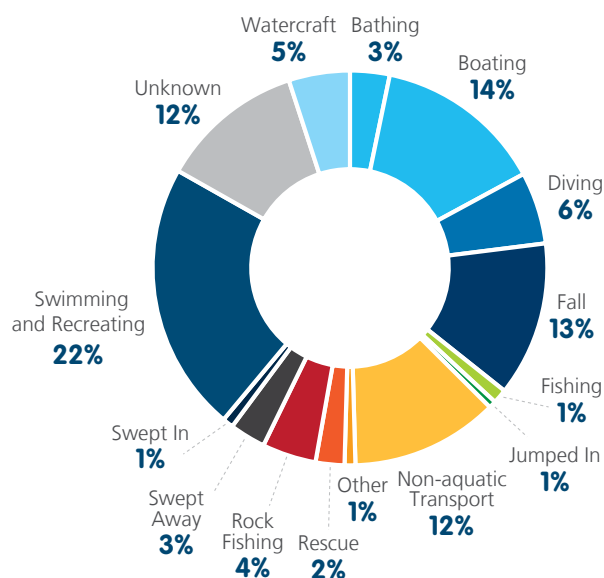
> WHERE AND HOW DO DROWNING DEATHS OCCUR?

CS54/22



Activity

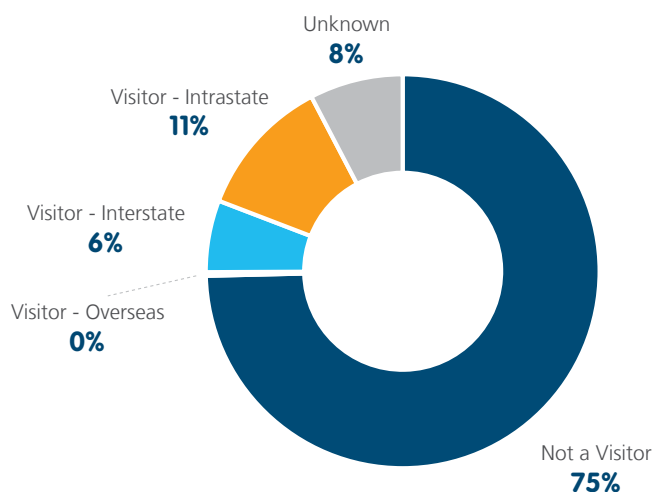
Swimming and recreating was the leading activity being undertaken immediately prior to drowning (22%), followed by boating (14%) and a fall into water (13%).



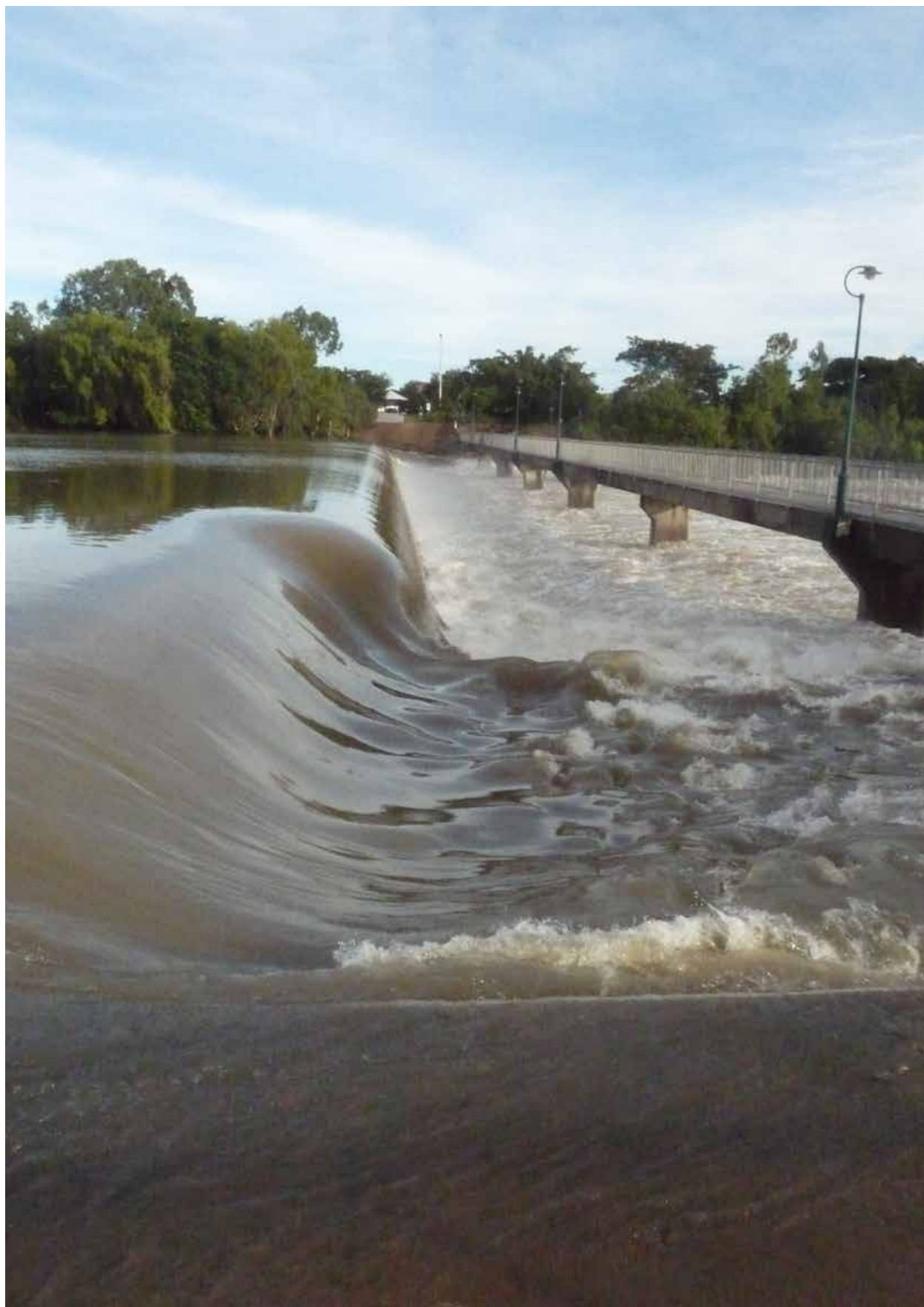
Visitor status

Most of those who drowned were not visitors (75%), that is, they drowned within 100km of where they lived.

In 60 cases (18%) the person who drowned was known to be a visitor to the location of the incident. Of those who were known to be visitors, 39 people (11%) drowned within their own State or Territory in a postcode that was 100km or further from their residential postcode. A further 20 people (6%) were visiting a different State or Territory when they drowned.



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> IN FOCUS

Flooding-related drowning deaths

43

Flood-related drowning deaths

1 July 2021 to 30 June 2022

State and Territory breakdown



72% of those who drowned in flood-related incidents were male



Season



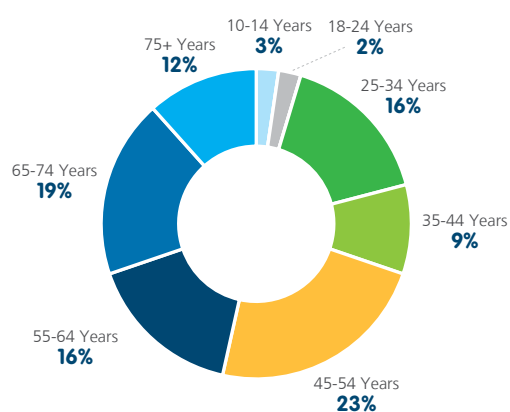
95%
of flood-related drowning deaths occurred
in Summer or Spring

Location

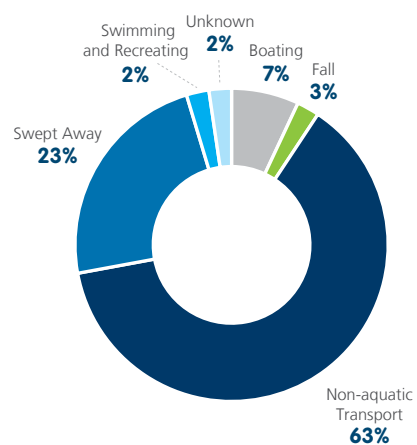


91%
River/creek

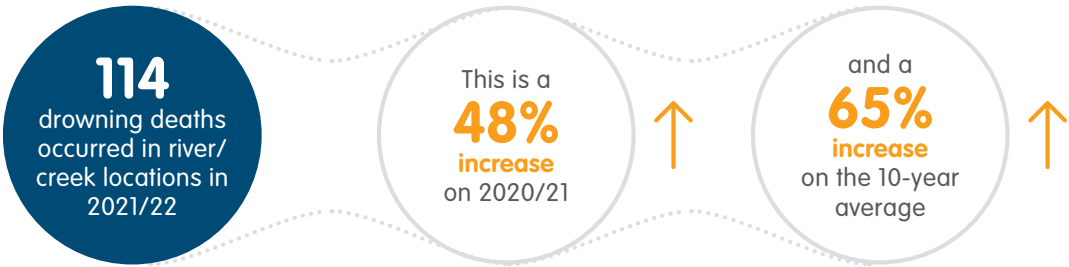
Age



Activity



> DROWNING DEATHS BY KEY LOCATIONS: **RIVER/CREEK**

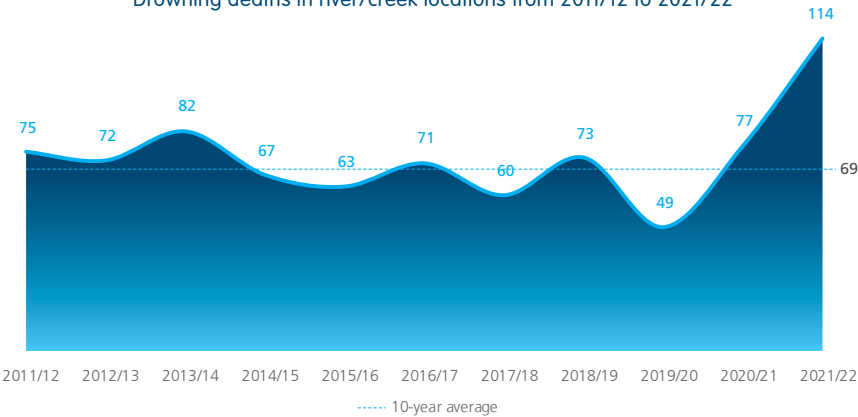


82%
of all drowning deaths in this
location were males

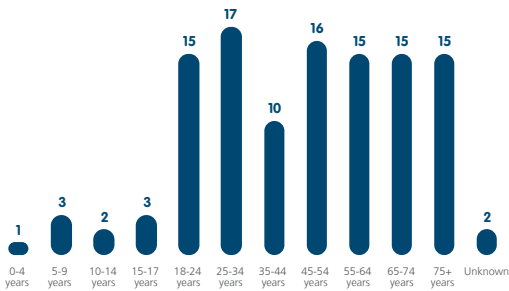


34%
of drowning deaths were
flood-related

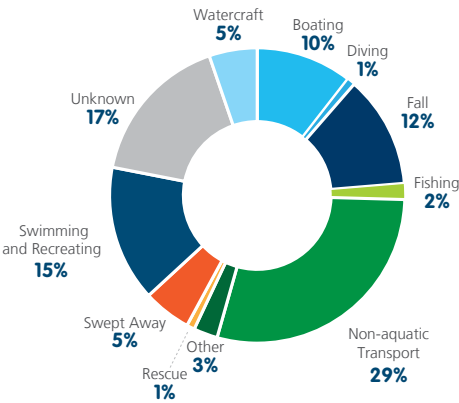
Drowning deaths in river/creek locations from 2011/12 to 2021/22

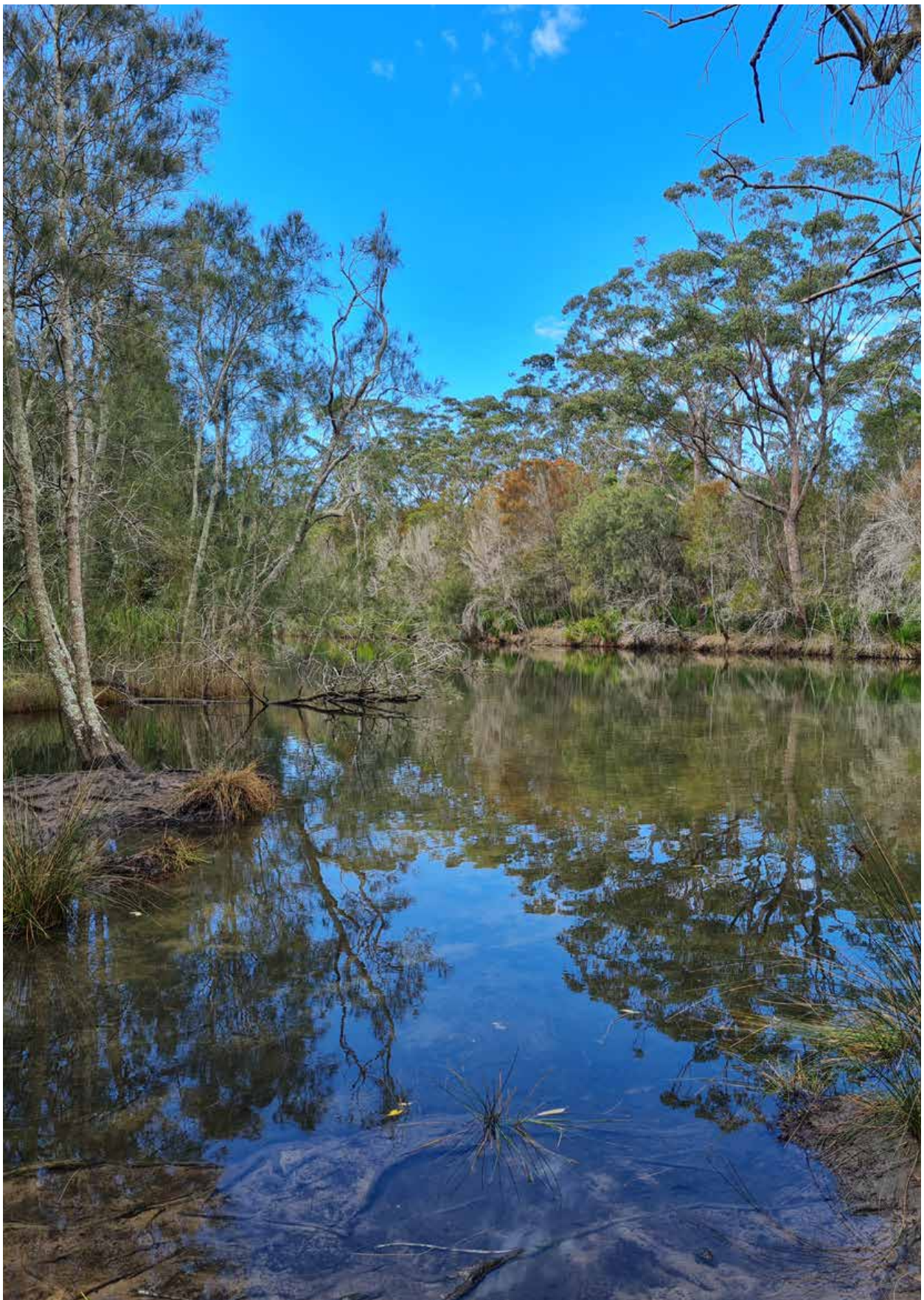


Drowning deaths in river/creek locations
by age, 2021/22



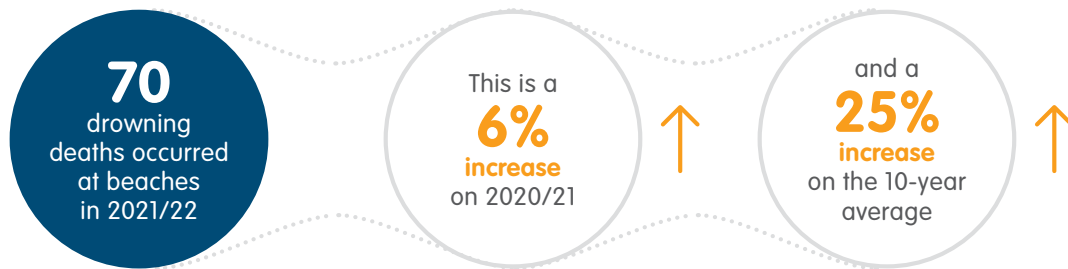
Drowning deaths in river/creek locations
by activity, 2021/22





CS54/22

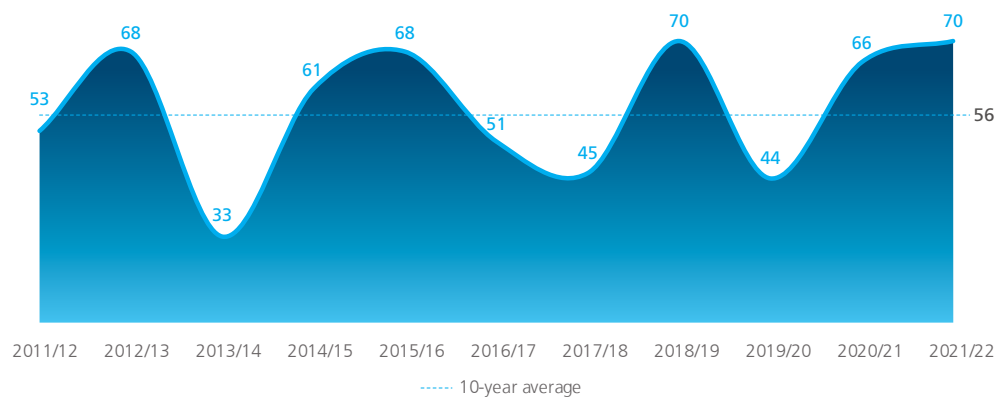
> DROWNING DEATHS BY KEY LOCATIONS: **BEACH**



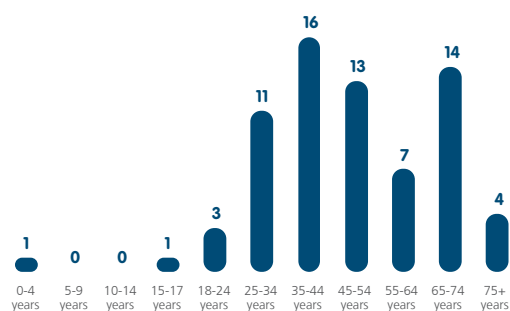
87% of all drowning deaths in this location were males



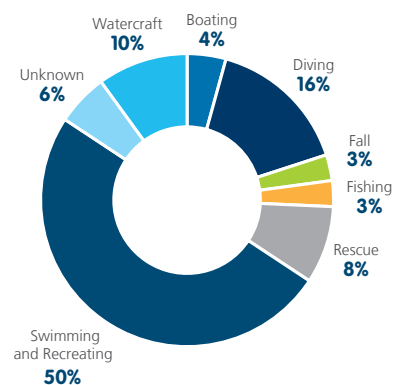
Drowning deaths at beaches from 2011/12 to 2021/22



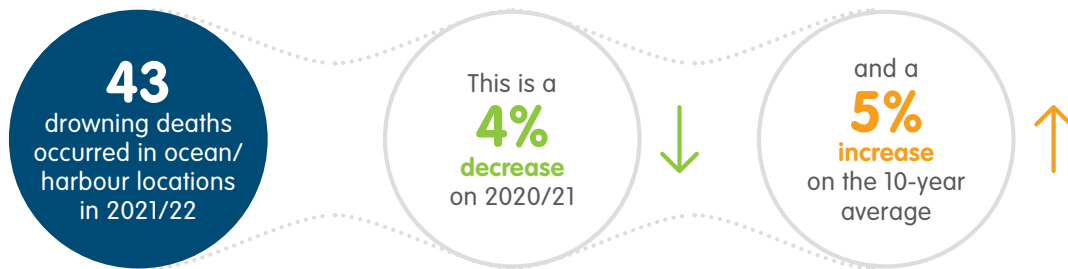
Drowning deaths at beaches by age, 2021/22



Drowning deaths at beaches by activity, 2021/22



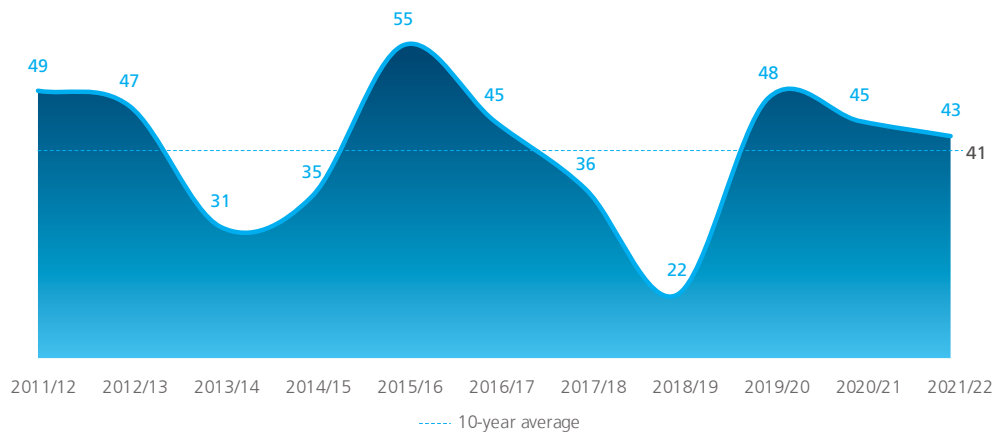
> DROWNING DEATHS BY KEY LOCATIONS: OCEAN/HARBOUR



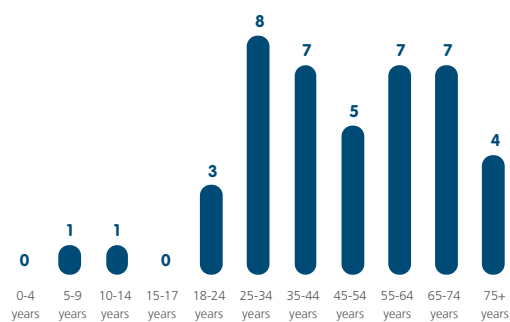
93% of all drowning deaths in this location were males



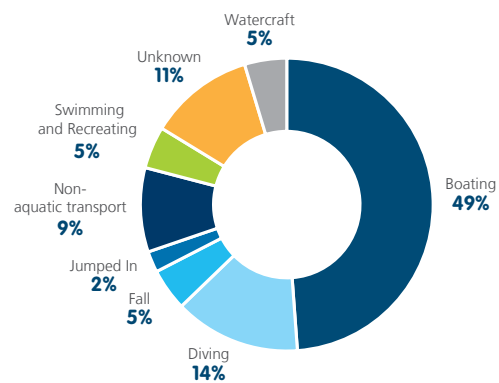
Drowning deaths in ocean/harbour locations from 2011/12 to 2021/22



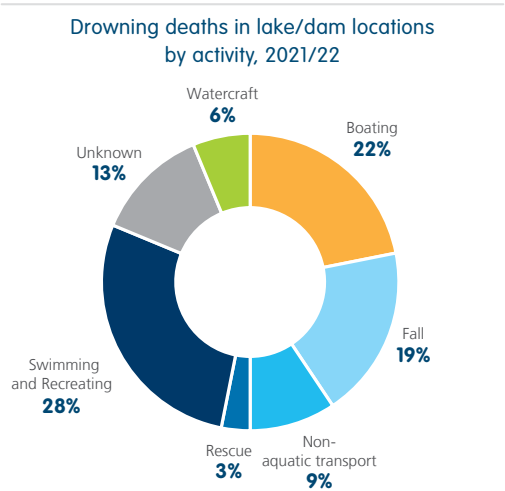
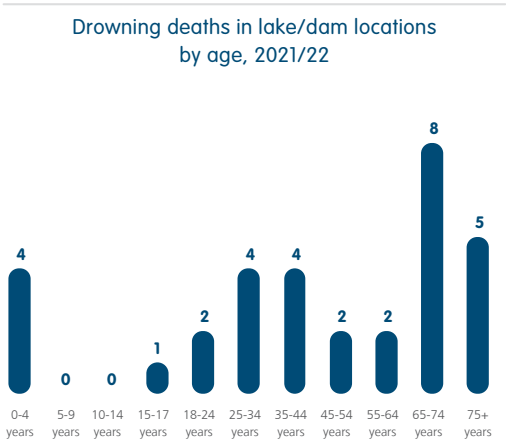
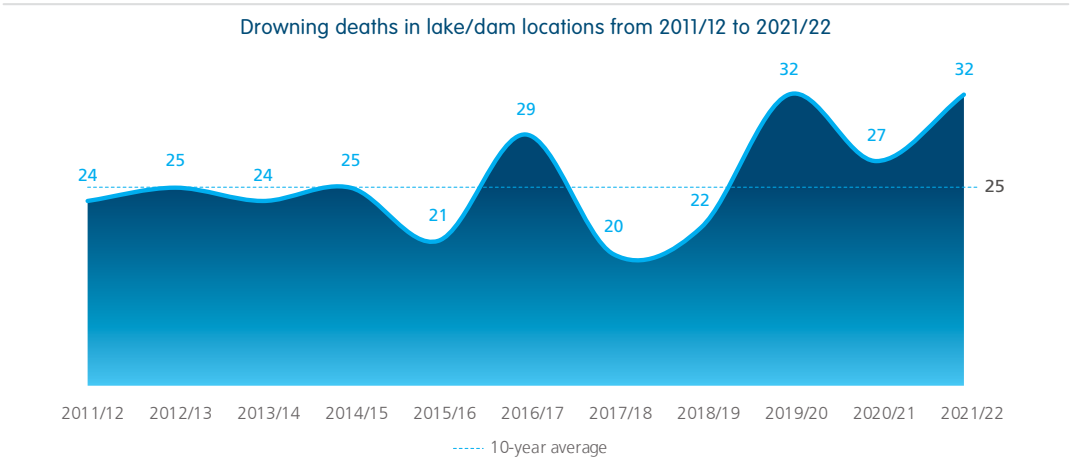
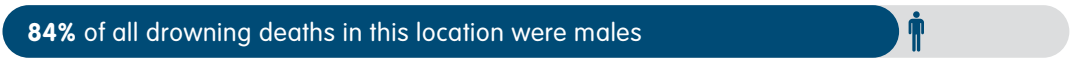
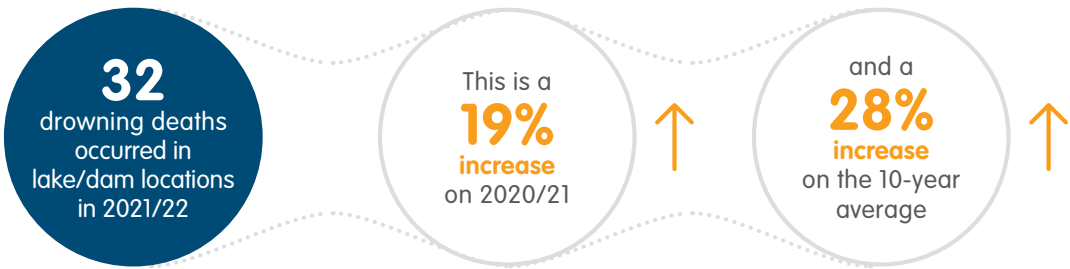
Drowning deaths in ocean/harbour locations by age, 2021/22



Drowning deaths in ocean/harbour locations by activity, 2021/22



> DROWNING DEATHS BY KEY LOCATIONS: LAKE/DAM



> IN FOCUS

Multiple fatality events

There were 10 multiple fatality events in 2021/22 that claimed the lives of 45 people. This is an 80% increase on the 10-year average.

A detailed analysis of these events found:

- > Males accounted for 71% of all multiple fatality events
- > Two thirds of deaths occurred in river/creek locations (67%), with ocean/harbour locations accounting for a further 22%
- > The leading activity related to deaths was non-aquatic transport (58%), followed by boating (20%) and being swept away (16%)
- > Queensland recorded 25 deaths as a result of a multiple fatality event, while New South Wales recorded 17
- > Flood-related deaths accounted for 69% of all multiple fatality events

Multiple fatality events are tragic with far-reaching effects on the victims' families, communities and rescue personnel. In order to reduce the number of multiple fatality events each year, as well as reduce the number of lives lost, a number of drowning prevention strategies can be undertaken.

These include ensuring lifejackets are worn when boating or rock fishing, ensuring boats are seaworthy and fitted with appropriate safety equipment and monitoring weather reports and water conditions before and during activity.

Flooding was a significant risk factor for multiple fatality events in 2021/22. Local conditions can change rapidly following heavy rainfall. Important safety messages are shared with the community before, during and after flooding events. This information relates to planning, preparation and recovery, including advice against driving through or swimming in floodwaters.



> FATAL DROWNING RISK FACTORS IN 2021/22

Sex, age and socioeconomic status can increase a person's risk of drowning, as well as the presence of pre-existing medical conditions and consumption of alcohol and/or drugs.

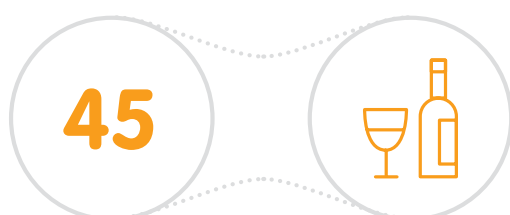


drowning deaths were known to involve a **pre-existing medical condition**

Those with known pre-existing medical conditions were mostly **male (82%)** and almost half were **aged 65 years and over (44%)**.

The most common pre-existing medical conditions among those who drowned were **cardiac conditions**, such as ischaemic heart disease and coronary artery atherosclerosis. Cardiac conditions were recorded in **71%** of cases where a pre-existing medical condition was known to be present.

Other commonly occurring medical conditions included **respiratory conditions (12%)**, **epilepsy or other seizure disorders (10%)** and **mental health conditions (7%)**.



drowning deaths were known to involve **alcohol**

Alcohol was deemed to be a contributory factor in **64%** of these cases

At the time of publication, presence of alcohol was unknown in **70%** of all cases

Alcohol consumption can increase the risk of drowning by impairing judgement and reaction time, increasing risk-taking behaviour and reducing coordination.



drowning deaths were known to involve **drugs**

63% **Legal**
(prescription or over the counter medication)

18% **Illegal**
(commonly cannabis and methamphetamine)

18% **Both**
(legal and illegal drugs)

2% **Unknown**

At the time of publication, presence of drugs was unknown in **70%** of all cases

Medications can cause drowsiness, affect alertness and impair reaction time. Illegal drugs can numb the senses, reduce inhibitions and distort the perception of risk. There is also the potential for additive effects when alcohol consumption is combined with drug use.

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> STATE AND TERRITORY DROWNING DEATHS

39
↑ 8%

Western
Australia

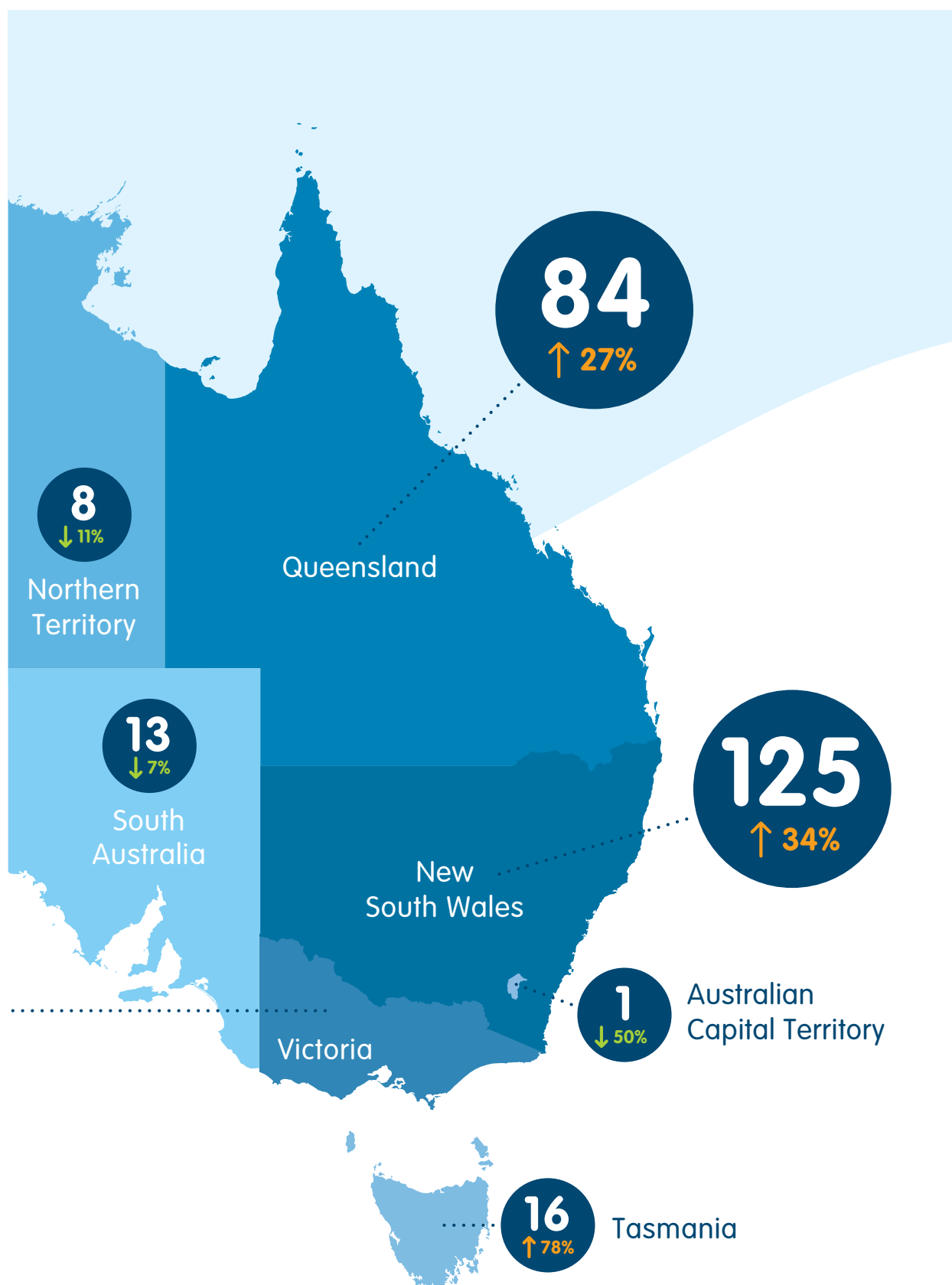
53
↑ 15%

New South Wales recorded the largest number of drowning deaths (125), followed by Queensland (84). Tasmania recorded a 78% increase against the 10-year average, while the Northern Territory recorded an 11% decrease.

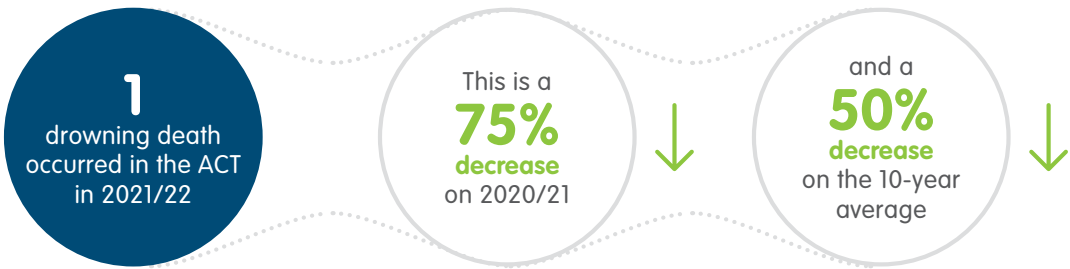
The Northern Territory recorded the highest fatal drowning rate at 3.21 per 100,000 population. The Australian Capital Territory recorded the lowest fatal drowning rate at 0.22 per 100,000 population.



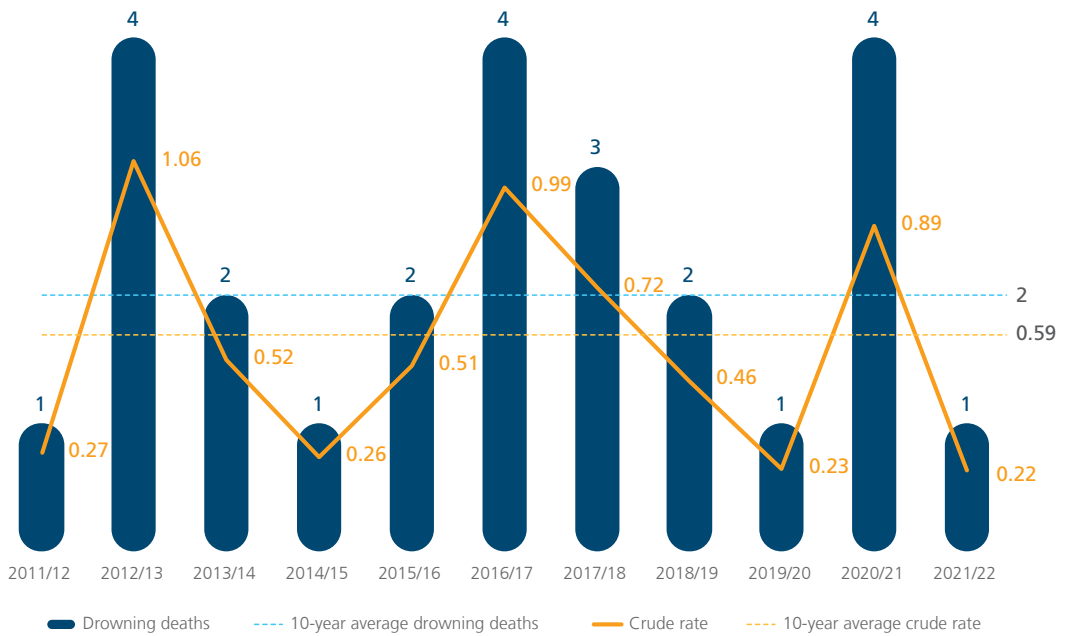
Arrows reflect 2021/22 changes against the 10-year average



> AUSTRALIAN CAPITAL TERRITORY



Drowning deaths and death rates in the Australian Capital Territory from 2011/12 to 2021/22 and the 10-year average



> ACT CASE STUDY

ACT Infant CPR Awareness course

During April and June 2022, Royal Life Saving ACT offered free Infant CPR awareness sessions for new parents and caregivers in the ACT, with a child under 12 months old. Over 80 parents and caregivers have attended the free 90min sessions, focusing on CPR awareness and knowledge specific to infants.

Along with CPR awareness, parent responsibility around water is a key focus of the workshop. A supporting resource has been developed, targeted at Dads and their role in maintaining vigilance for their own safety around water, as much as their baby's. A "Dear Daddy..." letter is written from the baby's point of view and asks Dads to look after themselves when in and around the water.

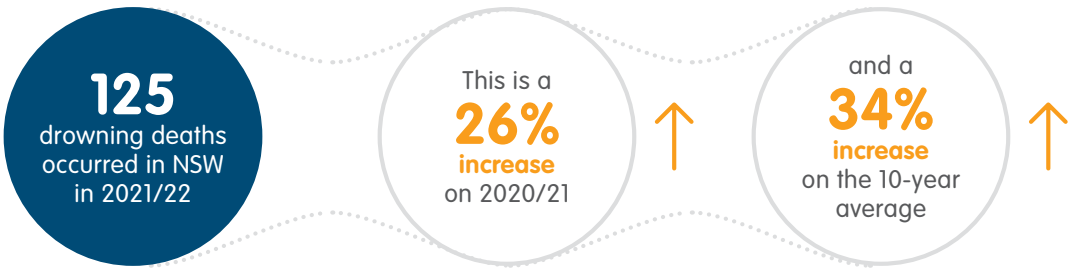
The reason for focusing on Dad's specifically, is that adult males are consistently and tragically over-represented in drowning statistics, making up over 80% of drowning deaths in Australia, with many families losing fathers, grandfathers, sons and uncles every year. The resource was designed to prompt Dads to not just consider water safety for their children but for themselves and set a good example as role models for their children throughout their early formative years.

Royal Life Saving ACT has partnered with local stakeholders to continue to offer this program free to new ACT parents for the remainder of 2022.



> NEW SOUTH WALES

CS54/22

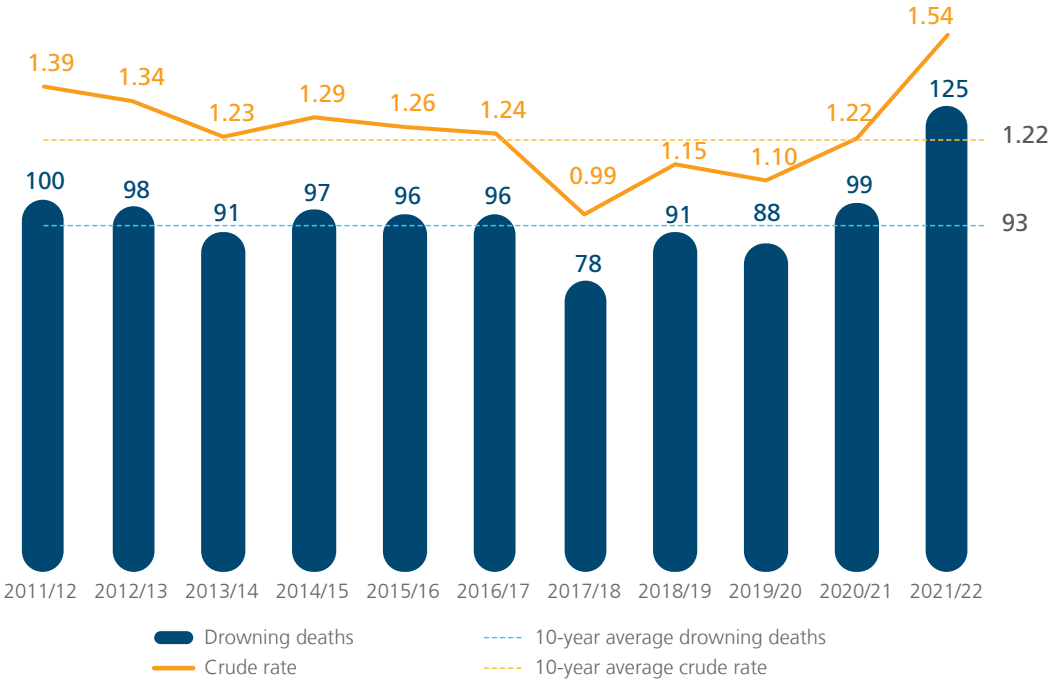


83%
of those who drowned in New South Wales were male

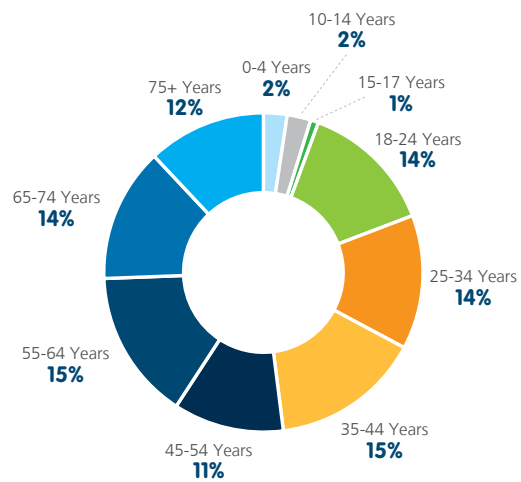


11%
of drowning deaths were flood-related

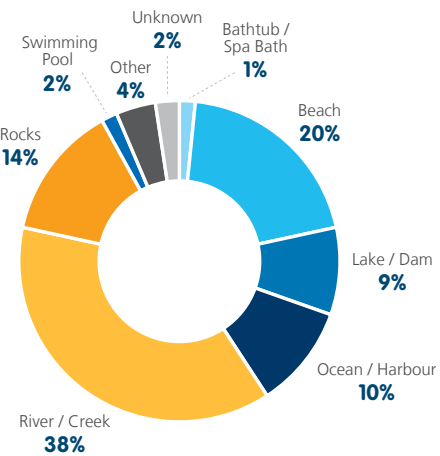
Drowning deaths and death rates in New South Wales from 2011/12 to 2021/22 and the 10-year average



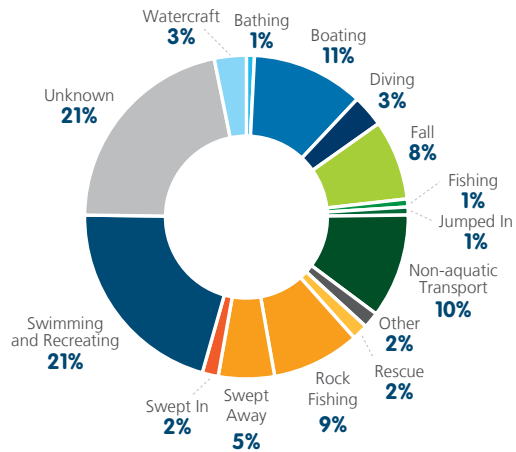
Age



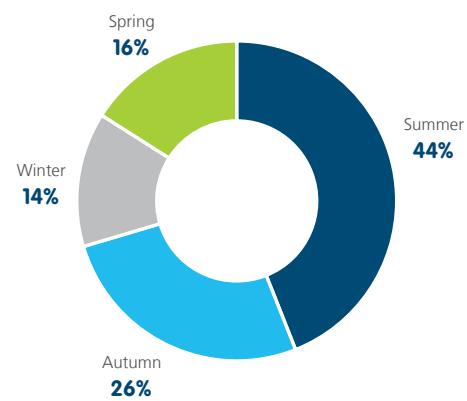
Location



Activity



Season



NSW reported a significant increase in drowning across 2021/22 against previous year, and the ten-year average.

- This is the first time drowning in NSW is reported to be over 100 deaths since 2011
- This is the highest number of reported drownings in NSW on record (since 2002/03)
- NSW did not record the highest % increase, but exceeds all other states by numbers
- 1 in 10 drowning deaths in NSW were flood-related
- The highest impact of flooding deaths is on those over 65 years
- Flooding accounts for 11% of the drowning in NSW
- Without the NSW floods in February / March 2022, drowning would still be up
- 1 in 4 drowning deaths in NSW is a person over the age of 65 years
- Child drowning (0-4 years) is down in NSW, along with a decrease in drowning among primary school age children (5-14 years)
- **This may be** an indication that programs and campaigns targeted to children and their parents may be making an impact and it is important to continue focusing drowning prevention efforts on children
- Rivers and lakes account for almost 50% but note that flooding impacts on this proportion

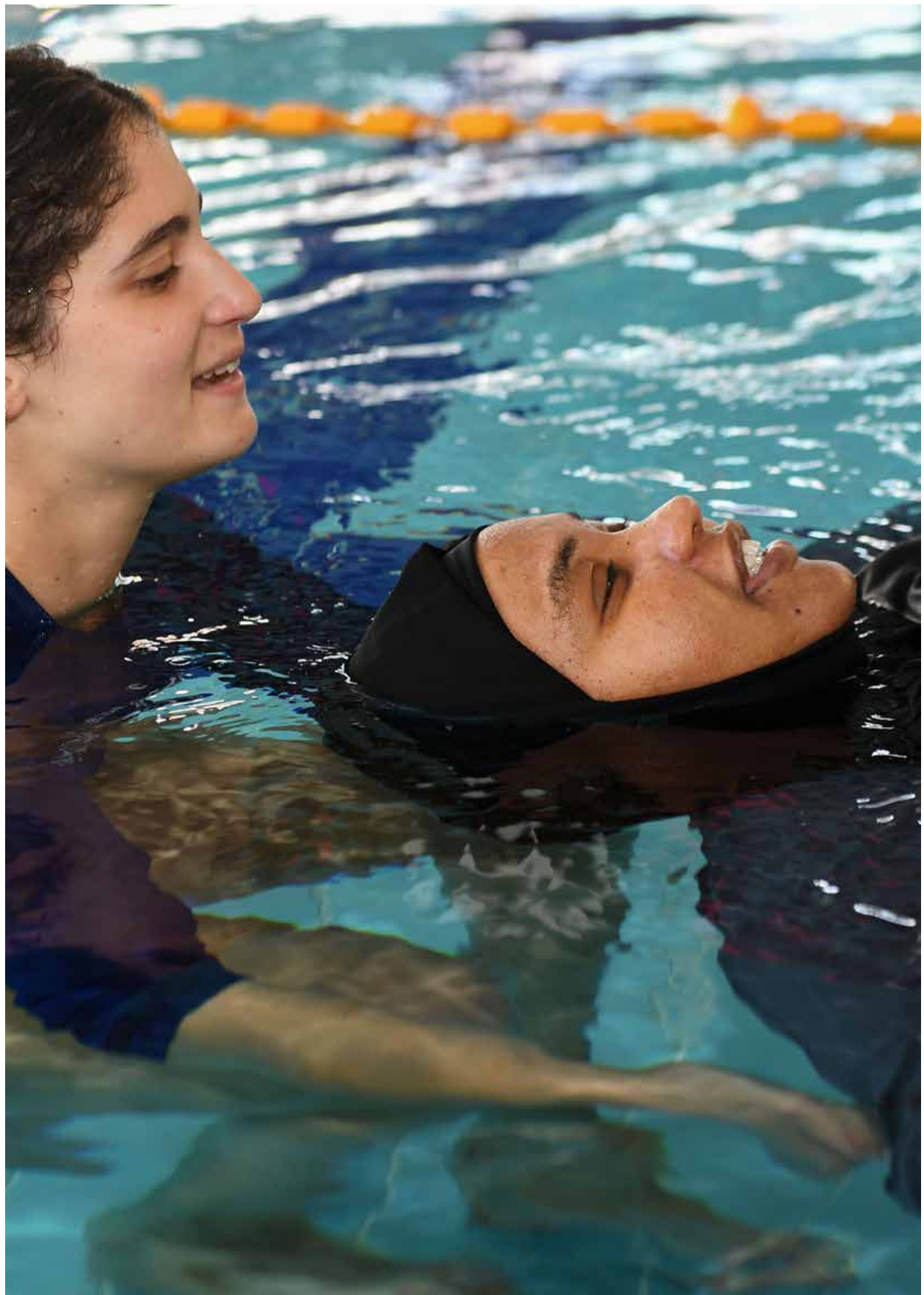
➤ NSW CASE STUDY

Everyone can learn to swim

Royal Life Saving NSW, with support from the NSW Government's Office of Sport, launched a new Learn to Swim campaign for multicultural communities, to increase swimming lesson participation across NSW.

The new Everyone can learn how to swim campaign focuses on six people from diverse backgrounds and personal stories of how they overcame barriers to enjoy the many health and social benefits swimming can deliver.

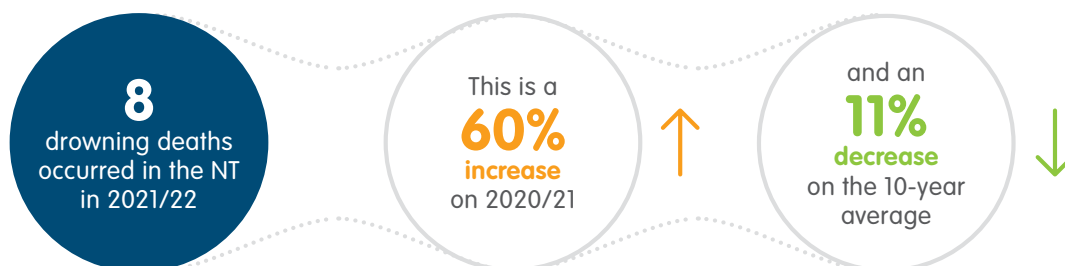
The campaign provides resources for local communities to understand and navigate the barriers to swimming. This support will assist the aquatic industry to provide consistent and easy-to-understand information to their diverse local community. Translated guides are available in key language groups including Arabic, Chinese, Hindi and Nepali.



CS54/22

> NORTHERN TERRITORY

CS54/22

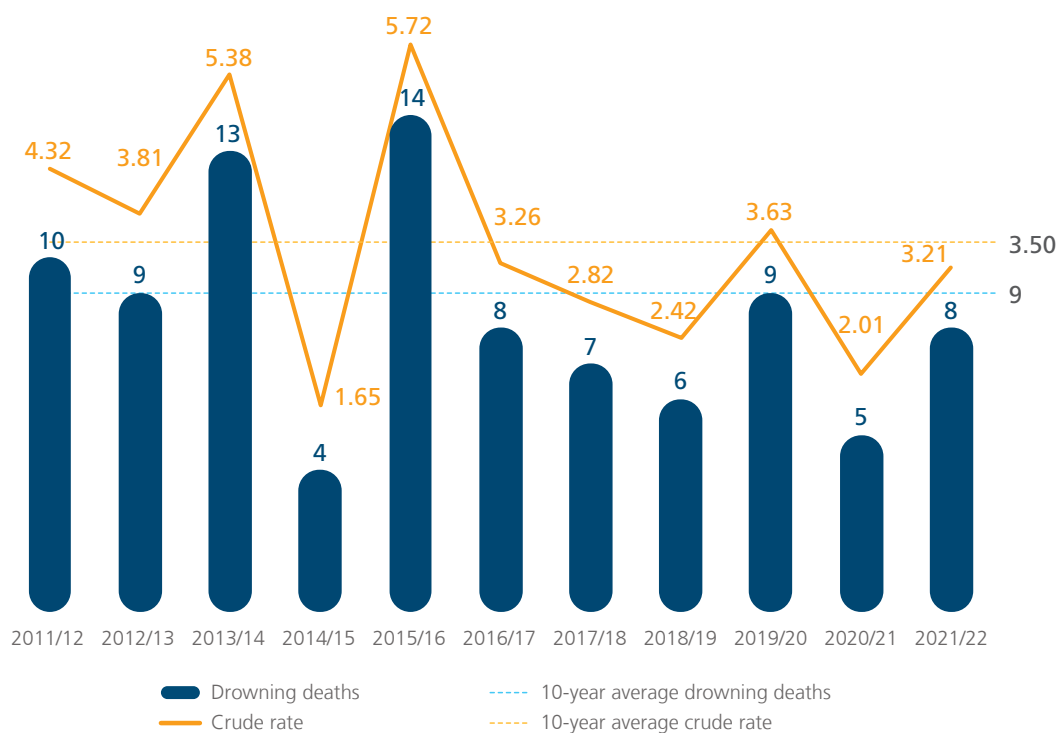


75%
of those who drowned in the Northern Territory were male

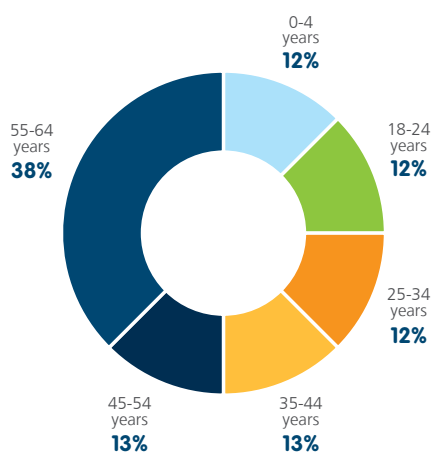


13%
of drowning deaths were flood-related

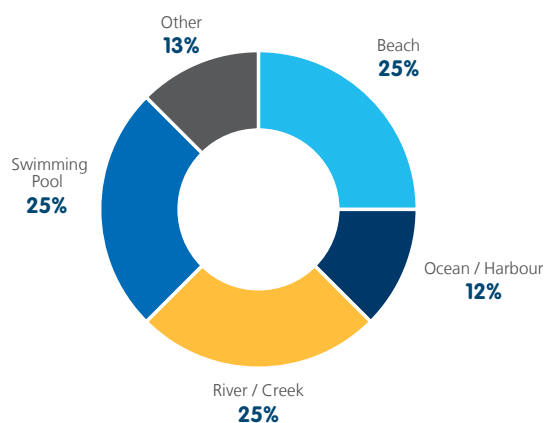
Drowning deaths and death rates in the Northern Territory from 2011/12 to 2021/22 and the 10-year average



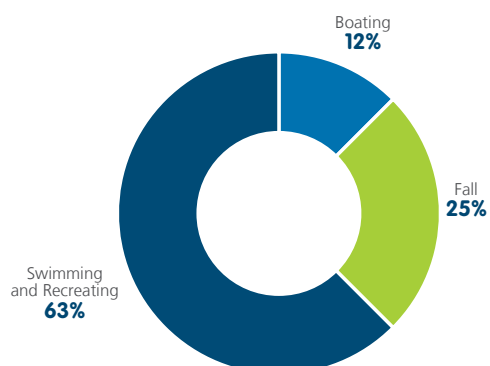
Age



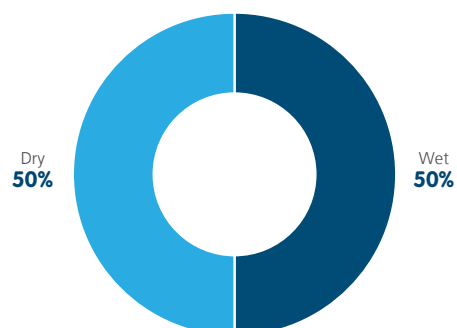
Location



Activity



Season



NT experienced a 60% increase in drowning on 2020/21 and a 11% decrease on the ten-year average.

- Eight people drowned in the NT in 2021/22, up three from the previous year
- NT recorded the highest national fatal drowning rate at 3.21 per 100,000 population
- The highest impact was among adults aged 45 years and over
- This age group (45 years and over) makes up over 50% of drowning this year
- There were no drowning deaths in this age group in the previous year
- No school age-children (5 – 17 years) drowned in the NT for the second year in a row, and no children aged 10 – 17 years have drowned since 2014/15
- This may be an indication that programs and campaigns targeted to children and their parents may be making an impact and it is important to continue focusing drowning prevention efforts on children.
- 13% of drowning deaths were flood-related
- Despite 50% of drowning deaths occurring in the wet season, only one drowning death was flood-related
- One in four people (25%) entered the water due to an unexpected fall into water

➤ NT CASE STUDY

Water Safety Awareness Program

The Water Safety Awareness Program is a Northern Territory Government initiative, as a part of the Five Point Water Safety Plan introduced in 2002 to reduce the rate of drowning and non-fatal drowning among children aged under five years old. Since 2002, approximately 22,000 NT families have received water safety messages through the program.

The Water Safety Awareness Program provides families with critical education in emergency care, resuscitation skills and water awareness utilising both in and out of water activities. The program is underpinned by Royal Life Saving's four key messages specific to reducing drowning among young children: 1) Supervision 2) Restrict access 3) Water familiarisation and 4) CPR awareness.

The program consists of five free sessions which both the parent/guardian and the child attend. These sessions provide instruction in emergency care, resuscitation skills and water awareness utilising both in and out of water activities.

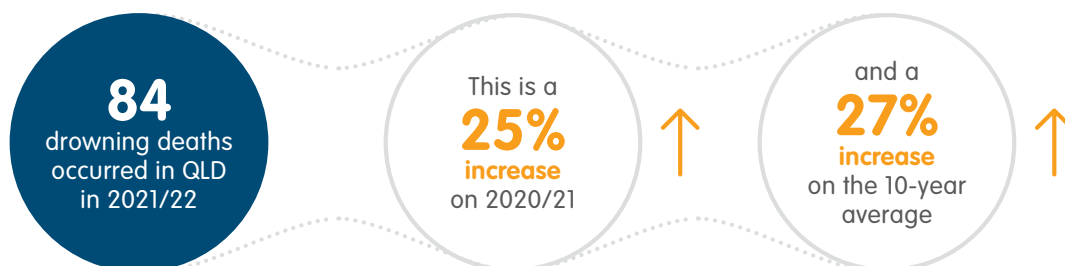
The Water Safety Awareness Program has been funded by the Northern Territory Government through the Department of Tourism and Culture since 2003 and is delivered annually in Darwin, Palmerston, Katherine, Nhulunbuy, Tennant Creek and Alice Springs.



CS54/22

> QUEENSLAND

CS54/22

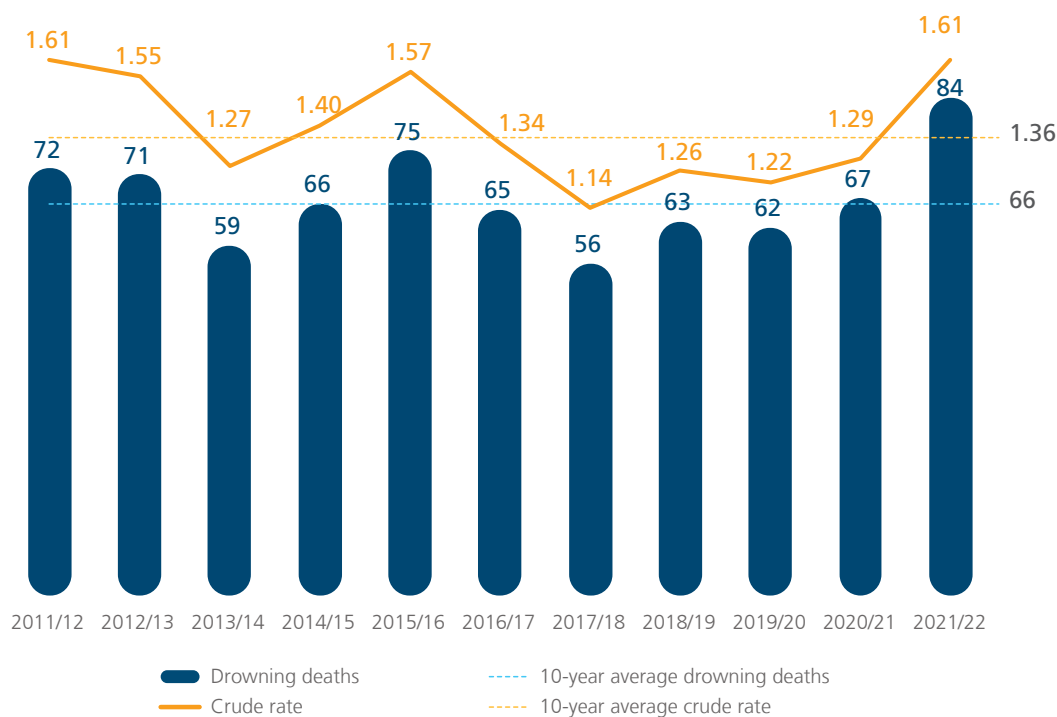


77%
of those who drowned in
Queensland were male

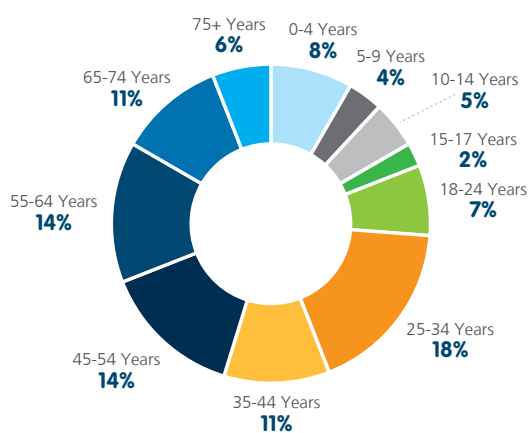


31%
of drowning deaths were
flood-related

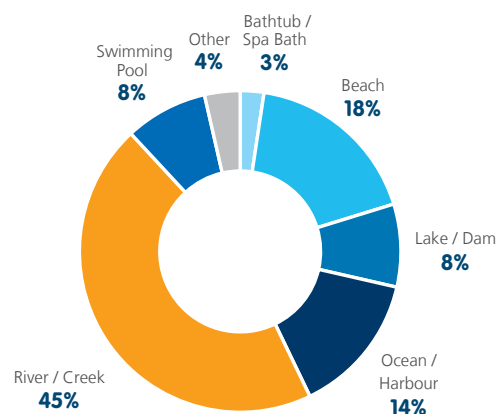
Drowning deaths and death rates in Queensland from 2011/12 to 2021/22
and the 10-year average



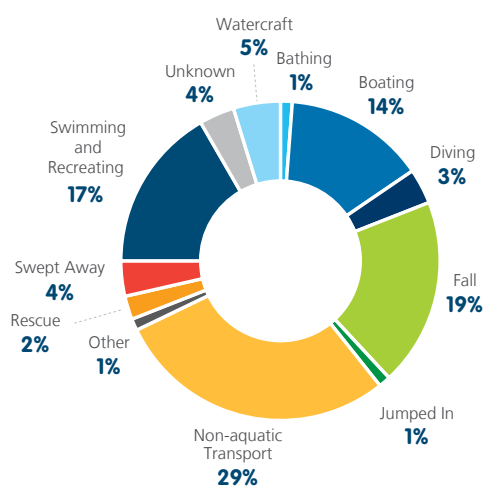
Age



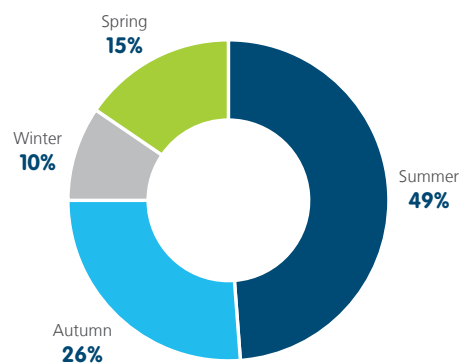
Location



Activity



Season



Queensland experienced a 25% increase on 2020/21 and a 27% increase on the 10-year average.

- › This is the highest number of drowning deaths in Queensland in the previous ten years
- › 31% of drowning deaths were flood-related
- › Drowning more than doubled among the 45 – 55 years age group compared to the previous year (14% vs. 6% in 2020/21)
- › The age groups with the biggest decreases were of children 0-4 years and adults aged 25 – 34 years
- › Almost a third of all drowning deaths were due to non-aquatic transport, taking over from swimming and recreating as the leading activity prior to drowning
- › This is largely due to flooding and people driving through floodwater or being trapped in their vehicles in floodwater
- › Drowning in rivers was up by 30% this year, largely due to flooding compared to drowning at beaches which was down by 14%

› QLD CASE STUDY

The Ipswich Migrant Learn to Swim program

The Ipswich Adult Learn to Swim was a free learn to swim program delivered by Royal Life Saving Society Queensland in partnership with Ipswich City Council at Orion Lagoon in Ipswich. The program came about in response to local community interest for adult swimming programs. While the Ipswich Adult Learn to Swim Program was targeted to all adults, there was a focus on adults from multicultural communities, including those born overseas and local multicultural community members with little to no water experience.

Many of the participants had never had swim lessons or any water safety education with some having a negative water experience prior to the program.

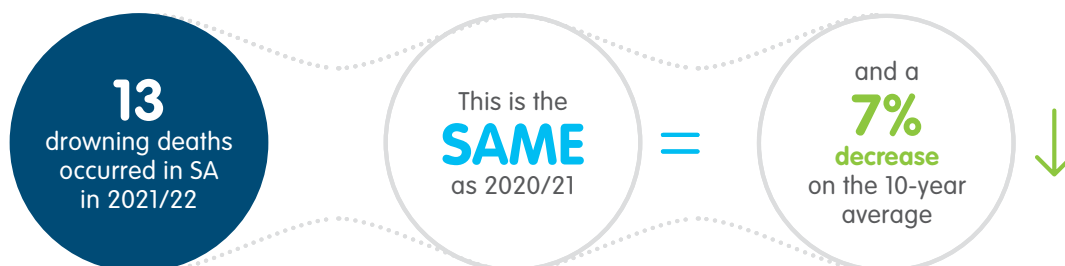
The aim of the program was to educate, inform and provide practical water safety skills that will enable adults and their extended families to recreate and swim safely in local waterways.



CS54/22

> SOUTH AUSTRALIA

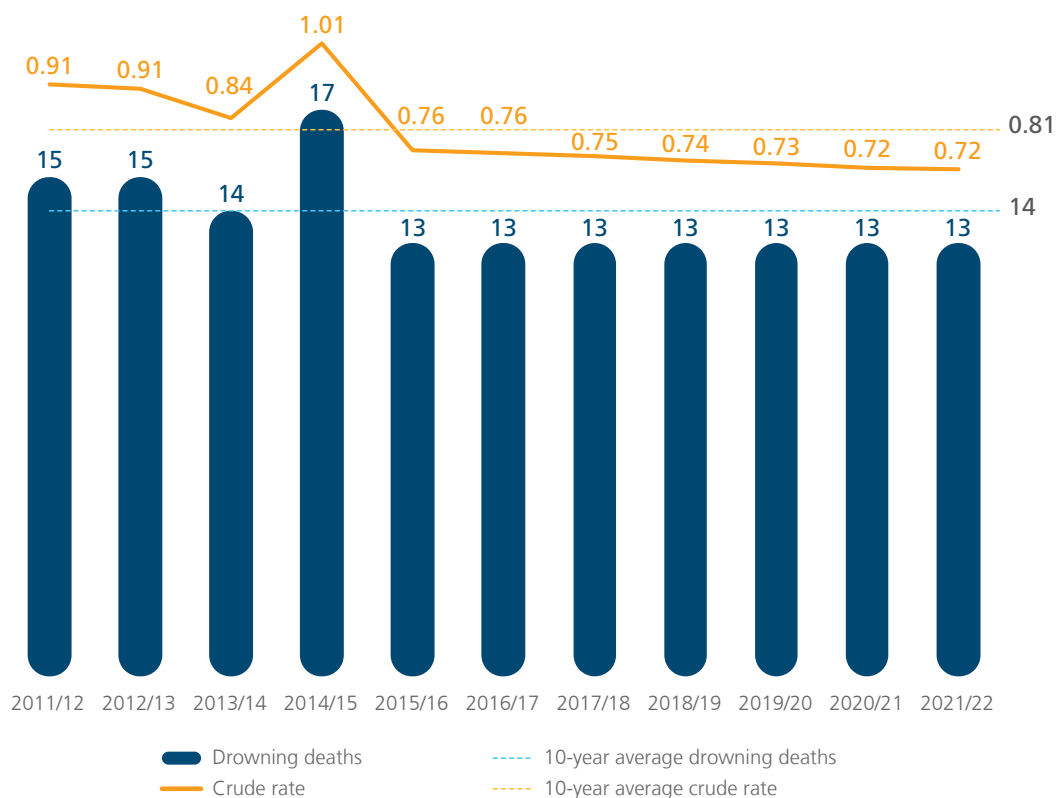
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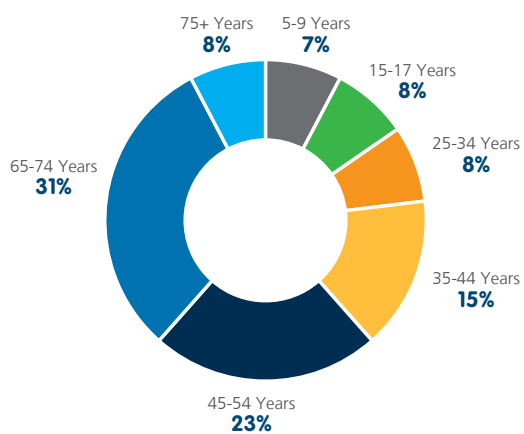
92% of those who drowned in South Australia were male



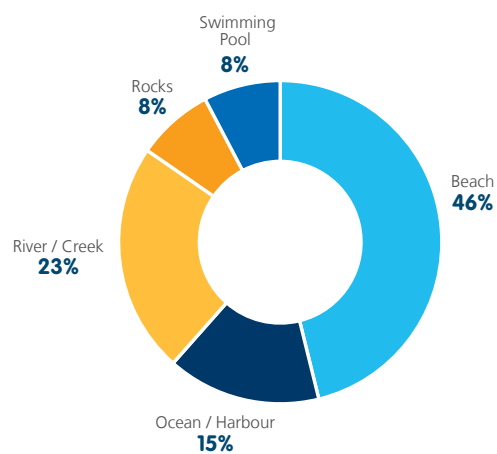
Drowning deaths and death rates in South Australia from 2011/12 to 2021/22 and the 10-year average



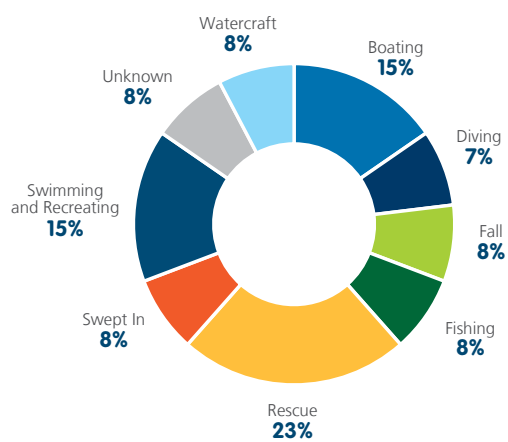
Age



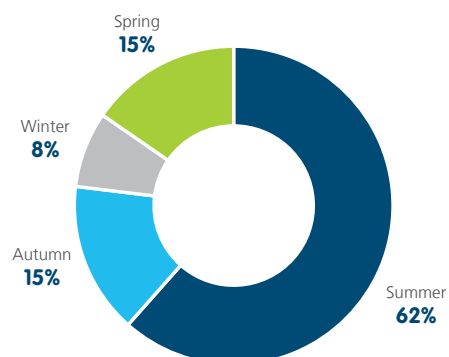
Location



Activity



Season



The number of annual drowning deaths in SA has remained the same since 2015/16, however, the rates of drowning per 100,000 people have slightly decreased over time.

- All drowning deaths in SA were males
- The biggest impact was recorded among older adults aged 65 – 74 years, which was almost a third of all drowning deaths in South Australia. This compared to no drowning deaths in this age group the previous year.
- In total, people aged 55 years and over made up almost half (49%) of all drowning deaths this year in South Australia
- There were no drowning deaths recorded among children 0-4 years for the second year in a row, and no children aged 10-14 years have drowned in SA since 2015/16
- This may be an indication that programs and campaigns targeted to children and their parents may be making an impact and it is important to continue focusing drowning prevention efforts on children
- Drowning at beaches was up by 30%, and up by 8% in rivers and swimming pools
- Sadly, the leading activity prior to drowning was due to attempting a rescue, which nearly tripled from the previous year (23% compared to 8% in 2020/21)

➤ SA CASE STUDY

Multicultural Swim and Survive English Literacy Program

An 8-week program for over 100 adults from culturally and linguistically diverse backgrounds was delivered in Adelaide between May-July 2022. Participants were aged between 18-60 years old and most had only recently moved to Adelaide.

The program accommodated all abilities, with the aim of teaching practical water safety skills for use at inland and coastal waterways. In addition to swimming skills, participants learnt how to perform reach and throw rescues, and how to identify dangers in, on and around water.

On the final day of program, City of Adelaide Deputy Lord Mayor - Councillor Arman Abrahamzadeh OAM presented certificates to participants. Mr Abrahamzadeh shared his own story and congratulated participants for their courage in participating in the program.

A pathway program was established to help participants to continue their water safety education beyond their initial 8-week program. Thanks to the City of Adelaide for their commitment to water safety education for CALD communities, and to the Adelaide Aquatic Centre for being an inclusive space for everyone.

"I came into the Swim and Survive program with a fear of water bred for decades, and scepticism of whether I can overcome my anxiety. The incredible team at The Royal Life Saving and Adelaide Aquatic Centre welcomed me into their family and introduced me to the methods by which I can keep myself safe in and around the water and helped me overcome my fear of the water; that too in just 8 weeks! Thank you, Royal Life Saving, especially Jake, Jayne, and Karen for putting a smile on my face and giving me a chance at appreciating the water safely!"

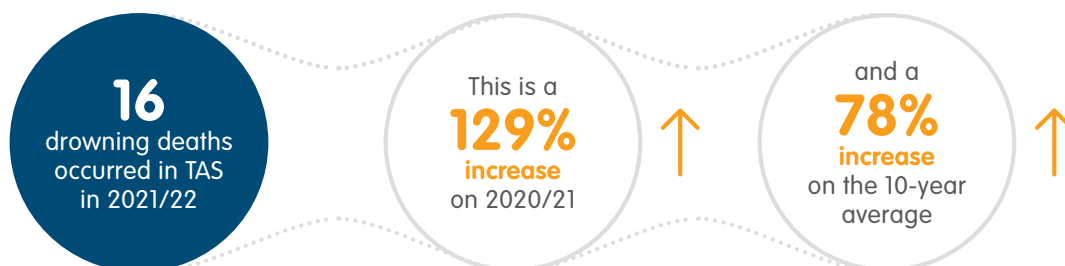
Male participant



CS54/22

> TASMANIA

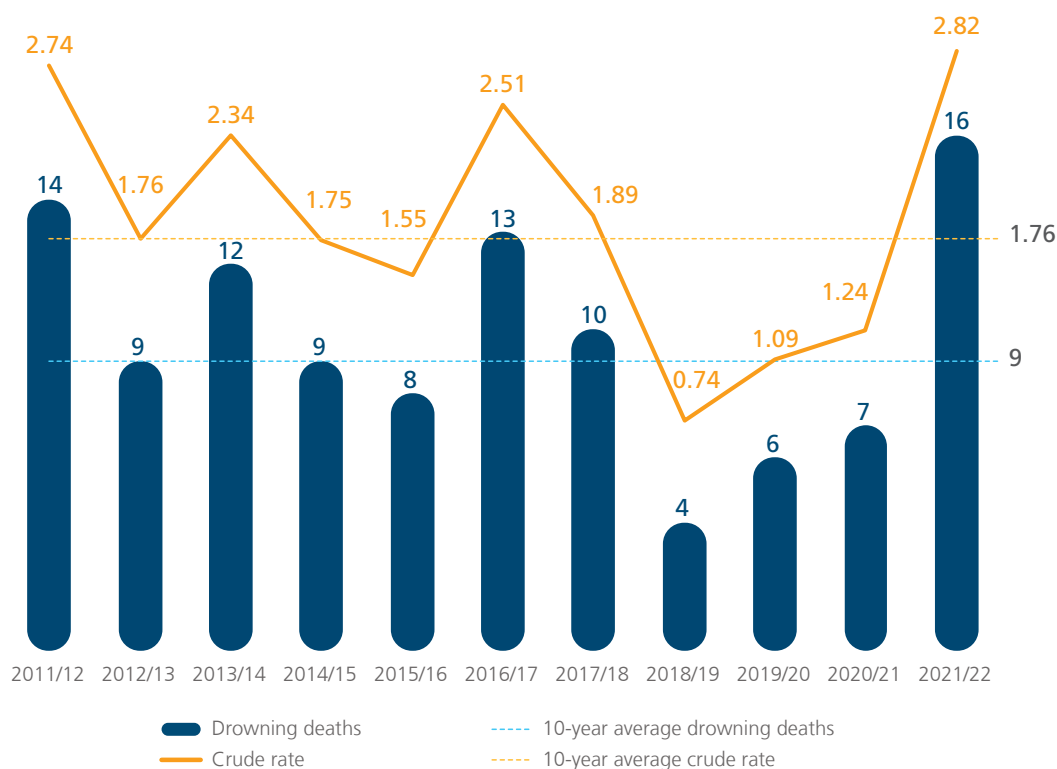
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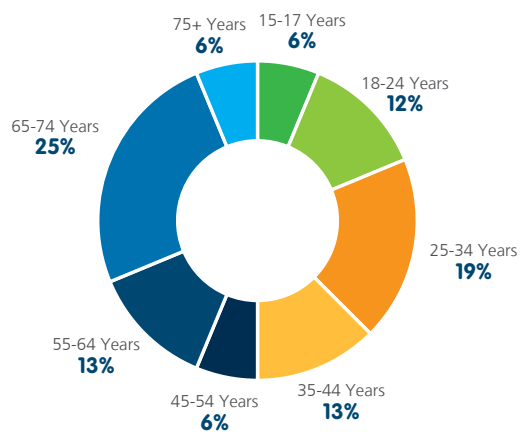
81% of those who drowned in Tasmania were male



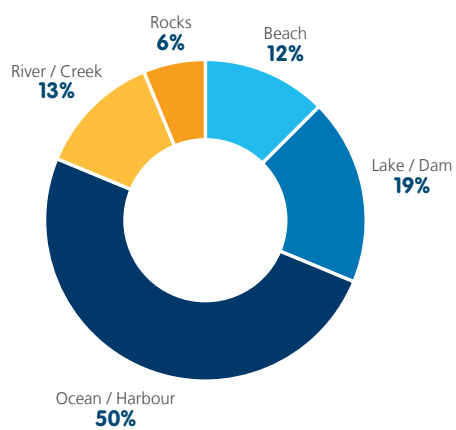
Drowning deaths and death rates in Tasmania from 2011/12 to 2021/22 and the 10-year average



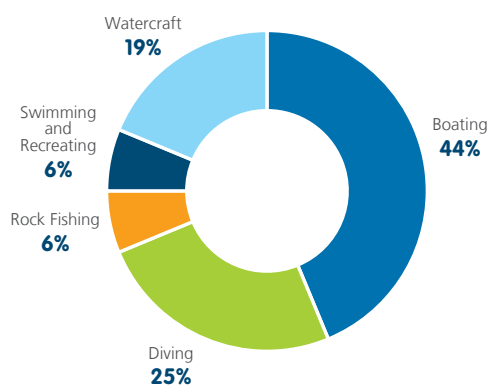
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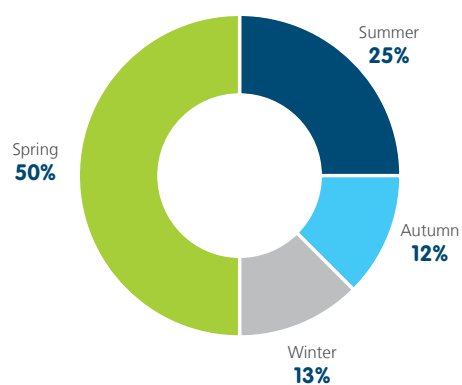
Location



Activity



Season



Tasmania experienced a 129% increase in drowning on 2020/21 and a 78% increase on the ten-year average.

- › This is the highest number and rate of drowning deaths in Tasmania in the previous ten years
- › This is the highest increase in drowning of all States/Territories this year
- › The biggest impact was among adults aged 25 – 55 years, totaled 38% compared to zero deaths in the age bracket the previous year
- › No children aged 0-14 years drowned in Tasmania in 2021/22
- › No children 5-9 years have drowned in Tasmania since 2012/13
- › No children aged 10-14 years have drowned since 2017/18
- › This may be an indication that programs and campaigns targeted to children and their parents may be making an impact and it is important to continue focusing drowning prevention efforts on children
- › Half of all drowning deaths were in the ocean/harbour
- › One-third of all drowning occurred at rivers, lakes or dams, similar to last year
- › Activity trends are different in Tasmania compared to the rest of the country
- › The leading activities prior to drowning are boating, diving and using watercraft
- › Interestingly, when compared to the previous 2 years (2020/21 and 2019/20), falls into water attributed for the leading activities (29% and 50%), compared to zero this year
- › More drowning deaths occur outside of the summer months, in comparison to the peak time for drowning for the rest of the country

These statistics may indicate the increased number of people boating in Tasmania, who may not have the experience or skills, or returning to boating and diving after a number of years and haven't refreshed their knowledge, skills or have the same fitness levels as previously.

› TAS CASE STUDY

Aquatic Survival Program for migrant students

Royal Life Saving Tasmania conducted an intensive Aquatic Survival Program for migrant students in Launceston, with the assistance of the Migrant Resource Centre – Northern Tasmania and Scotch Oakburn College staff and students. The students aged between 6 and 12 years were from Bhutan and Afghanistan and had very little previous exposure to water.

This program provided students with the opportunity to learn how to be safe in and around the water with their newly acquired aquatic skills. For many of the students, who were still in primary school, it was a chance to develop their swimming and water safety skills and to catch up to their peers with their water safety knowledge.

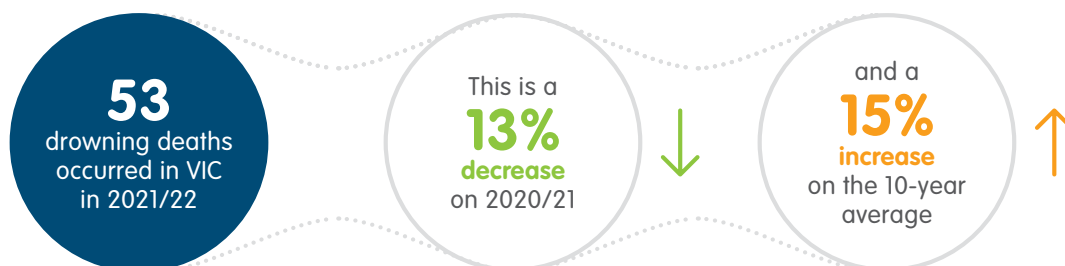
The program is held on an annual basis, providing much needed aquatic experiences for the Tasmanian migrant community and was Federally funded through the Royal Life Saving Inland Waterways Project.



CS54/22

> VICTORIA

CS54/22

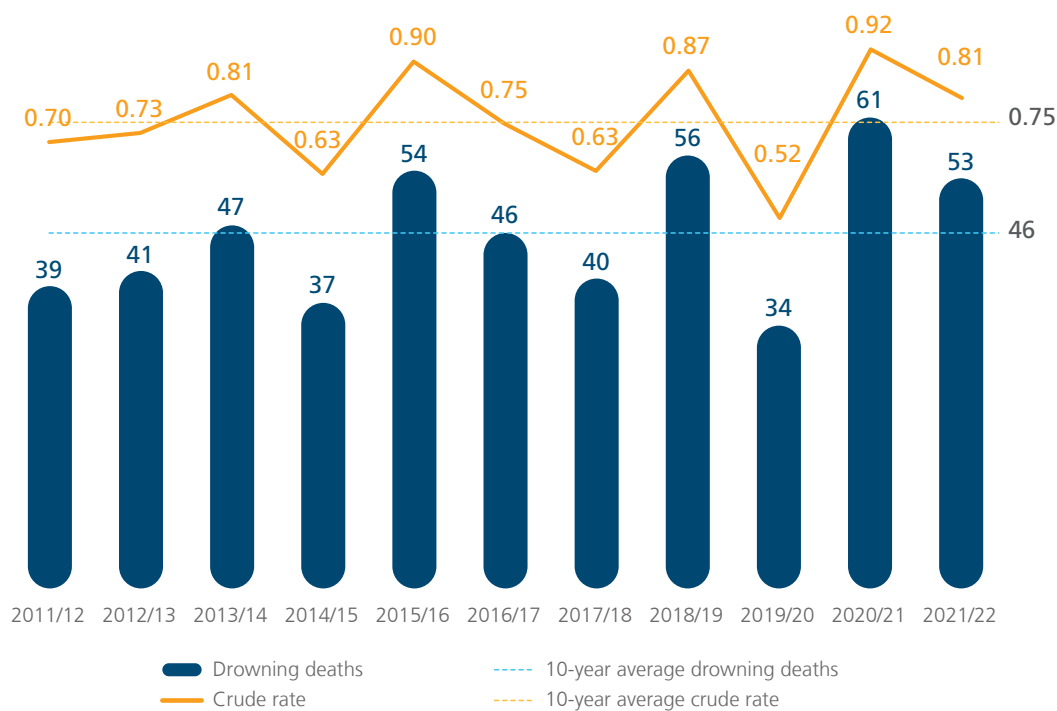


75%
of those who drowned in
Victoria were male

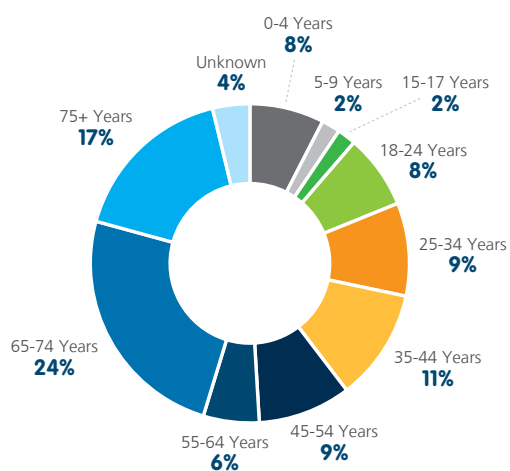


2%
of drowning deaths were
flood-related

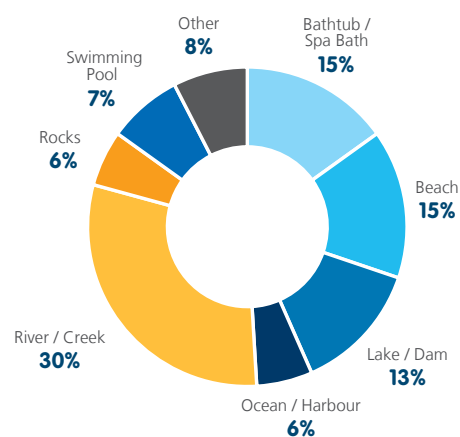
Drowning deaths and death rates in Victoria from 2011/12 to 2021/22
and the 10-year average



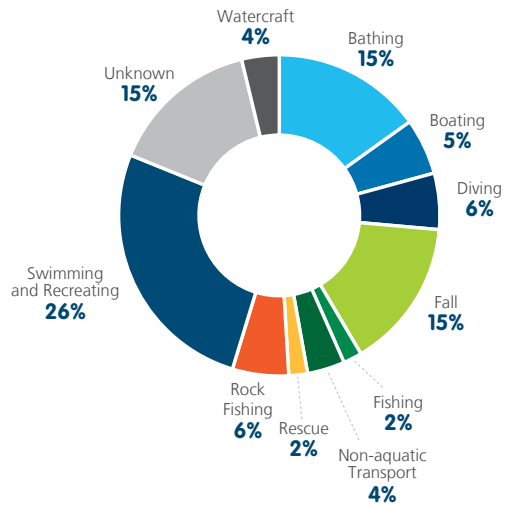
Age



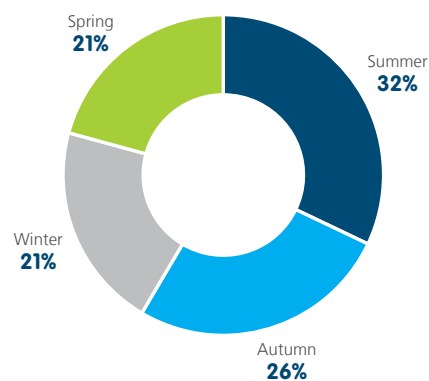
Location



Activity



Season



Victoria experienced a 13% decrease in drowning compared to 2020/21 and a 15% increase compared to the ten-year average.

- › Noting that 2020/21 was highest number of drowning deaths on record
- › 2% of drowning deaths were flood-related
- › Drowning deaths among children (0-14 years) decreased by 15%
- › No children aged 5-9 years drowned
- › This may be an indication that programs and campaigns targeted to children and their parents may be making an impact and it is important to continue focusing drowning prevention efforts on children
- › The biggest impact was among older people aged 65 – 74 years, who made up almost a quarter of all drowning deaths in Victoria, compared to only 5% the previous year
- › 41% of drowning deaths in Victoria were 65 years and older, compared to 23% the previous year
- › While rivers were the location with the highest number of drowning deaths, drowning in bathtubs / spas almost doubled this year
- › Swimming and recreating remained the leading activity prior to drowning
- › Drowning while bathing and rock fishing was slightly up compared to last year
- › Drowning linked to falls into water recorded the biggest decrease from last year, down by 14%

› VIC CASE STUDY

Seniors back in the pool with Life Saving Victoria

Life Saving Victoria (LSV) launched a new seniors recreation program in 2022 after lockdowns impacted accessibility to public pools, particularly for older Victorians.

More than 150 people aged between 50 - 90 years old participated in the three-week program across six aquatic facilities. The program aims to reduce social isolation, re-establish water confidence and increase safety skills, encouraging participants to continue using aquatic facilities in future. The program covers multiple in water activities including walking and talking in water, aqua exercise hydrotherapy and spa time.

This program was developed in response to the increase in drowning among people aged 65 and over in recent years, which shows that a lack of awareness of the risk factors affecting older Victorians around water, such as prescription medications and medical conditions, may be a contributing factor.

“There are many benefits both from a personal wellbeing perspective, as well as improving social connections, general health and water safety,” LSV’s manager – business development diversity and inclusion Trudy Micallef said.

“While our participants are having fun and getting fitter, they are also developing a better understanding of water safety, exploring their own limitations and water safety risks as they age, and the benefits of adding water-based exercise to their normal routine.

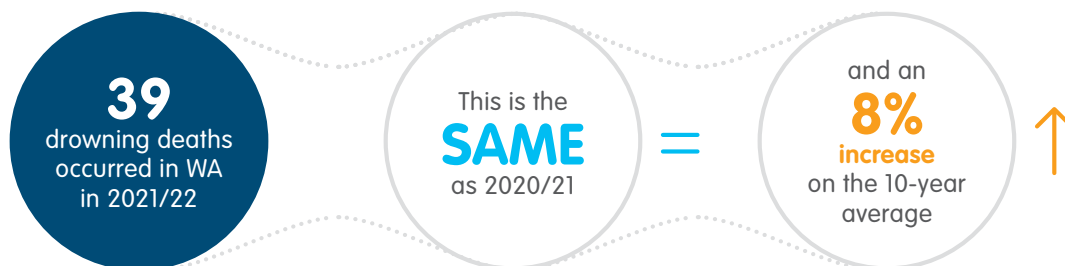
“We always finish with a coffee together too, ensuring there is dedicated time to socialise and build friendships. Hopefully we also see grandparents or caregivers who participated in the program bringing their grandkids to the pool over the school holidays, so they can have a new fulfilling and fun activity together,” says Ms Micallef



CS54/22

> WESTERN AUSTRALIA

CS54/22

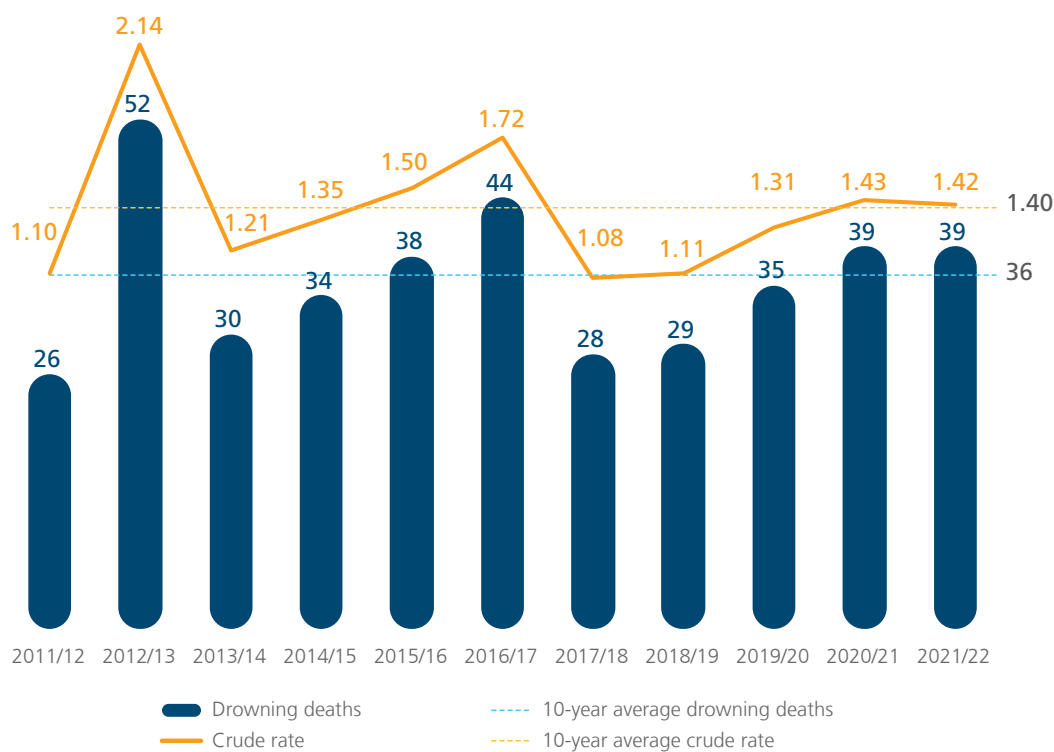


92% of all drowning deaths in Western Australia were males

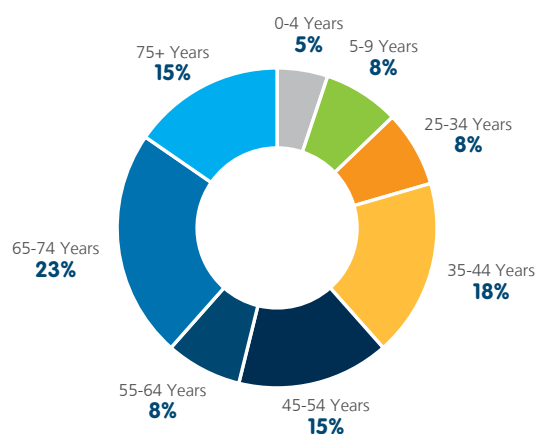


3% of drowning deaths were flood-related

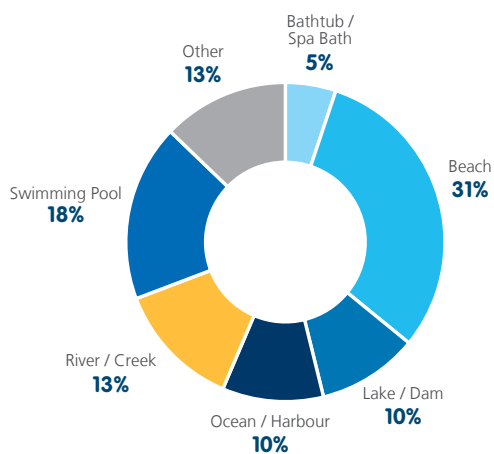
Drowning deaths and death rates in Western Australia from 2011/12 to 2021/22 and the 10-year average



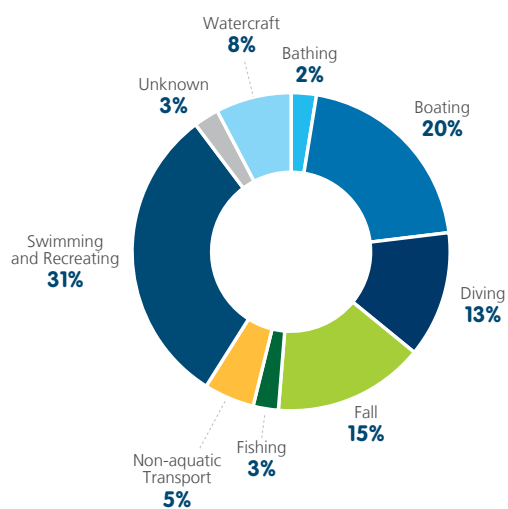
Age



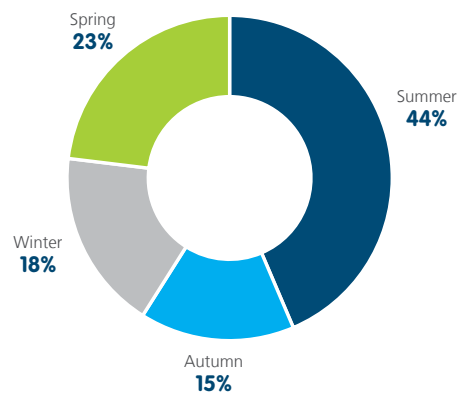
Location



Activity



Season



The number of drowning deaths in WA was the same as 2020/21, which was the highest number since 2016/17.

- Adults aged 65 – 74 years recorded the highest proportion of drowning deaths
- The biggest increases in drowning were among adults aged 35-44 years (by 10%)
- Drowning in children 5-14 years increased to 8%, compared to zero the previous year
- Drowning was down in adults aged 25 – 34 years by 10% compared to the previous year
- Zero young adults (15-17 years and 18-24 years) drowned
- Zero children in the 10-14 years age group drowned for the third year in a row, indicating that programs and campaigns targeted to children and their parents may be making an impact and it is important to continue focusing on children
- Drowning at beaches was up by 13%
- The biggest decreases in drowning were recorded at ocean/harbour locations and around rocks (down by 16% and 10%)
- Swimming and recreating remained the leading activity prior to drowning, with boating, diving related-drowning, and falls into water all up from last year
- 3% of drowning deaths were flood-related

➤ WA CASE STUDY

Kimberley children enjoy their first Spirit Carnival

Western Australia's Kimberley region has the second highest drowning rate of any region in WA, with Aboriginal Australians making up one third of drowning deaths, the largest proportion of any region in WA.

Working hard to address these statistics, Royal Life Saving WA is focused on providing swimming opportunities for children in remote Aboriginal communities, including the inaugural Kimberley Spirit Carnival. Fifty children from across the region came together for the event, learning valuable lifesaving techniques while showcasing the skills they learnt throughout the year in their Swim and Survive and Swim for Fruit programs.

The schools involved in the carnival included Yiyili Aboriginal Community School, Warlawurra Catholic School, Ngalingangpum School and Halls Creek District High School, with the children collectively taking a round trip of more than 600 kilometres to attend the event.

Royal Life Saving WA Senior Manager Education, Trent Hotchkin, says the hope is that the children involved in this carnival will make a real difference in the future of their communities.

"By enabling these children to take part in events like the Spirit Carnival we hope to see them lead a generational change, learning skills to become future lifesavers in remote and regional WA," he said.

The Kimberley Spirit Carnival was made possible thanks to support from Lotterywest and the Department of Local Government Sport and Cultural Industries.

CS54/22



➤ METHODS

CS54/22

Fatal drowning

The information presented in the Royal Life Saving National Drowning Report 2022 has been collated from the National Coronial Information System (NCIS), State and Territory Coronial offices and year-round media monitoring. Cases are collated in partnership with Royal Life Saving State and Territory Member Organisations (STMOs) and Surf Life Saving Australia and analysed by Royal Life Saving Society – Australia. Information contained within the NCIS is made available by the Victorian Department of Justice and Community Safety.

Royal Life Saving uses a media monitoring service for broadcast, print and online all year round to identify drowning deaths reported in the media. This information is then corroborated with information from the NCIS, police reports and Royal Life Saving STMOs before being included in the National Drowning Report.

Great care is taken to ensure that the information in this report is as accurate as possible. Figures may change depending on ongoing coronial investigations and findings, as 91% of cases are still under investigation (i.e., open) as this report went to press. Royal Life Saving regularly publishes ongoing studies, which provide detailed information on long-term data trends.

Information on drowning cases is correct as of 11 August 2022. Historical drowning data are correct as of 1 July 2022 in accordance with Royal Life Saving's ongoing data quality assurance policy. All cases in the Royal Life Saving National Fatal Drowning Database are checked against those in the NCIS on a regular basis and figures are updated in annual National Drowning Reports as cases close. The 10-year averages in this report are calculated from drowning death data from 2011/12 to 2020/21 inclusive.

Drowning rates per 100,000 population are calculated using population data from the Australian Bureau of Statistics (ABS) publication 'Australian Demographic Statistics' (Cat 3101.0). Percentages and averages are presented as whole numbers and have been rounded up or down accordingly.

Exclusions and categorisations

Drowning deaths as a result of suicide or homicide, deaths from natural causes, shark and crocodile attacks, or hypothermia have been excluded from this report. All information presented in this report relates to drowning deaths or deaths where drowning is a contributory cause of death.

'Non-aquatic transport' relates to drowning deaths involving a means of transport that is not primarily designed or intended for aquatic use such as cars, motorbikes, bicycles and aeroplanes among others.

Means of transport primarily used for aquatic purposes are categorised under 'boating' (water-based wind or motor-powered vessels, boats, ships and personal watercraft, such as boats, jet skis, sail boats and yachts). 'Watercraft' refer to water-based non-powered recreational equipment such as those that are rowed or paddled (e.g., rowboats, surfboats, kayaks, canoes, boogie boards).

Within this report, 'swimming pool' includes home swimming pools, public swimming pools, hotel and motel pools, and portable swimming pools among others.

Non-fatal drowning

In the absence of up-to-date data on non-fatal drowning, non-fatal drowning incidents in 2017/18, 2018/19, 2019/20, 2020/21 and 2021/22 were estimated using the observed ratios of fatal to non-fatal incidents for each age group and sex between 2002/03 and 2014/15.

The applicable average ratio of fatal to non-fatal incidents over that period was then used to project the likely number of non-fatal incidents based on the number of fatal incidents for that age group and sex in 2017/18, 2018/19, 2019/20, 2020/21 and 2021/22.

Since available counts of non-fatal incidents do not include all drowning incidents, the proportion of missing incidents was estimated based on a four-year sample of fatal incident data which compared incident counts using both broad and restrictive definitions of 'drowning'.

The estimated proportion of drowning incidents not captured in existing non-fatal data for each age group was then used to scale-up estimates of non-fatal incidents to arrive at a projection comparable with the broad definition of drowning used to count fatal drowning incidents in this report.

Acknowledgements

Royal Life Saving would like to thank the following people and organisations for their assistance in producing the Royal Life Saving National Drowning Report 2022:

- Royal Life Saving State and Territory Member Organisations (STMOs)
- The National Coronial Information System (NCIS)
- Victorian Department of Justice and Community Safety
- Surf Life Saving Australia
- The Queensland Family and Child Commission (QFCC)
- Shane Daw and Dr Jaz Lawes (Surf Life Saving Australia)
- Dr Bernadette Matthews and Dr Hannah Calverley (Life Saving Victoria)
- Lauren Nimmo and Rachel Murray (Royal Life Saving WA)
- Rick Carter (Studio One Another)

The drowning prevention research of the Royal Life Saving Society – Australia is supported by the Australian Government.

This report was compiled and written by Alison Mahony, Principal Research and Policy Officer and Stacey Pidgeon, National Manager – Research and Policy, Royal Life Saving Society – Australia.

➤ RESEARCH AND POLICY
2021/22 HIGHLIGHTS

CS54/22



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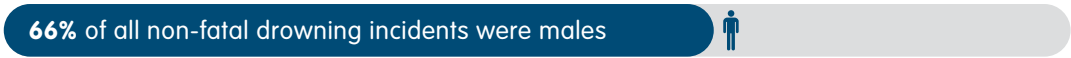
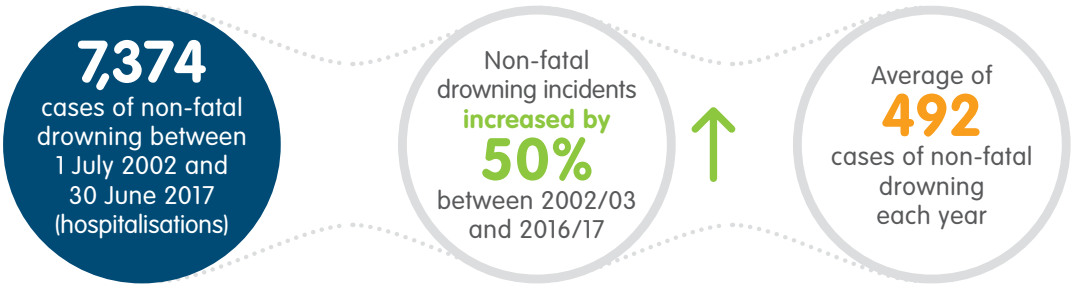
Royal Life Saving's research and policy contribution in 2021/22 has been diverse and continues to impact drowning prevention policy and programs.



CS54/22

> NON-FATAL DROWNING IN AUSTRALIA

CS54/22



Length of hospital stay

**2.3
DAYS****Overall average****1.5
DAYS****Average stay for
children 0-4 years****5.9
DAYS****Average stay for
adults 75+ years****3.0
DAYS****Average stay for
natural water****1.9
DAYS****Average stay for
swimming pools****1.7
DAYS****Average stay for
bathtubs**

Intensive care (ICU)

**65
CASES****Average number of
cases involving time
in ICU each year****69
HOURS****Average duration
of hours in ICU**

Continuous ventilatory support (CVS)

**50
CASES****Average number of
cases involving time
on CVS each year****61
HOURS****Average duration
of hours on CVS**

REPORT HIGHLIGHTS

- The incidence of non-fatal drowning is rising, with hospitalisations increasing by 50% between 2002/03 and 2016/17.
 - By comparison, fatal drowning has decreased over this time. It is important that all drowning prevention campaigns include information on non-fatal drowning and promote the importance of cardiopulmonary resuscitation (CPR) and lifesaving skills.
- Males account for approximately two thirds of all non-fatal drowning cases. Although overrepresented, this is less than the 80% of fatal drowning which occurs among males.
 - This indicates that the outcome of a drowning incident is more likely to be fatal among males than females. The reasons for this are unclear but could be related to situational risk, such as swimming or recreating alone.
- Children are disproportionately affected by non-fatal drowning, with 0–14-year-olds accounting for more than half of all non-fatal drowning incidents.
 - Drowning prevention campaigns should include information about non-fatal drowning to raise awareness of the heightened risk in this demographic. It is important that parents and carers know how to prevent child drowning, fatal and non-fatal.
- Children 0-4 years recorded the shortest hospital stays, while older people aged 75 years and over recorded the longest stays.
 - Pre-existing medical conditions are more likely among older people, suggesting longer hospital stays are partly explained by more complex medical care. Particular caution with young children among medical practitioners may result in a large number of short admissions to allow observation in hospital.
- The average duration of time in ICU and CVS increased substantially between 2013/14 and 2016/17.
 - As there is no clear trend in the number of cases requiring ICU or CVS treatment, this increase in treatment duration suggests an increase in incident severity. Further research is required to investigate this occurrence.

Sources:

Mahony, A, Pidgeon, S (2021) Non-Fatal Drowning in Australia. [Part 1: Non-fatal drowning trends over time](#). Royal Life Saving Society – Australia: Sydney.

Mahony, A, Pidgeon, S (2021) Non-Fatal Drowning in Australia. [Part 2: Impact of non-fatal drowning](#). Royal Life Saving Society – Australia: Sydney.

> DROWNING AMONG OLDER PEOPLE: RISK FACTORS FOR FALLS INTO WATER

116

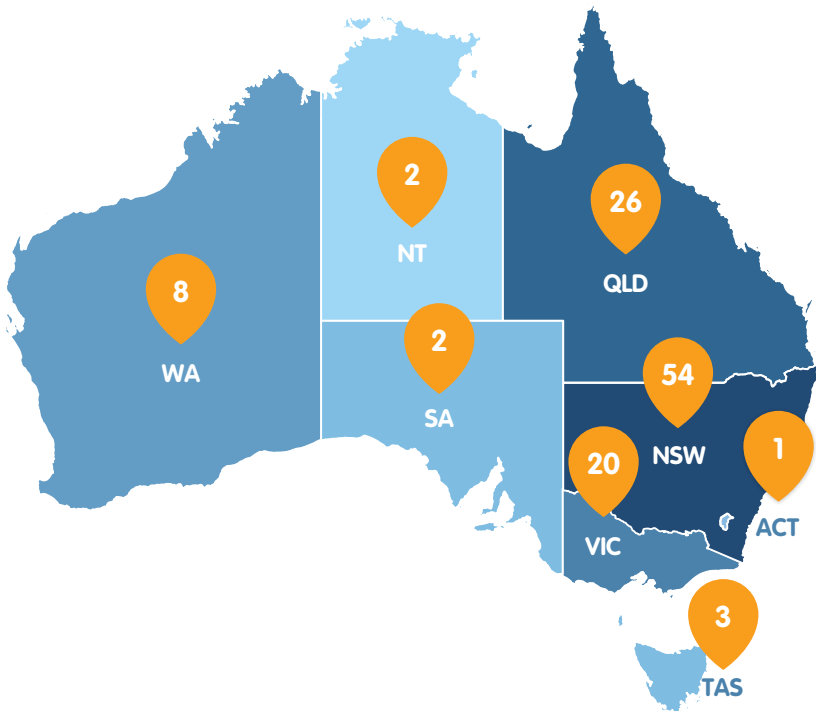
Between 2009/10 and 2018/19
people aged 65 years and over drowned in
Australia as a result of a fall into water

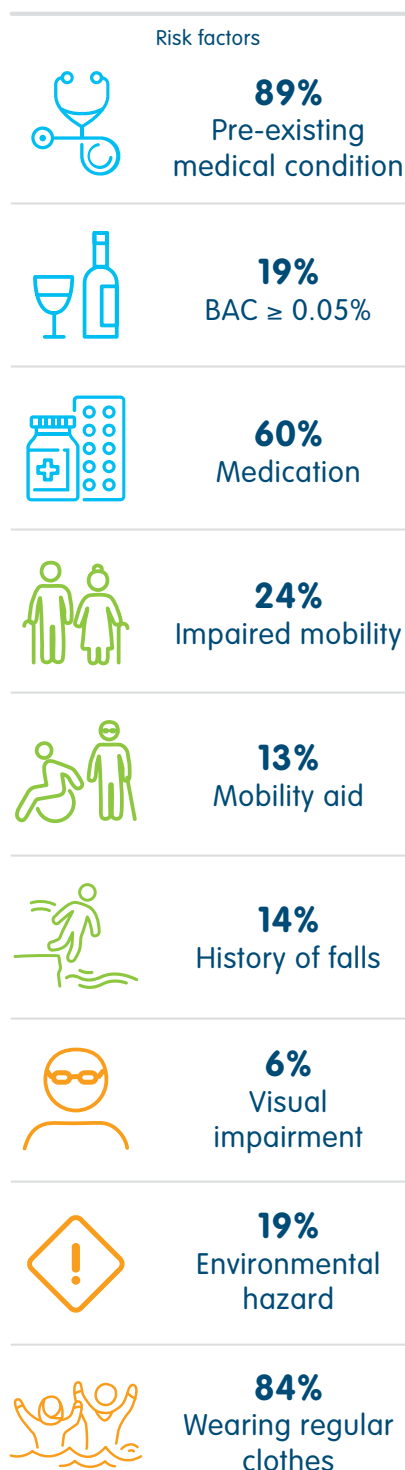
72% were males



Age	Location	Driving time between resident and incident location
37% 65-74 years	32% River/creek	50% At home
63% 75 years and over	32% Swimming pool	35% Within 15 minutes of home

State and Territory breakdown





REPORT RECOMMENDATIONS

Research

- Prioritise ongoing monitoring of drowning trends among older people
 - In the context of an ageing population, fall-related drowning deaths will require sustained attention and responsiveness
- Explore ways to engage older people in aquatic activity, including an assessment of the suitability of existing programs and facilities which cater towards this demographic
- Evaluate existing drowning prevention programs which aim to reduce risk among older people

Policy

- Integrate drowning prevention with healthy ageing and falls prevention policies and plans
 - Partner, and align messaging, with healthy ageing and falls prevention sectors
- Review opportunities to incorporate aquatic activity into physical activity guidelines for older people, highlighting the low impact nature of water-based exercise and demonstrated benefit of exercise in reducing falls risk

Advocacy

- Raise awareness of drowning risk among older people, particularly the risk of unexpectedly falling into water rather than deliberate entry for recreational purposes
 - Ensure education is also directed towards medical professionals who are often best placed to raise awareness of drowning among their patients
- Encourage older people to attend regular medical checkups with their doctor and take any prescribed medication as directed
 - Older people should be advised to speak with their doctor or pharmacist to obtain individual advice relevant to their lifestyle
- Promote aquatic facilities as safe venues for physical activity and rehabilitation in a controlled environment
 - Recreation and exercise at aquatic facilities can provide physical, mental and emotional health benefits while reducing the risk of drowning due to the presence of lifeguards and reduced environmental hazards

Source: Mahony A, Pidgeon S (2022) Drowning among older people: Risk factors for falls into water. Royal Life Saving Society – Australia. Sydney.

➤ AUSTRALIAN POLICY AND CASE LAW FOR PUBLIC SAFETY IN INLAND WATERWAYS: A REVIEW AND RECOMMENDATIONS 2022

Background

Inland waterways provide a significant social and economic value to Australia, such as clean and safe drinking water, wildlife habitats, water for agricultural activity, and a space for aquatic recreation. However, they are the most prominent location for unintentional fatal drownings in Australia.

Engaging with natural aquatic environments can increase the risk of drowning due to rapidly changing conditions and hidden dangers, such as strong currents, submerged objects, slippery or crumbling banks, and cold water. Unlike other aquatic locations, inland waterways are not regularly patrolled by a lifesaving or maritime service. In the case of an emergency, timely medical assistance may be impacted by geographic isolation and a lack of telecommunication facilities.

There are no national standards for public safety that extend beyond water quality management concerning inland waterways in Australia. Guidance is lacking to:

- Support how landowners can safely manage access to and recreation in, on, and around inland waterways.
- Set an appropriate standard of care to be applied to users of waterways and the surrounding recreation areas.
- Outline effective strategies that reasonably and practicably reduce risk in line with approaches taken in public swimming pools and ocean beaches.

This review undertook an examination of legal cases involving inland waterway drowning cases and found a concerning lack of nationally consistent minimum standards and/or regulations to support the safety of inland waterway users. This is in stark contrast to public ocean beaches and public swimming pools.

In 2021, RLSSA released a draft Guidelines for Inland Waterway Safety for comment. The Guidelines are evidence-based and provide practical guidance to owners and operators of inland waterways and organisations who use them, to reduce and prevent drowning. This report reviewed the legislation, civil, and coronial cases and supports a clear necessity of Inland Waterway Safety Guidelines to ensure a reduction in the number of drowning deaths that occur in inland waterways.

Summary of key findings

Examination of inland waterway drownings cases presents the following key findings:

1. Multiple preventable deaths have occurred in inland waterways over the past decade.
2. There is a considerable gap in the standard of water safety management between inland waterways and beaches and pools.
3. A lack of prescriptive guidelines and regulations for inland waterways may contribute to a lack of practical safety measures being implemented, which could see drownings continue if left unaddressed.
4. Many patrons of inland waterways clearly did not possess adequate knowledge to take care and responsibility when using waterways, but the onus, in many cases, was placed directly on them.
5. The law is reluctant to find any acts of negligence by public authorities, owners, and operators of inland waterways when serious injury or death occurs because there is no authoritative guidance to follow in this area. A policy framework could assist adjudicators in making inland waterway public safety recommendations for owners and operators clearer and more consistent.
6. In the absence of standards, Coroners have provided detailed recommendations for specific locations that nationally-consistent standards could enhance.
7. Some deaths could have been avoided with basic risk management practices that would be considered standard for beaches and swimming pools, such as safety signage. Without further prescriptive intervention, the risk of harm to the public will continue.
8. There is a need for cross-collaboration between stakeholders to ensure risk is effectively and extensively mitigated across a range of settings and applications.

Source: Schiavone, C., Houston, R., Cherfils, B. & Pidgeon, S. (2022) [Australian Policy and Case Law for Public Safety in Inland Waterways – A Review and Recommendations](#). Royal Life Saving Society - Australia, Sydney.

Reducing Drowning in Inland Waterways Key Policy Needs

Reducing drowning in inland waterways will require the resources and support of many policy-making bodies and stakeholders. To create safer aquatic places and spaces, a suite of activities is needed to reduce drownings in these environments.

Goal	Reduce drowning in inland waterways				
How	By enabling owners/operators to adopt best practices in drowning prevention				
What	Develop a policy framework that provides practical guidance to stakeholders on the reasonably practicable measures to take to improve public safety at inland waterways				
Priority Areas	Risk Management	Engineering and Infrastructure	Policy, Regulation, and Enforcement	Collaboration	Public Awareness and Communication
Focusing On	<ul style="list-style-type: none"> › Risk assessment of waterways and recreation areas near water › Development of Local Water Safety Strategies › Supervision › Rescue equipment › Zoning of waterways 	<ul style="list-style-type: none"> › Safe waterfront design and management › Vegetation › Egress and access › Drain/inlet coverings › Flood/surge warning systems 	<ul style="list-style-type: none"> › Development of nationally consistent safety standards › Designated swimming and recreation areas › Prohibition and enforcement of alcohol and drugs › Deterrent and enforcement strategies for trespassing, e.g. fines 	<ul style="list-style-type: none"> › Multi-sectoral/multiagency collaboration › Engagement with key stakeholders › Tailored approaches to local contexts › Building consensus around strategies › Consultation with experts 	<ul style="list-style-type: none"> › Australian Standard signage › Encouraging life jacket use › Local campaigns and programs › Media and communications › Partnering with the aquatic industry and providers › Alert systems for patrons



> 10-YEAR ANALYSIS OF DROWNING IN CHILDREN 5-14 YEARS IN AUSTRALIA

105

Children aged 5 – 14 years drowned in Australia
between 2011/12 and 2020/21

The fatal drowning rate of
children aged 5 – 14 years was
0.35/100,000 population.

Average of **10 child (5-14 years)**
drowning deaths per year.

71% were males (2.5 males: 1 female)

Age groups

62%

5-9 years

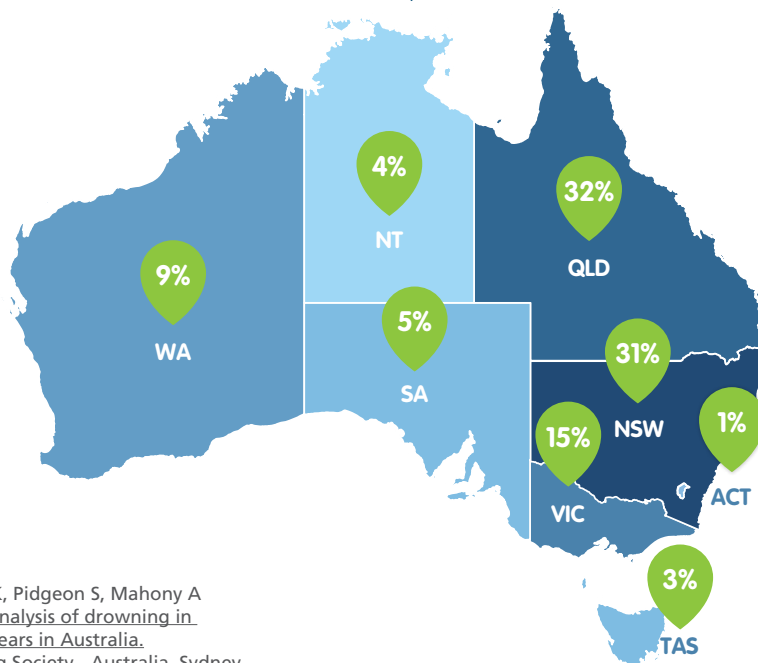
Fatal drowning rate for children aged 5-9 years
was **0.42/100,000** population.

38%

10-14 years

Fatal drowning rate for children aged 10-14 years
was **0.27/100,000** population.

State and Territory breakdown



Source: Pickles K, Pidgeon S, Mahony A
(2022) 10-year analysis of drowning in
children 5 - 14 years in Australia.
Royal Life Saving Society - Australia. Sydney.

Pre-existing medical condition



26%
of children who drowned
had a pre-existing
medical condition.

The fatal drowning rate for children aged 5 – 14 with a pre-existing medical condition was **0.09/100,000** population.

Non-Fatal Drowning

455

estimated
non-fatal incidents
in 5-9 years

1 fatal: 7 non-fatal

240

estimated
non-fatal incidents
in 10-14 years

1 fatal: 6 non-fatal

Top three pre-existing medical conditions were

9%

Epilepsy or other
seizure disorder

6%

Autism

4%

Asthma

Activity



52%
Swimming & recreating



14%
Fall



8%
Bathing

Location



24%
Swimming Pools



22%
River/Creek



20%
Lake/Dam

Swimming pool locations

60%

were home swimming
pools/spas

28%

were public pools

12%

were communal or publicly
accessible swimming pools
(hotel/motel/resort pools)

➤ ANALYSIS OF ADULT SWIM SKILLS

CS54/22

Background

The Australian Water Safety Strategy 2030 identifies swimming and water safety skills as a key factor for reducing drowning among all age groups. The National Swimming and Water Safety benchmarks are linked to age; however it is unknown how many adults can achieve these minimum swimming and water safety competencies. There is limited information available on what adults are being taught and are learning in swimming programs, and what skillsets they are gaining.

This study analysed the swimming skills of adults from both publicly accessible (e.g., public pools) and funded swimming programs across Australia, against the updated National Swimming and Water Safety Framework milestones.

Aims

- To understand who is attending adult swimming programs, how long they are in lessons and how much adults are spending on their own lessons.
- To explore the types of adult swimming and water safety programs currently being offered (i.e., content, lesson duration, number of lessons, funded and publicly accessible).
- To analyse skill progression of adults in swimming programs against the National Swimming and Water Safety Framework.

Recommendations

- Develop specific programs for adults that go beyond 10 lessons, to help build skills and knowledge aligned to the National Benchmarks outlined in the National Swimming and Water Safety Framework.
- Deliver adult programs / lessons outside of work hours and provide options for childcare to support greater enrolment of adult swimmers.
- Partner with community agencies to better understand the needs of males wanting to improve their swimming and water safety skills.
- Develop broad aquatic education programs and partner with other water safety organisations to develop and deliver programs that focus on common activities adults participate in, e.g., boating, fishing, snorkelling, diving, surfing.
- Provide opportunities for subsidised programs across Australia where adults from all backgrounds can access lessons and continue to attend for a longer duration.
- Develop adult swimming programs with a broader focus on health promotion, physical health and overall wellness.
- Conduct research in regional areas to better understand access and availability and the gaps in adult program delivery.
- Conduct qualitative research to better understand the barriers preventing adults from attending and/or continuing in swimming lessons.
- Develop an evaluation framework that can be utilised by swim schools / teachers to collect information that will inform development and delivery of future programs.
- Collect demographic information such as cultural background, language and prior experience in the water to enable tailoring of programs where possible.

Conclusion

This study highlighted that more women than men are attending swimming and water safety programs, despite adult males accounting for the biggest population for drowning. Men continue to be overrepresented in drowning statistics and are thought to over-estimate their ability and skills around water. The Australian Water Safety Strategy 2030 recognises a lack of swimming and water safety skills as one contributing factor to drowning.

There is a need to ensure that men and women of all ages, backgrounds and abilities can access high quality swimming and water safety education programs. This study adds to the research gap around the skills and water competencies of adults and has broadly identified what adults are learning and achieving in swimming programs across Australia. It is hoped that this research will inform the development of future programs that best meet the needs of adult swimmers, to reduce drowning among adults and support their safe enjoyment of Australia's diverse waterways.

Profile of adults attending swimming programs

61% female



38

Average age

40%

Are aged
35-44 years

Time in lessons

77% of adult swimming lessons were
attending one 30-minute group lesson per week

9

Average number of
lessons attended5 hours
average lesson time

6%

Of adults stay in lessons
for 12 months or more

\$

\$21.00 average cost of an adult swimming lesson

Skills

14%

could swim 25m
or more by the end
of their lessons

8%

could achieve
50m or more

49%

of adults attending
lessons are at beginner
stage of acquiring skillsSource: Pidgeon, S, Larsen P. (2022) Analysis of Adult Swim Skills. Royal Life Saving Society – Australia: Sydney.

> MULTIPLE FATALITY DROWNING ANALYSIS

Between 2010/11 and 2019/20



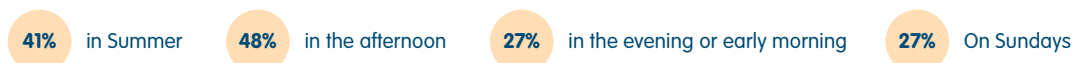
79% of drowning deaths that occurred from a MFE were males



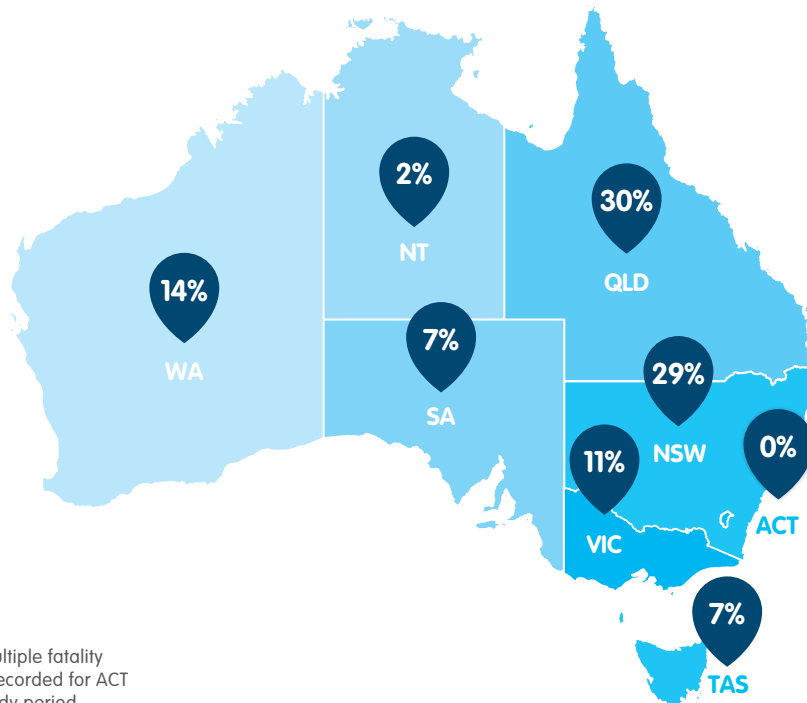
Age



When



State and Territory breakdown



Note: Zero multiple fatality events were recorded for ACT during the study period.



Source: Pidgeon, S & Mahony A. 2022 Multiple drowning fatality analysis. Royal Life Saving Society – Australia.

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> Suggested citation

Royal Life Saving Society – Australia (©2022)
Royal Life Saving National Drowning Report
2022, Sydney Australia.

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UNSW Beach Safety Research Group

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Evaluation of 'Float to Survive' Pilot Study Campaign: Proposed Study

Professor Rob Brander and the UNSW Beach Safety Research Group (Dr Amy Peden, William Koon), UNSW Sydney

1/09/2022

Campaign Overview

The 'Float to Survive' safety message proposed by Bruce Hopkins/Ken Holloway and Surf Educate Australia/APOLA at a meeting organised by MP Matt Thistlewaite on 23/08/22 is to be promoted during the 2022/2023 summer in the Waverley and Randwick Council LGAs.

This message will be promoted alongside the traditional beach safety message of 'always swim between the red and yellow flags'. Development and promotion of this safety campaign will be a collaborative effort between SEI/APOLA, Surf Life Saving Australia (SLSA), Surf Life Saving NSW (SLSNSW) and Randwick and Waverley Councils.

At this stage, it is not known what form this pilot safety intervention will take, but will likely involve visual and text-based safety information presented in physical poster/billboard form located at beaches, public transport locations, public venues, within brochures; and digital formats including various social media platforms and as part of a short public service announcement at movie theatres. Dissemination of the campaign will be restricted to within the Randwick/Waverley LGA's at summer dates to be determined. The budget to support the campaign has yet to be determined.

The UNSW Beach Safety Research Group at UNSW Sydney is a multidisciplinary team of researchers and practitioners dedicated to keeping people safe at the beach and has been asked to design an evaluation of this beach safety education pilot study.

It should be noted that while the 'Float to Survive' campaign applies to all waterways, in this case the focus will be on beaches. It could/should be extended to rock platforms, however this application may prove difficult due to the logistical difficulties of rock fishing (location, demographics), which is the primary use of these environments.

Proposed Evaluation

The overall goal of an evaluation of the 'Float to Survive' message is to see if the campaign/message:

- i) is recognised, understood and recalled by the general public/beachgoers; and
- ii) has altered public/beachgoer self-reported knowledge and behaviour in relation to how to react if they find themselves in trouble in the water.



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1



UNSW Beach Safety Research Group

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The key to evaluating the effectiveness and uptake of any safety message is to have a baseline of information prior to dissemination of the campaign. It is also important to administer the evaluation in both the Randwick/Waverley LGAs, which is receiving the campaign and a control area, which is not.

Stage 1: Baseline Study

Prior to the roll out of the campaign, a short anonymous survey questionnaire (5 minutes or less) will be developed that will be disseminated via iPad/Smartphone at popular beaches in the Randwick/Waverley LGAs and some control areas over a two-week period:

Bondi/Tamarama/Bronte (Waverley)
Coogee/Maroubra (Randwick)
Manly/Cronulla (controls)

Potential Stage 1 Survey Questions:

- Age <provide range>
- Gender
- Residence <postcode>
- How often do you go to the beach <range of choices>
- What would you do if you got caught in a rip current while swimming at the beach? <choices or open answer>
- Which of the following beach safety messages have you heard before <choose all that apply>:
 - Always swim between the red and yellow flags
 - If we can't see you we can't save you
 - The Think Line: Stop Look Plan
 - To escape a rip swim parallel to the beach
 - If you get caught in a rip current, know your options
 - Float to survive

Stage 2: Message Uptake

Once the campaign has been implemented/promoted, online, anonymous surveys of beachgoers at the same Randwick/Waverley beaches and control beaches will be done on two occasions over a period of two weeks:

- i) Mid-way through the campaign/summer on busy beach days (e.g. holidays/weekends);
- ii) At the end of the campaign/summer period on busy beach days

Potential Stage 2 Survey Questions

- Age <provide range>
- Gender



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- Residence <postcode>
- How often do you go to the beach <range of choices>
- What would you do if you got caught in a rip current while swimming at the beach? <choices or open answer>
- Which of the following beach safety messages have you heard before <choose all that apply>:
 - Always swim between the red and yellow flags
 - If we can't see you we can't save you
 - The Think Line: Stop Look Plan
 - To escape a rip swim parallel to the beach
 - If you get caught in a rip current, know your options
 - Float to survive
- Have you seen the Float to Survive beach safety messaging promoted in Waverley and Randwick during the summer? <Yes/No/Unsure>
 - If yes:
 - Where/how did you see this message? <possible list depending on how message is promoted/disseminated>
 - What did you think was the meaning of this message? <open answer>
- Did you get caught in a rip current, or in other trouble in the water, this summer? <Yes/No>
 - If Yes - How did you react in this situation? <possible list or open answer>
 - If you saw the Float to Survive message during the summer, did you remember this message when you found yourself in trouble? <Yes/No>
 - If 'Yes' – did it help you deal with the situation you were in? <Yes/No>
- Do you think that Float to Survive is a message that should be continued to be promoted?

Expected Outcomes

These surveys will allow us to comment on whether the promotional campaign was successful in terms of improving beachgoer awareness of the message by comparing responses from those who live in the Randwick/Waverley LGAs or travel to these LGAs and those who do not.

However, it is strongly emphasised that it will likely be difficult to determine the effectiveness of the message in influencing the behaviour/reactions of those who were caught in rips/or in trouble due to what will likely be a small sample size (capturing people who had been caught in a rip AND remembered and acted upon the message) as well as needing to rely on self-reported data only.

It is also emphasised that it is inherently difficult to determine the effectiveness of the campaign based on an evaluation that is carried over during a single summer period. It will be impossible to relate the campaign to any trends in fatal or non-fatal beach drowning.



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Limitations

As the survey will be anonymous, it will not be possible to compare responses for specific individuals prior to, during, and after the campaign.

Logistics and Budget

The UNSW BSRG will be responsible for developing the surveys, gaining UNSW Human Research Ethics Approval (which can take several months) and interpreting results and generating a final report. Administering the surveys would require research assistants and/or student volunteers from UNSW, but would also benefit from assistance from Surf Life Savers.

An overall budget for this program evaluation would be on the order of \$4500 per Council.

DRAFT



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Rock Fishing Safety Starts at Home

1

Select a safe fishing spot...

Check the conditions before you leave home

Download the Beachsafe app or check Bom.gov.au.



What are the tides like?

High tides can cover your rock fishing spot and the entry point with water and breaking waves, and you are more likely to get trapped, slip, or get swept off the rocks.

How big is the swell?

Large waves or swells can be hazardous and sudden. Some swells can travel from very far away and go unnoticed until they break heavily on the shore. These sudden swells can happen even when it is sunny, and it appears calm.

How strong is the wind?



Strong winds will not only create big waves, but they can make it very difficult for you to remain standing on wet and slippery rocks without being pushed and you risk falling off into danger.

Is this a sheltered spot?

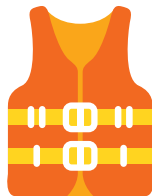
If you are fishing in an exposed open area during rough seas, always try to find a calmer and more sheltered spot to fish from. Do not risk being out in the open.



2 Pack items to keep you safe at the beach

Lifejacket

- Always wear an approved life jacket, it will save your life if you fall in the water. It is the law and fines apply for not wearing them.
- Make sure you know how to use your lifejacket – many drownings occur because people do not know how to use their safety equipment.



Non-slip shoes & Light clothing

- Non-slip footwear is essential on wet, slippery rocks.
- Do not wear boots as these will fill with water and make you sink quickly.
- Heavy clothing can become waterlogged, and it will make it very difficult to stay afloat if you fall in.



Rope or floatation device

- Most rock fishing spots will have an angel ring available to use in an emergency.
- Bringing your own rope or floatation device can be useful in cases of an emergency to rescue or pull someone out of the water. Always be prepared.



Do not pack alcohol

- Make sure you have plenty of water to keep you hydrated.
- Avoid alcohol while rock fishing as it can impair your ability to think clearly and make the right decision.
- Alcohol slows down your reaction time and increases your chances of getting into trouble in the water.



SURF LIFE SAVING
NEW SOUTH WALES



CS54/22

How to stay safe while rock fishing...

Look for hazard signage & a rescue device

- Council lifeguards place signs around the fishing spots to let you know of any dangers that may be present. Make sure you look for these signs before you start fishing.
- Most rock fishing spots will also have an angel ring nearby for emergency use.



Observe the spot before you start

Spend at least 20 minutes watching the conditions and your planned fishing site before beginning. If it seems too rough or unpredictable look for another spot.



Never go fishing alone

Always go fishing with a friend or in a group. You should always tell someone where you are going and what time they should expect you to be back.



Pick a safe spot and plan an escape route

EXIT

- Continuously monitor the conditions as they can change quickly and never turn your back on the ocean as large swells can occur suddenly.
- Always plan a safe way to get out in case you get washed in.

If you're washed into the ocean, stay calm and look for an exit

- If you are washed in, stay calm and swim away from the rocks.
- Look for a safe place to come ashore or stay afloat and wait for help to arrive.



If you see someone who is washed in the ocean, DO NOT jump in

- You can help someone by throwing them something to hold onto. Look around, many fishing spots have red floatation devices installed for public use.
- Get help by calling triple zero (000). Always make sure you know your exact location.



Learn to swim, learn to float, learn to survive.

Learning to swim and learning to stay calm and float will help you to stay safer if you ever fall into the ocean or if you ever get washed in while rock fishing – it's never too late to learn.



How safe are you while rock fishing?

Take the test and find out how much you know about staying safe while rock fishing. [Click here.](#)



SURF LIFE SAVING
NEW SOUTH WALES



Director Corporate Services Report No. CO47/22

Subject: 2021-22 Disclosure of Interests Returns

Executive Summary

- Disclosure of Interests Returns from Councillors, the General Manager and Senior Officers and other Designated Persons, are due annually on 30 September.
- The General Manager is required to keep a Register of Disclosure of Interests Returns and to table the Register at the first Council meeting after the due date.

Recommendation

That it be noted that the Register of Disclosure of Interests Returns for 2021-22 has been tabled at the Ordinary Council Meeting of 18 October 2022.

Attachment/s:

Nil

CO47/22

Purpose

To table the Register of Disclosure of Interests Returns for 2021-22 in accordance with the requirements of the Code of Conduct.

Discussion

In tabling the Register of Returns for 2021-22, I report that all Councillors, the General Manager and Senior Officers and Designated Persons have submitted their duly completed returns within the prescribed timeframe.

A printed version of the Register has been provided to the Mayor so it can be “tabled” at the meeting. Redacted returns have been uploaded to our website and the link to the relevant page of the website. An extract from the relevant page of Council's website is below:

Annual Disclosure of Interests Returns

Below is the Register (redacted) of 2021-22 Disclosure of Interests Returns. Please use the 'bookmarks' functionality within the document to review the list of Councillors and officers who submitted Returns and to skip through the Returns. Following a comprehensive [Public Interest Test](#) Council has determined that it is not in the public interest to publish the Returns in full.

The unredacted Register of Returns is available for inspection at Council's offices subject to request. To inspect the Register of Returns (unredacted) please complete our [Access to Information request form](#).

- [2021-22 Councillor Disclosure of Interests Returns](#)
- [2021-22 Staff A-K Disclosure of Interests Returns](#)
- [2021-22 Staff L-Z Disclosure of Interests Returns](#)
- [Public Interest Test - Disclosure Returns](#)

Redacted returns are published on Council's website in accordance with the Information and Privacy Commission's Guideline 1 and the public interest test conducted in relation to that Guideline.

Anyone is entitled to inspect the 'Returns of the Interests of Councillors, designated persons and delegates' under Government Information (Public Access) Act 2009.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:	
Service area	Customer Service & Governance Management
Function	Governance Management
Delivery program commitment	Manage Council's governance framework and controls to ensure accountability, transparency, integrity, equity and ethical Council decision making.

Resourcing Strategy implications

N/A.

Policy and legislative requirements

Code of Conduct for Councillors - Section 4.9; and Code of Conduct for Staff - Section 4.18.

Conclusion

It is necessary for the Disclosure of Interests Returns (for the period 1 July 2021 to 30 June 2022) to be tabled at this Council Meeting for the purpose of legislative compliance.

Responsible officer: Julie Hartshorn, Coordinator Administration

File Reference: F2022/01361

CO47/22

Director Corporate Services Report No. CO48/22

Subject: 2021-22 Financial Statements

Executive Summary

- Councils in NSW are required to produce financial reports (Financial Statements) each year and these statements, when audited and final, form part of a council's annual report at the conclusion of each financial year.
- This report presents our audited 2021-22 Financial Statements following the previous submission of draft 2021-22 Financial Statements to Council on the 27th September 2022.
- The audited 2021-22 Financial Statements will be tabled to Council along with a representative of the Audit Office of NSW who will be available to comment on the conduct of the audit.

Recommendation

That the presentation of the audited 2021-22 Financial Statements, both General Purpose and Special Schedule for the year ending 30 June 2022 be received and noted.

Attachment/s:

1. Financial Statements 2021-22

CO48/22

Purpose

The purpose of this report is to present the audited Randwick City Council 2021-22 Financial Statements to Council.

Discussion

At the Council Meeting of 27 September 2022, the draft 2021-22 Financial Statements were submitted to Council. The Council resolved, in part, that:

- “c) The Financial Statements be referred to the Auditor Office of NSW for audit.*
- d) Arrangements be made to place copies of the audited Financial Statements on public exhibition and the necessary advertisements be published.*
- e) A copy of the audited Financial Statements be forwarded to the NSW Office of Local Government.*
- f) The audited Financial Statements be presented at a meeting of Council to be held in accordance with Section 418 of the Local Government Act 1993.”*

Following the 27 September 2022 Council Meeting, the Audit Office of NSW conducted an audit of the 2021-22 Financial Statements and have now provided their Independent Auditors Report and their Report on the Conduct of the Audit, both of which are tabled as an addendum to the attached Financial Statements 2021-22.

A copy of the audited Financial Statements has been sent to the NSW Office of Local Government and public notice has been given to the community to the effect that the 2021-22 Financial Statements will be presented to Council at their meeting of 18 October 2022. Submissions have been invited from the public in accordance with section 420 of the Local Government Act (the Act). Any submission received will be referred to Council's Auditor.

A representative from our auditors will be present at the meeting on 18 October 2022, to address Council concerning the conduct of the audit, and the audit result.

2021-22 Financial Statements – Result

The 2021-22 Financial year was impacted by the continuation of the COVID-19 pandemic. Council had several facilities & services that closed for a period of time such as the Des Renford Leisure Centre in the first part of the financial year.

Council achieved an operating surplus of \$18.452m, or \$5.845m excluding capital grants and contributions. All performance measures set by both the Office of Local Government and the Council's Long Term Financial Plan were met except for the Building and Infrastructures Renewals Ratio. This ratio is based on the renewal capital works program which was greatly impacted by two events during the year, being the COVID-19 restriction through most of the first half of 2021-22 and the major wet weather effect La Nina had on the East Coast in the first few months of the second half of 2021-22. It is anticipated that the renewal ratio will greatly exceed the benchmark in the 2022-23 financial year.

In October 2021, Council commenced the construction of the Heffron Centre project. The Heffron Centre is a new indoor multi-purpose sporting facility, gymnastics facility and Community High Performance Centre (CHPC) which forms a major part of the ongoing upgrade works in Heffron Park. It is estimated that at the end of the 2021/2022 financial year, the construction phase was 50% completed.

Council also finalised a 10-year fixed rate loan for \$33,500,000 at 2.22% pa in November 2021. The loan is to cover two different project umbrellas:

- \$19M as part funding for the Community related indoor multi-purpose facility and gymnastics facility, which forms part of the overall Heffron Centre Project
- \$14.5M for Council capital works projects for various buildings, roads and parks.

The loan funds injected much needed funding to enable the works to be completed for the betterment of Randwick City Council residents, as well as the greater community.

Council received a number of grants for both capital & operational projects, including the Local Roads and Community Infrastructure which helps fund a variety of projects including the Footpath Construction program and Coral Sea Park. Council's grants & contributions for Financial Year 2021-22 went a long way to ensuring Council could continue to service the needs of the community and not have to cut back on its services.

The following tables outline the performance of Council during the financial year. Further information is available within the attached 2021-22 Financial Statements.

2021-22 Operating result	2021-22 \$'000	2020-21 \$'000
Income from continuing operations	183,394	174,824
Expenses from continuing operations	164,942	166,917
Net operating result for the year	18,452	7,907
Net operating result for the year before grants and contributions provided for capital purposes	5,845	1,241

2021-22 Operating Performance Measures	2020-21 Actuals	2021-22 Actuals	Benchmark	2021-22 Result
Operating performance ratio	4.49%	5.57	>= 0%	✓
Own source operating revenue ratio	90.31%	87.21%	>= 60%	✓
Unrestricted current ratio	3.98x	3.97x	>= 1.5x	✓
Outstanding rates and charges	3.80%	4.50%	< 5%	✓
Cash expense cover ratio	5.65mths	10.10mths	>=3 mths	✓
Debt service cover ratio	6,059.67x	20.28x	> 0x	✓

2021-22 Asset Performance Measures	2020-21 Actuals	2021-22 Actuals	Benchmark	2021-22 Result
Building & Infrastructure renewal ratio	122.44%	62.76%	>= 100%	✗
Infrastructure backlog ratio	0.48%	0.49%	<= 2%	✓
Asset maintenance ratio	192.57%	179.13%	>= 100%	✓
Cost to bring assets to agreed service level	0.31%	0.31%	N/A	✓

Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	1. Leadership in sustainability
Direction	1a. Council has a long-term vision based on sustainability.
Direction	1b. Council is a leader in the delivery of social, financial and operational activities.

Resourcing Strategy implications

Council's financial position continues to remain sound. The Council during 2021-22 delivered a strong balance sheet demonstrated through the robustness of working capital and sound liquidity through healthy cash flow generation. The results presented in our financial statements are a testament to our responsible stewardship and fiscal management of Council's resources.

Policy and legislative requirements

Sections 416-420 of the Local Government Act 1993 (the Act), require NSW councils to prepare, audit, publicly notify and present financial reports within four months of year end.

The Council's 2021-22 financial statements have been prepared in accordance with the Australian Accounting Standards and the Code. The Council is committed to ensuring we continually improve the quality of our financial reporting by following best practice guidance issued by the Audit Office of NSW.

- Local Government Act, 1993 and Regulations.
- Australian Accounting Standards.
- Office for Local Government, 2021-22 Code of Accounting Practice and Financial Reporting.

Conclusion

The Council's Financial Statements have been finalised for the 2021-22 financial year and Council's financial position remains strong.

The 2021-22 Financial Statements will be incorporated into Council's 2021-22 Annual Report.

Responsible officer: Stephen Wong, Chief Financial Officer

File Reference: F2021/01406

Director Corporate Services Report No. CO50/22

Subject: Investment Report - September 2022

Executive Summary

- This report outlines Council's investment portfolio and performance as at 30 September 2022.
- All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.
- For the month of September provided a return of +0.17% (actual) or +2.14% p.a. (annualised), in comparison to the benchmark AusBond Bank Bill Index return of +0.15% (actual) or +1.79% p.a. (annualised).
- Cashflow will continue to be monitored closely, as the RBA expects to take further steps in the process of normalising monetary conditions over the coming months. Investments will continue to be managed to ensure liquidity to meet operational requirements.

Recommendation

That the Investment Report for September 2022 be received and noted.

Attachment/s:

1.  Certificate by Responsible Accounting Officer - September 2022

CO50/22

Purpose

The Local Government (General) Regulation requires a written report to be provided to the Ordinary meeting of the Council giving details of all monies invested and a certificate as to whether, or not, the investments have been made in accordance with the Act, the regulations and the Council's Investment Policy.

Discussion

As at 30 September 2022, Council held investments with a market value of \$161.602 million. The portfolio value increased during September by ~\$601 thousand. The increase is representative of a positive cash flow for the month reflecting the net effect of revenue receipts, rates, grants and miscellaneous payments, offset by capital works expenditure and other operational payments.

The size of the investment portfolio varies significantly from month to month because of cash flows for the period. Cash outflows (expenditure) are typically relatively stable from one month to another. Cash inflows (income) are cyclical and are largely dependent on the rates instalment due dates and the timing of grant payments including receipt of the Financial Assistance Grants.

Cashflow continues to be closely monitored, ensuring that there is enough cash in the business to operate on a day-to-day basis, to:

- Ensure that Council maintains a balanced operating result,
- Ensure that payments are received on time to control debtors; and
- Manage and finance capital projects.

At the RBA's last meeting on 4 October 2022, the RBA:

- Decided to increase the cash rate target by 25 basis points to 2.60 per cent.
- Committed to return inflation to the 2–3 per cent range over time

The cash rate has increased substantially in a short period of time. Reflecting on this, the RBA decided to increase the cash rate by 25 basis points in October as it assesses the outlook for inflation and economic growth in Australia.

The RBA comments that *"Today's further increase in interest rates will help achieve a more sustainable balance of demand and supply in the Australian economy. This is necessary to bring inflation back down."*

Inflation is expected to peak later this year and then decline back towards the 2–3% range in the longer term. The Bank's central forecast is for CPI inflation to be around 7.75% over 2022, a little above 4% over 2023 and around 3% over 2024. The RBA is still prioritising achieving a soft landing if inflation expectations remain anchored as they currently believe it to be.

The unemployment rate in August was 3.5 percent, around the lowest rate in almost 50 years. Job vacancies and job ads are both at very high levels, suggesting a further decline in the unemployment rate over the months ahead. Beyond that, some increase in the unemployment rate is expected as economic growth slows.

The RBA is expected to further increase the official cash rate and the *"The size and timing of future interest rate increases will continue to be determined by the incoming data and the Board's assessment of the outlook for inflation and the labour market"*.

On Call Funds

On call, funds are held to meet Council's immediate cash flow requirements. The on-call funds' balance has now gradually been reduced as the economic outlook from the pandemic has improved but will continue to be monitored and reviewed in line with anticipated operational requirements.

The on-call balance at month end is \$9.652 million or 2.97% of the total portfolio.

Investment	Rating	Balance - 1 September 2022	Movement	Balance - 30 September 2022	Interest Rate
CBA	AA-	\$11,501,984	-\$1,851,804	\$9,650,180	2.45%
Macquarie Bank	A+	\$2,312	\$4	\$2,316	2.35%

Term Deposits

- At month's end, the portfolio included \$125.5 million in term deposits.
- Term Deposits made up 77.66% of the total investment portfolio.
- Three term deposits totaling \$5.5 million matured in September 2022.
- During September, four new term deposits totaling \$8 million were placed.
- As at the end of September 2022, the term deposit portfolio was yielding 1.95% p.a. (up 18bp from the previous month).

A	Rating	Balance 1 September 2022	Movement	Balance 30 September 2022	Date Invested	Maturity Date	Interest Rate
ICBC	A	\$1,000,000	0	\$1,000,000	13/11/2020	09/11/2022	0.82%
ICBC	A	\$2,000,000	-\$2,000,000	0	21/9/2020	19/9/2022	0.85%
NAB	AA-	\$2,000,000	-\$2,000,000	0	27/8/2021	14/9/2022	0.35%
CBA	AA-	\$1,500,000	-\$1,500,000	0	01/9/2021	28/9/2022	0.42%
ICBC	A	\$1,500,000	0	\$1,500,000	03/12/2020	07/12/2022	0.70%
ICBC	A	\$1,500,000	0	\$1,500,000	11/02/2021	29/03/2023	0.62%
ICBC	A	\$2,000,000	0	\$2,000,000	11/02/2021	28/06/2023	0.65%
NAB	AA-	\$1,500,000	0	\$1,500,000	31/08/2021	13/09/2023	0.65%
NAB	AA-	\$1,500,000	0	\$1,500,000	01/09/2021	20/09/2023	0.65%
CBA	AA-	\$2,000,000	0	\$2,000,000	03/09/2021	12/10/2022	0.41%
ICBC	A	\$2,000,000	0	\$2,000,000	09/09/2021	18/09/2024	0.94%
ICBC	A	\$1,500,000	0	\$1,500,000	27/09/2021	27/09/2023	0.60%
CBA	AA-	\$1,500,000	0	\$1,500,000	27/09/2021	19/10/2022	0.36%
WBC	AA-	\$1,000,000	0	\$1,000,000	21/10/2021	2/11/2022	0.46%
CBA	AA-	\$2,000,000	0	\$2,000,000	1/11/2021	19/04/2023	0.99%
ICBC	AA-	\$1,000,000	0	\$1,000,000	10/11/2021	3/12/2025	1.70%
CBA	AA-	\$1,000,000	0	\$1,000,000	10/11/2021	9/12/2026	1.88%
CBA	AA-	\$2,000,000	0	\$2,000,000	11/11/2021	13/12/2023	1.22%
CBA	AA-	\$1,500,000	0	\$1,500,000	11/11/2021	20/12/2023	1.27%
CBA	AA-	\$2,000,000	0	\$2,000,000	11/11/2021	27/12/2023	1.31%
CBA	AA-	\$1,500,000	0	\$1,500,000	11/11/2021	03/01/2024	1.29%
CBA	AA-	\$2,000,000	0	\$2,000,000	11/11/2021	10/01/2024	1.29%
CBA	AA-	\$2,000,000	0	\$2,000,000	11/11/2021	23/12/2024	1.64%
CBA	AA-	\$1,500,000	0	\$1,500,000	11/11/2021	31/12/2024	1.65%
CBA	AA-	\$2,000,000	0	\$2,000,000	11/11/2021	08/01/2025	1.65%

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CBA	AA-	\$1,500,000	0	\$1,500,000	11/11/2021	15/01/2025	1.66%
CBA	AA-	\$2,000,000	0	\$2,000,000	11/11/2021	22/01/2025	1.66%
CBA	AA-	\$2,000,000	0	\$2,000,000	12/11/2021	31/12/2022	0.70%
WBC	AA-	\$2,000,000	0	\$2,000,000	12/11/2021	18/01/2023	0.63%
CBA	AA-	\$1,500,000	0	\$1,500,000	12/11/2021	25/01/2023	0.74%
CBA	AA-	\$2,000,000	0	\$2,000,000	12/11/2021	01/02/2023	0.76%
CBA	AA-	\$1,500,000	0	\$1,500,000	12/11/2021	15/03/2023	0.84%
CBA	AA-	\$2,000,000	0	\$2,000,000	18/11/2021	12/04/2023	0.85%
ICBC	A	\$1,500,000	0	\$1,500,000	18/11/2021	26/04/2023	0.83%
ICBC	A	\$2,000,000	0	\$2,000,000	18/11/2021	14/6/2023	0.95%
ICBC	A	\$1,500,000	0	\$1,500,000	18/11/2021	21/06/2023	0.96%
ICBC	A	\$1,000,000	0	\$1,000,000	18/11/2021	05/07/2023	1.00%
NAB	AA-	\$1,000,000	0	\$1,000,000	02/12/2021	04/12/2022	0.52%
NAB	AA-	\$2,000,000	0	\$2,000,000	02/12/2021	05/04/2023	0.80%
ICBC	A	\$2,000,000	0	\$2,000,000	02/12/2021	05/07/2023	1.00%
ICBC	A	\$2,000,000	0	\$2,000,000	02/12/2021	11/10/2023	1.10%
NAB	AA-	\$2,000,000	0	\$2,000,000	02/12/2021	18/10/2023	1.05%
ICBC	A	\$2,000,000	0	\$2,000,000	02/12/2021	24/01/2024	1.36%
NAB	AA-	\$2,000,000	0	\$2,000,000	31/02/2022	12/07/2023	1.20%
ICBC	A	\$2,000,000	0	\$2,000,000	31/02/2022	12/07/2023	1.20%
NAB	AA-	\$2,000,000	0	\$2,000,000	01/03/2022	11/01/2023	0.79%
NAB	AA-	\$2,000,000	0	\$2,000,000	01/03/2022	26/10/2022	0.65%
NAB	AA-	\$2,000,000	0	\$2,000,000	01/03/2022	19/07/2023	1.15%
ICBC	A	\$2,000,000	0	\$2,000,000	09/03/2022	25/10/2023	1.74%
CBA	AA-	\$1,500,000	0	\$1,500,000	20/04/2022	26/07/2023	2.44%
CBA	AA-	\$1,500,000	0	\$1,500,000	20/04/2022	04/10/2023	2.60%
ICBC	A	\$1,000,000	0	\$1,000,000	20/04/2022	24/04/2024	3.13%
CBA	AA-	\$2,000,000	0	\$2,000,000	02/05/2022	03/05/2023	2.71%
CBA	AA-	\$2,000,000	0	\$2,000,000	02/05/2022	01/11/2023	3.08%
CBA	AA-	\$1,500,000	0	\$1,500,000	24/05/2022	08/02/2022	1.89%
Suncorp	A+	\$1,500,000	0	\$1,500,000	24/05/2022	08/02/2023	2.60%
CBA	AA-	\$1,500,000	0	\$1,500,000	31/05/2022	22/03/2023	2.78%
ICBC	A	\$1,500,000	0	\$1,500,000	01/06/2022	31/01/2024	3.40%
Suncorp	A+	\$2,000,000	0	\$2,000,000	12/07/2022	17/01/2024	4.05%
Westpac	AA-	\$1,000,000	0	\$1,000,000	28/07/2022	13/03/2024	3.80%
Suncorp	A+	\$1,500,000	0	\$1,500,000	11/08/2022	03/04/2024	4.04%
NAB	AA-	\$1,500,000	0	\$1,500,000	11/08/2022	08/05/2024	4.05%
NAB	AA-	\$2,000,000	0	\$2,000,000	17/08/2022	27/03/2024	4.03%
NAB	AA-	\$2,000,000	0	\$2,000,000	17/08/2022	17/04/2024	4.03%

Westpac	AA-	\$1,500,000	0	\$1,500,000	24/08/2022	08/11/2023	4.16%
Westpac	AA-	\$1,500,000	0	\$1,500,000	24/08/2022	07/02/2024	4.22%
ICBC	A	\$2,000,000	0	\$2,000,000	24/08/2022	10/04/2024	4.30%
Suncorp	A+	\$2,000,000	0	\$2,000,000	31/08/2022	01/05/2024	4.16%
Westpac	AA-	\$2,000,000	0	\$2,000,000	31/08/2022	19/06/2024	4.24%
Westpac	AA-	\$2,000,000	0	\$2,000,000	31/08/2022	26/06/2024	4.25%
Westpac	AA-	\$2,000,000	0	\$2,000,000	31/08/2022	17/07/2024	4.25%
NAB	AA-	0	\$2,000,000	\$2,000,000	01/09/2022	21/12/2022	3.19%
NAB	AA-	0	\$2,000,000	\$2,000,000	01/09/2022	04/01/2023	3.30%
NAB	AA-	0	\$2,000,000	\$2,000,000	01/09/2022	20/03/2024	4.30%
Westpac	AA-	0	\$2,000,000	\$2,000,000	01/09/2022	12/06/2024	4.35%
Total		\$123,000,000	\$2,500,000	\$125,500,000			

Floating Rate Notes (FRNs)

- The portfolio includes \$24.886 million in floating rate notes, making up 15.40% of the total portfolio.
- FRNs are classified as “held for trading” and are required to be reported at the latest indicative market valuations at month end.
- The indicative market value of the FRNs as at the 30 September 2022 decreased by ~\$36 thousands.
- There is no new floating rate note placed during September.
- Council will continue to look at opportunities and new issuances as they become available, and switch if viable.

Investment	Rating	Purchase Price	Indicative Value 30 September 2022	Date Invested	Maturity Date	Interest Rate
Macquarie Bank	A+	\$2,000,000	\$1,998,825	07/08/2019	07/08/2024	90D BBSW + 80 bpts
Citibank	A+	\$1,000,000	\$998,794	14/11/2019	14/11/2024	90D BBSW + 88 bpts
NAB	AA-	\$2,000,000	\$2,002,470	21/01/2021	21/01/2025	90D BBSW + 77 bpts
Macquarie Bank	A+	\$2,000,000	\$1,995,725	12/02/2020	12/02/2025	90D BBSW + 84 bpts
UBS	A+	\$1,300,000	\$1,295,534	30/7/2020	30/07/2025	90D BBSW + 87 bpts
Bank of China	A	\$1,000,000	\$998,389	18/08/2020	18/08/2023	90D BBSW + 80 bpts
UBS	A+	\$3,000,000	\$2,945,435	26/02/2021	26/02/2026	90D BBSW + 50 bpts
CCB	A	\$1,000,000	\$994,068	11/03/2021	11/03/2024	90D BBSW + 58 bpts
ICBC	A	\$1,700,000	\$1,664,763	18/06/2021	18/06/2026	90D BBSW + 66 bpts
NAB	AA-	\$3,100,000	\$3,041,011	24/08/2021	24/08/2026	90D BBSW + 41 bpts
Suncorp	A+	\$1,750,000	\$1,713,823	15/09/2021	15/9/2026	90D BBSW + 48 bpts
CBA	AA-	\$1,500,000	\$1,483,802	14/1/2022	14/1/2027	90D BBSW + 77 bpts
Suncorp	A+	\$1,800,000	\$1,777,889	25/1/2022	25/1/2027	90D BBSW + 78 bpts
Rabobank Australia Branch	A+	\$2,000,000	\$1,975,181	27/1/2022	27/1/2027	90D BBSW + 73 bpts

Total		\$25,150,000	\$24,885,709			
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Fixed Bonds

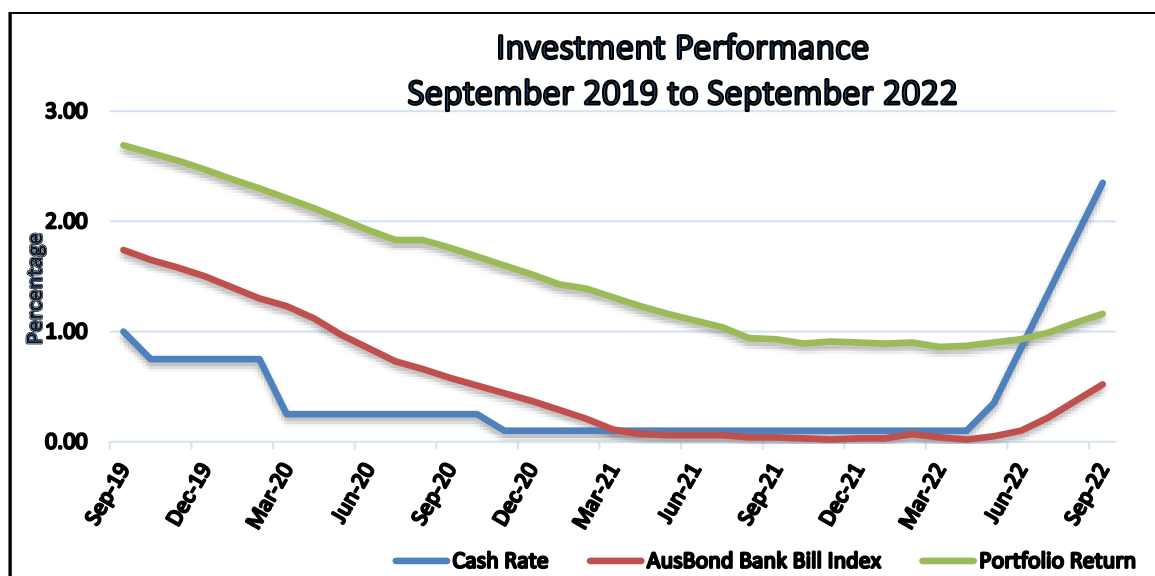
In September 2021, Council purchased at a discount \$1.8 million (face value) of the AAA-rated covered fixed bond with ING Bank Australia. An attractive fixed coupon rate of 1.10% will be paid on a semi-annual basis on the \$1.8 million face value.

The indicative value is the value Council would receive at 30 September if it were to consider selling this investment prior to its maturity date. Selling prior to maturity would only be considered if a capital gain resulted while holding to maturity ensures a return of the full amount invested along with quarterly interest payments over the life of the investment.

Investment	Rating	Purchase Price	Indicative Value 30 September 2022	Date Invested	Maturity Date	Interest Rate
ING Bank	AAA	\$1,794,762	\$1,563,257	19/08/2021	19/08/2026	1.10%
Total		\$1,794,762	\$1,563,257			

Performance

The following graph shows the investment returns achieved against the AusBond Bank Bill Index and the official Reserve Bank of Australia (RBA) cash interest rate for the period September 2019 to September 2022.



For the month of September, the total portfolio of term deposits (T/Ds) and floating rate notes (FRNs) provided a return of +0.17% (actual) or +2.14% p.a. (annualised), performing in line with the benchmark AusBond Bank Bill Index return of +0.15% (actual) or +1.79% p.a. (annualised). The portfolio performance continues to be driven by a combination of deposits that were originally invested longer than 6 months, as well as the higher yielding FRNs locked in at attractive margins and sold prior to maturity, realising small capital gains and boosting returns.

Over the past year, the combined term deposit and FRN portfolio returned +1.16% p.a., outperforming bank bills by 0.64% p.a. The overall return remains solid given deposit rates have again surpassed their all-time lows following the RBA's successive interest rate cuts over the past 2 years.

The performance for the month ending 30 September 2022 is summarised below.

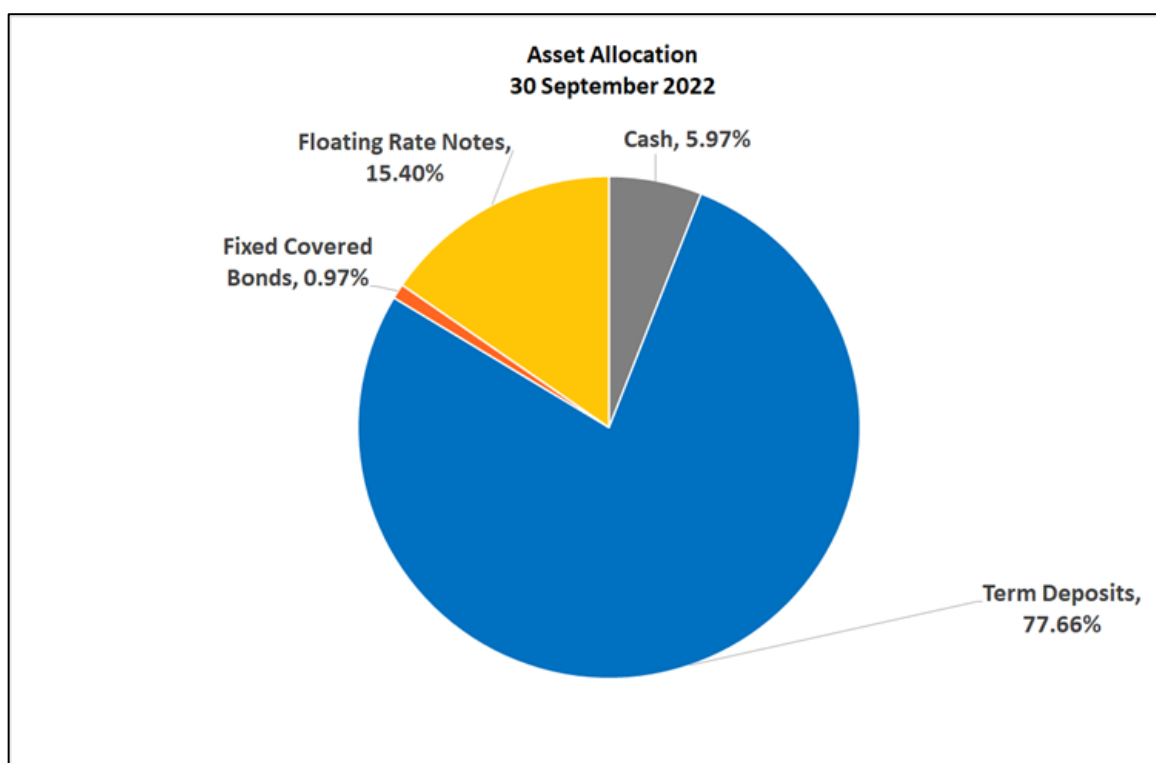
Performance	1 month	3 months	6 months	FYTD	1 year	2 year	3 year
Official Cash Rate	0.19%	0.46%	0.57%	0.46%	0.62%	0.37%	0.40%
AusBond Bank Bill Index	0.15%	0.42%	0.49%	0.42%	0.52%	0.28%	0.38%
Council's T/D Portfolio	0.16%	0.39%	0.65%	0.39%	1.03 %	0.90%	1.20 %
Council's FRN Portfolio	0.25%	0.70%	1.02 %	0.70%	1.65 %	1.42%	1.51 %
Council's Bond Portfolio	0.09%	0.28%	0.55%	0.28%	1.10%	-	-
Council's Portfolio	0.17%	0.44%	0.71%	0.44%	1.16 %	1.04%	1.28%
Outperformance	0.03%	0.02%	0.22%	0.02%	0.64 %	0.77%	0.90%

C050/22

Council's Portfolio and Compliance

Asset Allocation

Most of the portfolio is spread between term deposits (77.66%) and senior floating rate notes (15.40%). The remainder of the portfolio is held in the overnight cash accounts with CBA and Macquarie Bank (5.97%) and the "AAA" rated fixed covered bond (0.97%). The FRNs add additional liquidity and are generally accessible within 2-3 business days. FRNs are also dominated by the higher-rated ADIs which allows Council to maintain a bias towards the higher-rated banks.

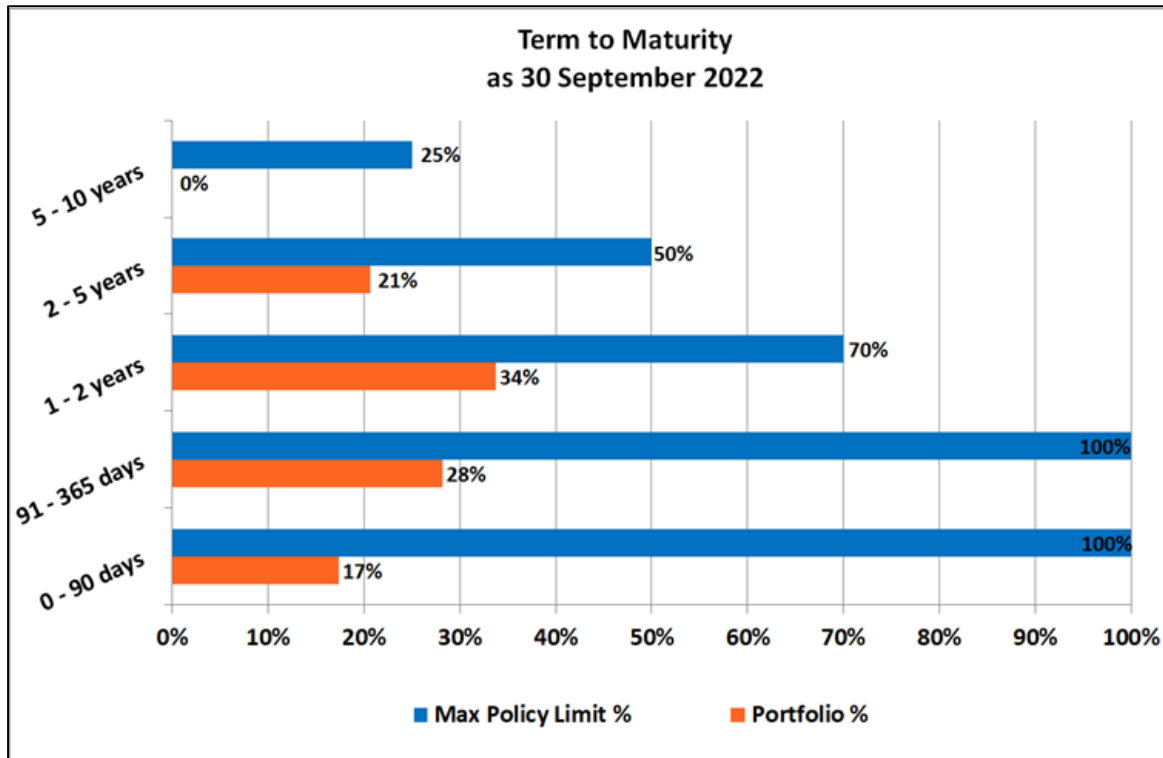


Term to Maturity

The portfolio remains diversified from a maturity perspective with a spread of maturities out to 5 years. Medium-term (2-5 years) assets account for around 21% of the total investment portfolio.

CO50/22

Compliant	Horizon	Invested	%	Min Limit	Max Limit
✓	0-90 days	\$28,152,495	17.42%	10%	100%
✓	91-365 days	\$45,498,389	28.16%	20%	100%
✓	1-2 years	\$54,492,893	33.72%	0%	70%
✓	2-5 years	\$33,458,057	20.70%	0%	50%
✓	5-10 years	0	0%	0%	25%



The investment portfolio is regularly reviewed to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of the Council's portfolio. Independent advice is sought on new investment opportunities.

Credit Quality

As at the end of September, applying the long-term S&P ratings only, Council is compliant across all individual counterparties. The investment portfolio is entirely directly to assets rated "A" or higher, as per Council's adopted policy framework.

Compliant	Rating	Invested	Invested	Max. Limit	Available
✓	AAA Category	\$1,563,629	0.97%	100%	\$160,038,205
✓	AA Category	\$103,177,463	63.85%	100%	\$58,424,371
✓	A Category	\$56,860,742	35.19%	80%	\$72,420,725
✓	Unrated ADIs	\$0.00	0.00%	0.00%	\$0

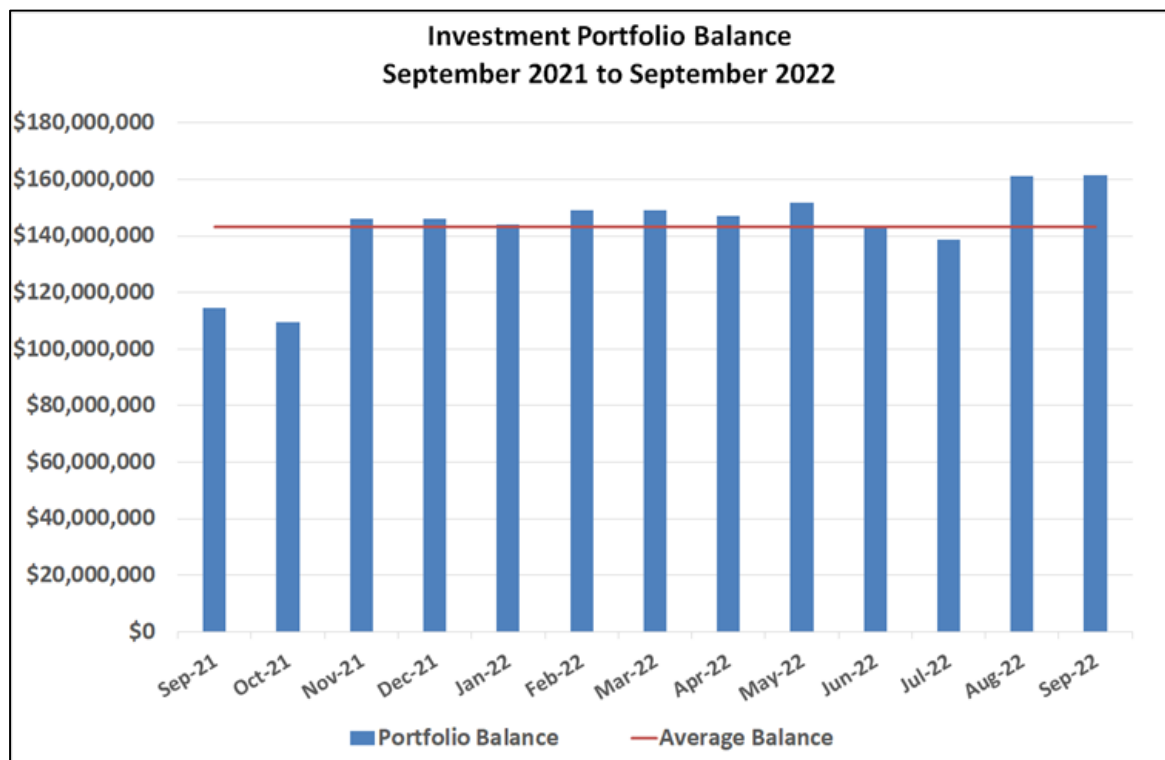
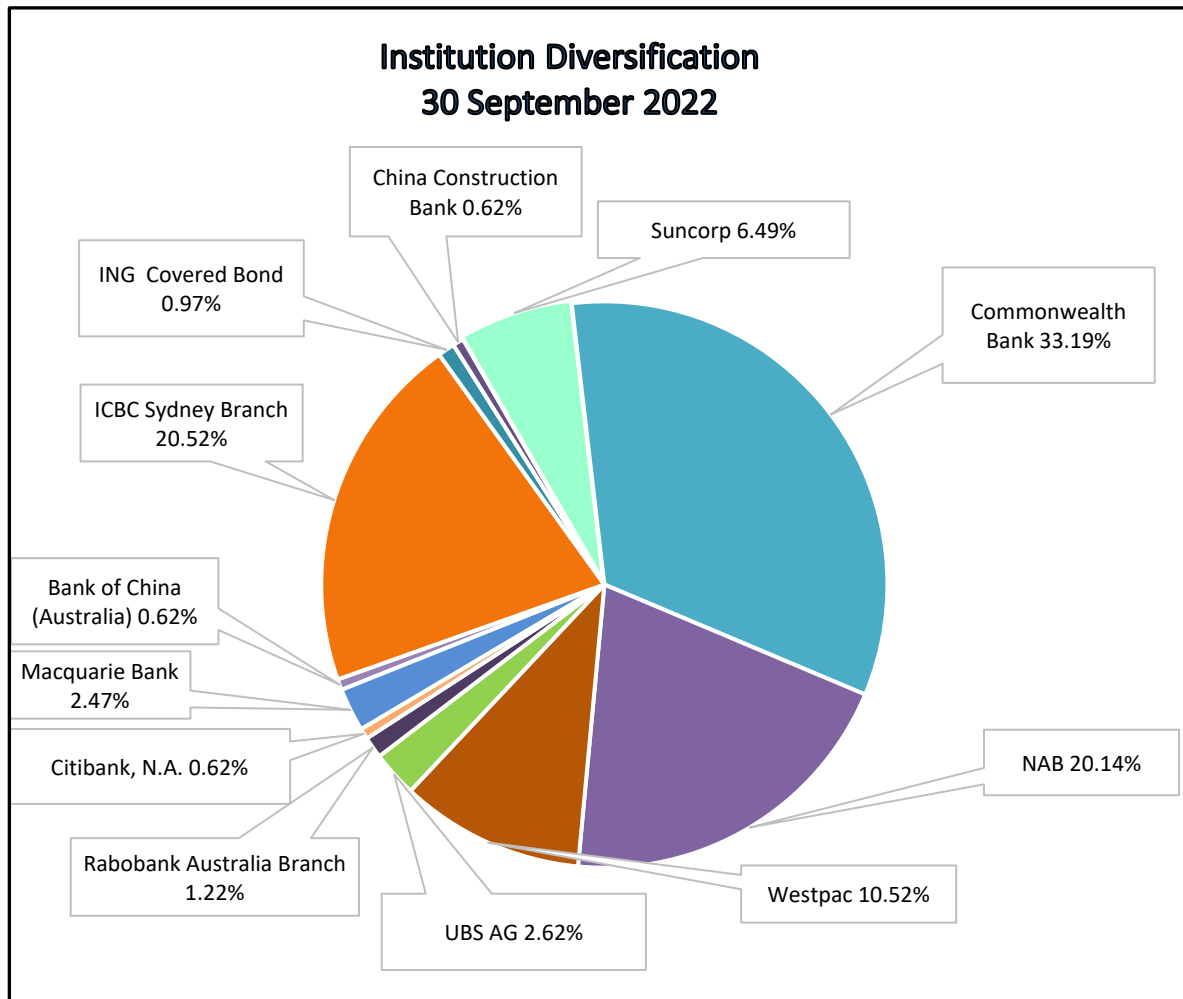
Counterparty

The table below shows the individual counterparty exposures against Council's current investment policy based on long-term S&P ratings.

Compliant	Issuer	Rating	Invested	%	Max. Limit	Available
✓	ING Covered	AAA	\$1,563,629	0.97%	40%	\$63,077,104
✓	Rabobank Australia Branch	A+	\$1,975,181	1.22%	25%	\$38,425,277
✓	CBA	AA-	\$53,633,982	33.19%	40%	\$11,006,752
✓	NAB	AA-	\$32,543,481	20.14%	40%	\$32,097,253
✓	Westpac	AA-	\$17,000,000	10.52%	40%	\$47,640,734
✓	Citibank	A+	\$998,794	0.62%	25%	\$39,401,665
✓	Macquarie Bank	A+	\$3,996,866	2.47%	25%	\$36,403,593
✓	Suncorp	A+	\$10,491,712	6.49%	25%	\$29,908,747
✓	UBS AG	A+	\$4,240,969	2.62%	25%	\$36,159,490
✓	Bank of China	A	\$998,389	0.62%	25%	\$39,402,070
✓	ICBC Sydney	A	\$33,164,763	20.52%	25%	\$7,235,695
✓	China Construction Bank	A	\$994,068	0.62%	25%	\$39,406,391

C050/22

CO50/22



Restricted Funds (*Local Government Act 1993 s 409*)

Councils restricted and unrestricted funds as at 30 September 2022 are shown below. Unrestricted Cash is the cash that is readily available or convertible to cash for Councils' day-to-day management. The restricted cash is either externally or internally restricted. Externally restricted cash can only be spent as permitted in line with legislative responsibilities and/or contractual obligations, while internally restricted cash is to be spent on Council-specific funding commitments as per the operational plan and adopted Council budget.

Since the September 2022 end-of-month process is still ongoing, the below breakdown for Council's restricted and unrestricted funds as at 30 September is the best estimation based on the available data at the time of issuing the report.

Investment Portfolio Balance as at 30 September 2022		\$161,601,833.97
Restricted Cash	Internal	\$94,839,049.24
	External	\$52,671,550.93
Unrestricted Cash		\$14,091,223.80
Total Restricted & Unrestricted		\$161,601,833.97

Loan Funds

The total loan funds were drawn down on 10 November 2021 for \$33.5 million at 2.22%. The loan funded the following:

- \$14.5M Capital Works
 - \$6.7M of Building Works which included Blenheim House, La Perouse Museum, Malabar Pool, Dunningham Reserve, Burrows Park and Southern Suburbs Youth Facilities
 - \$5.5M of Parks Projects which included Playground upgrade, Coral Sea Park, Coastal Walkways, Snape Park outdoor gym, and Pioneers Park
 - \$3.8M of Roads Projects which include drainage capital works and footpath construction
- \$19.5M for the Heffron Centre Project

The payment frequency is semi-annually with the first loan repayment made on the 10 May 2022. The repayment total is for \$1,877,039.92 of which \$371,850.00 is interest. The next payment will be due on 10 November 2022.

The current interest rates offered on term deposits currently have far exceeded our cost of funds in obtaining the \$33.5m loan. Indicative term deposit rates offered currently at CBA by the end of September are as follows:

- For 1 Year – 4.45%
- For 2 Years – 4.60%
- For 3 Years – 4.54%
- For 4 Years – 4.54%
- For 5 Years – 4.58%

As such, the Council is in a notionally advantageous position in earning interest income on our loan. In addition, the delay in the use of loan funds with the deferral of capital works projects into the next financial year enables the council to invest these surplus funds in the short to medium-term investment offerings.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:

Service area	Financial Management
Function	Financial Management and Control
Delivery program commitment	Support Council's sustainable delivery of projects and services through sound Financial Management and Control, including long term financial planning, budget preparation, and financial performance monitoring.

Resourcing Strategy implications

The budget provision for investment income is \$1,270,504. Income received to 30 September 2022 is \$661,963.85, representing 52.10% of the budget year to date. The increased portfolio balance and the recent increase in interest rates continue to result in overall improved returns.

Policy and legislative requirements

Council is authorised by Section 625 of the Local Government Act to invest its surplus funds. Funds September only be invested in the form of investment notified by Order of the Minister dated 12 January 2011. The Local Government (General) Regulation prescribes the records that must be maintained in relation to Council's Investment Policy

Conclusion

Funds are invested with the aim of achieving budgeted income in the 2022-23 financial year and outperforming the AusBond Bank Bill Index over a 12-month period.

All investments as at 30 September 2022 have been made in accordance with the Local Government Act, the regulations and Council's Investment Policy.

Responsible officer: Xinyu Zhang, Financial Accountant

File Reference: F2016/06527

Randwick City Council

Investments

for the period ending 30 September 2022

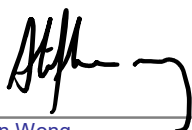
Certificate by Responsible Accounting Officer

made pursuant to Clause 212(1)(b) of the Local Government (General) Regulations 2005

I hereby certify that all investments as at 30 September 2022 have been made in accordance with Council's Investment Policy (adopted Sept 2021).

I hereby certify that all investments as at 30 September 2022 meet the requirements of section 625 of the Local Government Act 1993 including the Ministerial Investment Order (2011).

I hereby certify that all investments as at 30 September 2022, and this investment report, meet the requirements of clause 212 of the Local Government (General) Regulation 2005.



Stephen Wong
RESPONSIBLE ACCOUNTING OFFICER

5 October 2022

Date

Director Corporate Services Report No. CO51/22

Subject: Representation on Community Trustee Board for Centennial Parklands



Executive Summary

- Greater Sydney Parklands has written to Council asking Council to nominate a member for the new Community Trustee Board for Centennial Parklands.
- Community Trustee Boards are designed to provide a voice for community members on Centennial Parklands, and to support decision making by the Greater Sydney Parklands Trust through provision of local community advice.
- The community trustee boards will play a key advisory role representing a broad range of community interests and local perspectives on park stewardship, activities and usage, plus environmental, heritage and cultural issues.

Recommendation

That Council nominate a member for the new Community Trustee Board for Centennial Parklands.

Attachment/s:

1.  Letter from Greater Sydney Parklands - September 2022
2.  Council nomination form - Community Trustee Board for Centennial Parklands

Purpose

To determine Council's representation on the new Community Trustee Board for Centennial Parklands.

Discussion

Greater Sydney Parklands (GSP) has written to Council asking Council to nominate a member for the Community Trustee Board for Centennial Parklands.

The nomination for the new Community Trustee Board for Centennial Parklands is recommended to be a "community member", however, the decision as to who council nominates as a community representative is up to each individual Council.

Randwick City Council's nominee should be able to speak for the broad community, rather than the interests of a particular stakeholder or political group. GSP recommend that the person nominated is a community member, rather than a Council officer or Councillor, noting that Greater Sydney Parklands is committed to regular and ongoing engagement with all councils. However, there is nothing in the *Greater Sydney Parklands Trust Act 2022* that precludes nomination of a Council officer or Councillor.

Each Community Trustee Board member will need to be appointed by the Minister by 31 December 2022. As this is the first time the Boards will be established, the appointments will also need to go to Cabinet. In order to meet this program, GSP has requested Council to provide the name of our nominated community representative by no later than 5pm on Monday 31 October 2022.

The GSP letter in relation to nominations for the Board and the Council nomination form are both attached.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:	
Service area	Customer Service & Governance Management
Function	Governance Management
Delivery program commitment	Manage Council's governance framework and controls to ensure accountability, transparency, integrity, equity and ethical Council decision making.

Resourcing Strategy implications

N/A

Policy and legislative requirements

Greater Sydney Parklands Trust Act 2022.

Conclusion

Greater Sydney Parklands has written to Council asking Council to nominate a member for the new Community Trustee Board for Centennial Parklands. Community Trustee Boards are designed to provide a voice for community members on Centennial Parklands, and to support decision making by the Greater Sydney Parklands Trust through provision of local community advice.

Responsible officer: Julie Hartshorn, Coordinator Administration

File Reference: F2005/00501

CO51/22

C051/22



16 September 2022

Ms Therese Manns
General Manager
Randwick City Council

Via email: therese.manns@randwick.nsw.gov.au

Dear Therese

On behalf of the team at Greater Sydney Parklands, I would like to thank Randwick City Council for your time and feedback as part of the recent session focused on the ***Draft Consultation and Engagement Framework*** (Draft Framework) for Greater Sydney Parklands and establishment of a new ***community trustee board for Centennial Parklands***.

Further to the session, we would like to provide you with further information to support:

1. Council nomination of a member for the community trustee board
2. Community nominations for membership of the community trustee board and promotion of opportunities for community members to have their say on the Draft Framework (Attachment A).

1. Council nomination of a member for the community trustee board for Centennial Parklands

The [Greater Sydney Parklands Trust Act 2022](#) specifies that each board will have at least seven members.

This includes:

- A member nominated by each relevant local council as a community representative.
- For Centennial Parklands, there is provision for City of Sydney, Woollahra, Randwick and Waverley councils to each nominate a single representative.
- Three council nominated community representatives in total will be selected by the Minister for Infrastructure, Cities and Active Transport
- Other council nominated community representatives may attend meetings but are not members
- At least four other members will be appointed by the Minister for Infrastructure, Cities and Active Transport, including First Nations and heritage representatives.

We encourage Randwick City Council to nominate a local *community member* as your representative. The following page includes more details on the nomination process and timing. A demographic profile of Centennial Parklands is included in Attachment A to this letter, to help guide member selection and ensure that the community trustee board is representative of the diverse local community.

We would appreciate it if you could please provide the details of your nominated community trustee board member to Greater Sydney Parklands via hello@gspengagement.com.au as soon as possible to assist in the recruitment process. A council nomination form is attached to this email (Attachment B). The final deadline for council nominations is 31 October 2022.

Information to support council nomination of a community trustee board member

As recently discussed, the *Greater Sydney Parklands Trust Act 2022* notes that the community trustee board for Centennial Parklands should include a community representative nominated by each relevant council.

The Act is not prescriptive about *how* this process should occur, or *the type of person* that councils should nominate.

Greater Sydney Parklands | Phone: 02 9895 7500 | Fax 02 9895 7580 | www.dpie.nsw.gov.au/gsp
Level 7, 10 Valentine Avenue, Parramatta NSW 2150 | PO Box 3064, Parramatta NSW 2124

Process for nomination and timing

We encourage councils to undertake the necessary steps to nominate an individual, and appreciate that each council may have its own preferred process (e.g. some may require endorsement through a council meeting). Greater Sydney Parklands will work with you to support the requirements of your council. For instance, we can provide you (and any relevant members of your team) with a briefing note for your use, or with a further briefing.

Each community trustee board member will need to be appointed by the Minister by 31 December 2022. As this is the first time the boards will be established, the appointments will also need to go to Cabinet. In order to meet this program, we request that you provide us with the name of your nominated community representative by no later than 5pm on Monday 31 October 2022. We appreciate the limited timeframe for nominations and would be pleased to support Randwick City Council to meet this closing date.

Please let us know if you require further assistance to progress the council nomination process.

Who should councils nominate as a community representative?

The decision as to who council nominates as a community representative is up to each individual council. However, Randwick City Council's nominee should be able to speak for the broad community, rather than the interests of a particular stakeholder or political group. We recommend that the person nominated is a *community member*, rather than a council officer or councillor, noting that Greater Sydney Parklands is committed to regular and ongoing engagement with all councils. However, there is nothing in the Act that precludes nomination of a council officer or councillor.

Community trustee boards are designed to provide a voice for community members on Centennial Parklands, and to support decision making by the Greater Sydney Parklands Trust through provision of local community advice.

For the community trustee boards to work effectively and serve their stated purpose, the boards should be reflective of a broad range of views and interests of the community and park users. They should also reflect community diversity in relation to age, gender and cultural background. To assist with this, a demographic snapshot has been created for each parkland (part of Attachment A). We encourage Randwick City Council to consider community members who are passionate about Centennial Parklands, with sound knowledge of the park, and the ability to communicate well with the local community and report local views, concerns and desires back to the community trustee board.

As the boards require representation for local First Nations people and heritage experience, Randwick City Council may wish to consider a First Nations community member or member of the community who has heritage expertise as its representative.

Ultimately, the process and nomination rests with council, with a final decision by the Minister, and we trust that Randwick City Council will make a robust decision that supports the community trustee board to serve its purpose and make a positive contribution to the future of Centennial Parklands.

2. Promotion of opportunities for community members to have their say on the Draft Framework

Greater Sydney Parklands is also seeking assistance from Randwick City Council with promotion to support:

- Broad recruitment for community trustee board members and public participation in the consultation process for the Draft Framework
- Recruitment of local First Nations community members
- Recruitment of community members with heritage experience.

Please read Attachment C for all relevant information to share with your communication and engagement teams.

Background

Greater Sydney Parklands launched public consultation on our Draft Framework on Tuesday 13 September. The Draft Framework shares our commitment to engagement and highlights some of the ways we're already engaging with councils, communities and other stakeholders. It also discusses our aspirations to communicate and engage using leading practice approaches that build on existing approaches, to reach wider and more diverse audiences. We are welcoming public feedback on the Draft Framework from 13 September to 10 October 2022.

As a mechanism for ongoing engagement on our parklands, Greater Sydney Parklands is establishing a community trustee board for each of our five parklands, including Centennial Parklands.

The community trustee boards will play a key advisory role representing a broad range of community interests and local perspectives on park stewardship, activities and usage, plus environmental, heritage and cultural issues. The Greater Sydney Parklands Trust Board will consider the views of the community trustee boards, meaning they will have a direct impact on how our parks operate.

Under the Act, each community trustee board will:

- Be representative of community diversity including in relation to gender, age and cultural background
- Be reflective of the broad range of views and interests of the community and people who use the relevant parkland
- Include representation for local First Nations peoples
- Include a representative who has experience or skills in heritage or heritage management.

More information

More information on the Draft Framework and community trustee boards, including FAQs, can be found at www.gspengagement.com.au

Thank you for your continued interest and support for Centennial Parklands. Please do not hesitate to get in touch with Greater Sydney Parklands' Director Community, Engagement and Partnerships Laura Stevens at laura.stevens@gsp.nsw.gov.au for further information.

We greatly appreciate your support and value our strong working relationship with Randwick City Council, and we look forward to continuing to strengthen our partnership with you.

Attachment A: Draft Consultation and Engagement Framework including Centennial Parklands snapshot

Attachment B: Council nomination form

Attachment C: Collateral to assist with promotion

Yours sincerely



Joshua French
Chief Executive
Greater Sydney Parklands



Community trustee board – Member nomination form

Nomination details

I hereby nominate to be a member on the community trustee board for _____ [insert name of relevant parkland].

I accept that selection and appointment to the board will be subject to my:

- Having knowledge of the parkland and activities carried out in the parkland
- Being able to communicate effectively with local residents, local community groups and other persons who use the parkland
- Being willing to adhere to the board's Code of Conduct.

Information requirements

1. Full name including
 - a. Title:
 - b. First Name:
 - c. Middle Name:
 - d. Surname:
2. Any post-nominals of the nominee (e.g. PhD / CPA)
3. Full residential address:
4. Date of Birth:
5. Gender:
6. A mobile phone contact number:
7. A valid email address:
8. Diversity Confirmations (Yes/No/Choose not to say)
 - a. Person with a disability (PWD):
 - b. Aboriginal and/or Torres Strait Islander (ATSI):
 - c. Culturally and/or Linguistically Diverse (CALD):
9. Is the appointee (Yes/No):
 - a. A public sector employee:
 - b. On the Lobbyist Register:
 - c. A member of other Government boards and committees:
10. Heritage skills or experience (Yes/No)
11. Any relevant qualifications or expertise

Signed declaration

If appointed to the board, I:

- Confirm that I am aware of my responsibility as a member on the community trustee board
- Accept that the position is voluntary with no entitlement to remuneration
- Agree to sign and comply with the board's Code of Conduct agreement.

Signature and date: _____

C051/22

Motion Pursuant to Notice No. NM79/22

Subject: (Amended) Notice of Motion from Cr Hay - Meetings to discuss antisocial behaviour in Inglis Park

Deferred from 27 Septemeber 2022 Council meeting

Motion:

That Randwick Council meets once per month for the next three months with stakeholders including:

- A representative of NSW Police
- A representative of CBus Property
- A representative of the fig tree pocket strata (SP101581)
- A representative for each adjacent local high school

To discuss methods to counteract the growing prevalence of antisocial behaviour in Inglis Park, Randwick.

Source of funding:

To be determined.

Attachment/s:

Nil

Submitted by: Councillor Hay, West Ward

File Reference: F2008/00298

NM79/22

Motion Pursuant to Notice No. NM90/22

Subject: Notice of Motion from Cr Burst - Return of the Matraville Christmas Carols 2023 and beyond

Motion:

To budget in FY2023-24 for Matraville Christmas Carols to recommence. After several years of COVID19 the Matraville Christmas Carols were cancelled due to Health rules.

Background:

This has been a community favourite and brought our community together. This allows amazingly talented adults, kids from nearby schools, dancing and singing Christmas songs, performing their hearts out for all and celebrating with joy and peace over the festive season.

Source of funding:

Source of funding to be Budgeted 2023-24.

Attachment/s:

Nil

Submitted by: Councillor Burst, South Ward

File Reference: F2004/07077

NM90/22

Motion Pursuant to Notice No. NM91/22

Subject: Notice of Motion from Cr D'Souza - Lack of Social Housing

Motion:

That Council

- a) writes a letter to the Minister and our local member Michael Daley informing him of the lack of Social Housing stock for the elderly, the socially disadvantaged and those most vulnerable in our community;
- b) requests an audit of the condition of all social housing stock in the RLGA and where needed immediate repair work be commenced;
- c) requests increasing the number of social housing units and homes in the RLGA to accommodate the homeless many of whom are recent victims of the economic and health crisis, Covid, which our community is just recovering from; and
- d) investigates what more can be done through our social and community assistance programs to help and assist those community members who have been impacted by this health and economic crisis who need help.

Background:

Having a job is no longer a guarantee you will have a house. Rental prices have skyrocketed. Despite working six days a week some people still don't have a place to call home. It feels for many they are going in a circle. All they want is to give their families something nice and safe.

There is a critical lack of affordable and public housing which means even if you have a job there is often simply nowhere to live. People with low paying jobs are struggling to find accommodation. They are the new homeless and they are growing in number. What we are now witnessing is the decay of the Australian Housing Dream.

We are witnessing a homeless crisis here in Australia where low-income workers and working single mothers are forced to live in motels, cars, caravans and even tents.

I have never had so many requests from residents especially residents requesting social housing for help as I have in the last 12 months. Many complaining their Local State Member Michael Daley refuses to listen to their complaints or help them. Their stories are all similar and they are heartbreaking.

Many of the property's residents are forced to live in have become a health hazard riddled with mould and asbestos. With the heavy rain many social housing residents are complaining of leaking roofs and they state owned housing in disrepair.

Attachment/s:

Nil

Submitted by: Councillor D'Souza, South Ward

File Reference: F2004/07991

NM91/22

Motion Pursuant to Notice No. NM92/22

Subject: Notice of Motion from Cr Rosenfeld - Investigate traffic safety issues, corner of Cooper Street & Boyce Road, Maroubra

Motion:

That the Council Traffic Committee relook at the traffic safety issues on the corner of Boyce Rd and Cooper St Maroubra. This will involve the following a report into the feasibility of:

- a) trialling closing Boyce Rd at either the Western or Eastern corner of Boyce Rd and Cooper St; and
- b) having a four way stop sign at this intersection.

The reports will include consultation with the residents that live in this vicinity.

Background:

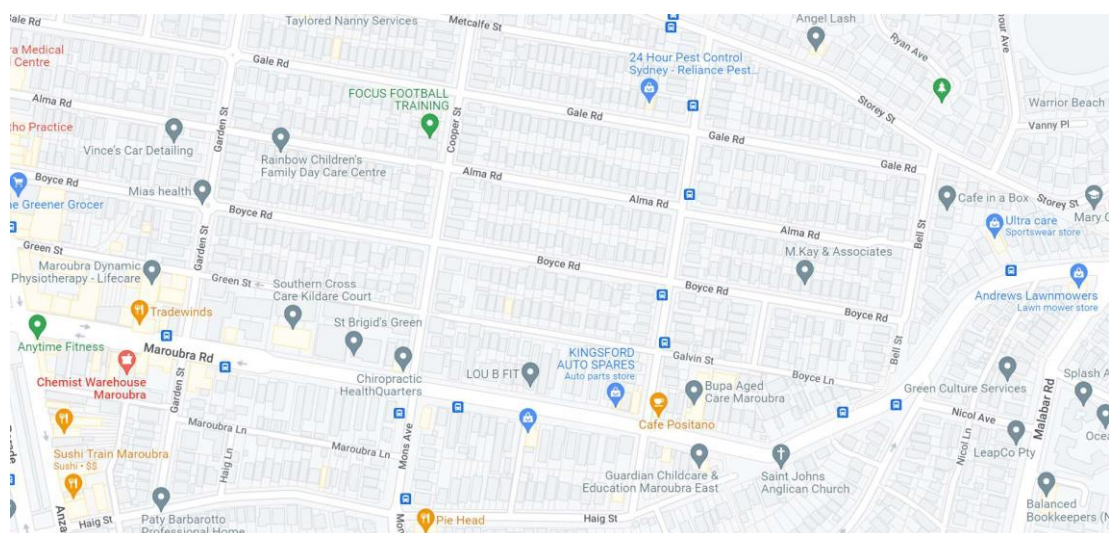
Several residents at the corner of Cooper St and Boyce Rd in Maroubra have mentioned that this intersection is unsafe with the sight lines on Cooper St being very poor at this intersection. This is especially so at the Northern side of Cooper St heading south bound, where it is hard for a driver to stretch out and see the 180 Degrees traffic flows in Boyce Rd.

In addition, there is an issue of drivers speeding on Boyce Rd through this narrow intersection.

These issues were looked at by the Traffic Committee at the March 2022 meeting and as a result, the council installed signage to help alert drivers in both directions of Cooper St, namely cat eye lane markers and on-ground stop signs on both sides of Cooper St. Despite these measures the problem has not been resolved and hence additional measures need to be looked at. As such either a road closure on Boyce Rd or a four way stop sign will be a better solution.



NM92/22

**Source of funding:**

To be determined.

Attachment/s:

Nil

Submitted by: Councillor Rosenfeld, Central Ward

File Reference: F2022/02312

Motion Pursuant to Notice No. NM93/22

Subject: Notice of Motion from Cr Veitch - Wills Reserve maintenance and upgrades

Motion:

That Council:

- a) notes resident concerns re flooding and drainage, and requests for landscaping and replacement tree planting, increased general maintenance, and upgrades for playground equipment and shade cloth at Wills Reserve Kensington; and
- b) receive a report addressing the issues listed above, including the feasibility of conducting a community consultation and replacing or upgrading the playground equipment in the 2023-24 financial year.

Attachment/s:

Nil

Submitted by: Councillor Veitch, West Ward

File Reference: F2019/00686

NM93/22

Motion Pursuant to Notice No. NM94/22

Subject: Notice of Motion from Cr Veitch - Snape Park Improvements

Motion:

That Council:

- a) notes resident requests for additional oval gates, fencing, tree planting, lighting and park furniture / barbeques to improve the amenity and safety of the western section of Snape Park, and to keep dogs out of the oval and contained within the designated off leash dog walking area; and
- b) receive a report addressing the issues listed above, including the feasibility of conducting a community consultation and undertaking the improvements in the 2023-24 financial year.

Attachment/s:

Nil

Submitted by: Councillor Veitch, West Ward

File Reference: F2004/07334

NM94/22

Motion Pursuant to Notice No. NM95/22

Subject: Notice of Motion from Cr Chapple - Beginning of Council meetings

Motion:

That all future meetings of Randwick City Council begin with an Acknowledgement of Country, followed by a minute to pray or reflect in your own way on your responsibilities to the people of Randwick and to future generations.

Background:

The Australian Federal Senate recently moved to have an acknowledgment of country before the Lord's Prayer in recognition that this acknowledgment should be first.

A number of councils in NSW have moved to having a minute of silence for reflection or prayer including Lane Cove Council and Shoalhaven City Council.

In the last census 36.5% of people in the Randwick LGA identified as having no religion, 26.9% were Catholic, 11.9% Anglican. There are also significant Eastern Orthodox, Jewish, Muslim and Buddhist populations in our area.

Attachment/s:

Nil

Submitted by: Councillor Chapple, Central Ward

File Reference: F2004/06565

NM95/22

Motion Pursuant to Notice No. NM96/22

Subject: Notice of Motion from Cr Said - CCTV to combat anti-social behaviour at La Perouse

Motion:

That Council brings back a report for new state of the art CCTV as per those recently installed by Bayside Council, in known trouble spots in the La Perouse area to combat anti-social behaviour, dangerous driving and hooning.

Background:

Bayside Council is expanding its state-of-the-art CCTV network to include the public car park at Sanoni Avenue to combat anti-social behaviour, dangerous driving and hooning.

"I am pleased Council is continuing to invest in this technology to improve local community safety," Mayor Dr Christina Curry said.

"The installation of CCTV at the Sailing Club will further expand Council's network and coverage to provide support to law enforcement and deliver greater public safety."

Steve Kamper MP, Member for Rockdale said "Residents have been calling for action to address the anti-social behaviour at this location for as long as I can remember. It's great to see Bayside Council working to address these issues and investing in new technologies."

Video and photographic evidence from the cameras will help with Police investigations and can also be used as evidence for prosecution.

The cameras can identify offending vehicles, recognize licence plates, and capture the required footage/images to process infringements.

Infringements will be issued daily by Council to offending vehicles and posted directly to the offenders by Revenue NSW.

The cameras will run on 100% renewable energy through solar and wind power generation.

This is in line with Council's commitment to environmental sustainability and provides a long-term solution to a complex problem.

Source of funding:

Nil at this stage.

Attachment/s:

Nil

Submitted by: Councillor Said, South Ward

File Reference: F2008/00547

NM96/22

Motion Pursuant to Notice No. NM97/22

Subject: Notice of Motion from Cr Said - Council to investigate sponsorship options for major events

Motion:

That Council officers to investigate sponsorship options for major events ie. Christmas Carols, Coogee Sparkles. The report should investigate both minor sponsorship with local businesses and major sponsorship with large national businesses.

Background:

Coogee Carols and Coogee Sparkles are considered to be outranked by only the Carols and Fireworks in Sydney City (which relies on major sponsors both Government and private).

To continue these well-loved events in our LGA, without financial help is unsustainable, therefore, to provide events that the community deserve and appreciate, we need to form financial partnerships with businesses that meet our strict criteria.

Attachment/s:

Nil

Submitted by: Councillor Said, South Ward

File Reference: F2015/00104

NM97/22

Motion Pursuant to Notice No. NM98/22

Subject: Notice of Motion from Cr Said - Council investigate storage space for surfing clubs at Maroubra Beach

Motion:

Council to investigate the growing demand for storage space needed by competitive Surfing clubs based at our LGAs surfing reserve at Maroubra Beach. Discussions to involve all stakeholders ie. Surfing NSW also based at Maroubra Beach.

Background:

Surfing is synonymous with Maroubra Beach, noting this is the reason why it is a surfing reserve and has 'the surfing hall of fame'.

One such boardriders club which is also synonymous with Maroubra Beach is Southend Boardriders Club. Over the last few years Southend Boardriders has grown into one of the largest and diverse boardriding clubs in NSW. Surfing clubs, such as Southend embrace themselves in the community, and are more than, 'all about surfing.'

Southend organise three Major community / charity events each year:

- Hearts4Arch (Children's heart health charity)
- Baxter Shield (Mental Health)
- Her-Wave Competition (promoting women in surfing)

Southend Boardriders was recently recognised as **Sport NSW "2022 Community Club of the Year"** presented by NSW Minister for Sport, the Hon. Stuart Ayres MP in June this year! <https://www.sportnsw.com.au/news/nsw-community-sports-award-winnersannounced/>

The prestigious award that recognised outstanding achievements and contributions to community sport was across all sports (Cricket, Tennis, Football, surf lifesaving, Athletics, Rugby etc) and it is the first time a surfing club has ever won this prestigious award.

Surfing Clubs such as Southend Boardriders should be applauded for their community involvement, it seems only fitting Council works with Surfing NSW and the Boardriders to provide storage to meet their ever growing expansion.

Attachment/s:

Nil

Submitted by: Councillor Said, South Ward

File Reference: F2019/00730

NM98/22

Motion Pursuant to Notice No. NM99/22

Subject: Notice of Motion from Cr Olive - Randwick Community Centre fee waiver for Randwick Barracks Neighbourhood Defence Committee Community Forum

Motion:

That Council waive hire fees for the Randwick Community Centre on an available night between 20 and 31 October from 7-9pm for the purpose of a community forum to be held by the Randwick Barracks Neighbourhood Defence Committee.

Background:

The renamed Randwick Barracks Neighbourhood Defence Committee (RBND) is a community consultative committee that was set up by Matt Thistlethwaite, MP for Kingsford-Smith and Assistant Minister for Defence, after meeting with residents who were concerned about a proposal to develop Randwick Barracks. The proposal is for the development of 62 two storey dwellings along Bundock St and 991 single dwellings interior to the site, all on land that is mutually recognised by Defence and the community as being contaminated. This development has implications for traffic congestion, pressure on health and education services, noise and local amenity, appropriate land remediation and oversight, and established trees and critically endangered plant communities that exist on site.

RBND have been liaising with the Minister, toured the barracks and believe it is important they share with the community what has been learnt and discovered about the proposed development as well as take account of the views and opinions of impacted residents. They expect to have about 50 attendees at the forum. Jocelyn McGirr (jocelynamcgirr@gmail.com) is the contact person.

Attachment/s:

Nil

Submitted by: Councillor Olive, East Ward

File Reference: F2004/06778

NM99/22

Question with Notice No. QN5/22

Subject: Question with Notice from Cr Chapple - Electronic Signboards

Question:

- a) Will electronic notice boards continue to be used at beaches over the summer?
- b) What is the cost per day for these boards?
- c) How many days are these boards currently used in Randwick LGA per year?
- d) What consideration has been given to moving to providing public notice in ways that are visually more appealing and consistent with the aesthetic of our popular beaches?

Response from Director City Services:

To be distributed in supplementary business paper.

Responsible officer: Councillor Chapple, Central Ward

File Reference: F2008/00066

QN5/22

Question with Notice No. QN6/22

Subject: Question with Notice from Cr Chapple - Pump track

Question:

- a) What is the current status of planning for a pump track in the Randwick LGA?
- b) What locations have been considered?
- c) What is the likely timeframe for planning and construction of a pump track?

Response from Director with City Services:

To be distributed in supplementary business paper.

Responsible officer: Councillor Chapple, Central Ward

File Reference: F2010/00375

QN6/22